

LEGISLATION:

Manpower Training (S 1514; H. R. 7489)

BACKGROUND:

Labor draft cleared 4/6/73



PROVISIONS:

This bill, along with the manpower programs authorized under the Economic Opportunity Act, represent the statutory base for the Dept. of Labor to administratively implement manpower revenue sharing.

STATUS:

- A. HOUSE: Labor Committee reported amended bill, H. R. 7950, on 6/18/73. Floor action not scheduled. Awaiting a rule.
- B. SENATE: S 1560, adopted by Labor Committee in lieu of S 1514, now on Senate calendar. July action probable.

OUTLOOK:

## Union Calendar No. 126

93<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 7950

[Report No. 93-288]



### IN THE HOUSE OF REPRESENTATIVES

MAY 21, 1973

MR. DOMINICK V. DANIELS (for himself and Mr. PERKINS) introduced the following bill; which was referred to the Committee on Education and Labor

JUNE 18, 1973

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 extend for an additional year the Manpower Development and Training Act of 1962, 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 304 of the Manpower Development and Train-

4 ing Act of 1962 is amended to read as follows:

5 "AUTHORIZATION AND LIMITATION ON APPROPRIATIONS

6 "SEC. 304. (a) For purposes of carrying out title I

7 there are hereby authorized to be appropriated \$46,000,000

8 for the fiscal year ending June 30, 1974, and each succeed-

9 ing fiscal year.

10 "(b) For the purpose of carrying out titles II and III,

1 there are authorized to be appropriated for the fiscal year  
2 ending June 30, 1974, such sums as may be necessary.

3 “(c) After June 30, 1973, no disbursement of funds  
4 under title II shall be made for the implementation of man-  
5 power revenue sharing or a new administrative delivery  
6 system by any other name which fundamentally alters the  
7 method in effect during the fiscal year ending June 30, as of  
8 June 1, 1973, for determining sponsorship of manpower pro-  
9 grams, or the manner in which funds are distributed for such  
10 purposes.”

11 SEC. 2. Section 310 of the Manpower Development and  
12 Training Act of 1962 is repealed.

13 SEC. 3. This Act shall become effective July 1, 1973.



Union Calendar No. 126

93<sup>d</sup> CONGRESS  
1<sup>st</sup> SESSION

**H. R. 7950**

[Report No. 93-288]

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**A BILL**

To extend for an additional year the Manpower  
Development and Training Act of 1962, and  
for other purposes.

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By Mr. DOMINICK V. DANIELS and Mr. PERKINS

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MAY 21, 1973

Referred to the Committee on Education and Labor

JUNE 18, 1973

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

LEGISLATION:

Bicentennial Reorganization (HR 3695)

BACKGROUND:

Statement 2/1/73



PROVISIONS:

Establishes an American Rev. Bicentennial Administration in lieu of the present Commission.

STATUS:

- A. HOUSE: Has passed in acceptable form, 344-14, an amended bill HR 7446.
  
- B. SENATE: Judiciary Subcommittee hearings held July 11, 1973. Hruska plans executive mark-up this week and hopes to get bill to Floor before August recess.

OUTLOOK:

93<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 7446



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IN THE SENATE OF THE UNITED STATES

JUNE 8, 1973

Read twice and referred to the Committee on the Judiciary

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## AN ACT

To establish the American Revolution Bicentennial Administration, 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 as this Nation approaches the bicentennial of its birth  
4        and the historic events preceding and associated with the  
5        American Revolution which are of such major significance  
6        in the development of our national heritage of individual  
7        liberty, representative government, and the attainment of  
8        equal and inalienable rights and which also had so profound  
9        an influence throughout the world, it is appropriate and  
10       desirable to provide for the observance and commemoration

1 of this anniversary and for those activities of local, State,  
2 National, and international significance to be coordinated,  
3 scheduled, and facilitated by a governmental unit, drawing  
4 on the resources of public, private, civic, and other organi-  
5 zations for planning and implementation, to insure that the  
6 appropriate observances take place.

7 SEC. 2. (a) There is hereby established an independent  
8 establishment to be known as the American Revolution  
9 Bicentennial Administration (hereinafter referred to as the  
10 "Administration") to coordinate, to facilitate, and to aid  
11 in the scheduling of events, activities, and projects of local,  
12 State, National, and international significance sponsored by  
13 both governmental and nongovernmental entities in com-  
14 memoration of the American Revolution Bicentennial.

15 (b) The Administration shall be headed by an Admin-  
16 istrator (hereinafter referred to as the "Administrator")  
17 who shall be nominated by the President within sixty days  
18 after the effective date of this Act and appointed by and  
19 with advice and consent of the Senate. The Administrator  
20 shall serve at the pleasure of the President and shall be com-  
21 pensated at the rate now or hereafter prescribed for offices  
22 or positions at level III of the Executive Schedule.

23 (c) The President shall appoint a Deputy Administrator  
24 by and with the advice and consent of the Senate who shall  
25 be compensated at the rate now or hereafter prescribed for

1 offices or positions at level IV of the Executive Schedule.  
2 The Deputy Administrator shall perform such duties as the  
3 Administrator may prescribe. The Deputy Administrator  
4 shall act for and perform the functions of the Administrator  
5 during any absence or disability of the Administrator or dur-  
6 ing a vacancy in the office of the Administrator.

7 (d) The Administrator shall have power to appoint and  
8 fix the compensation of such personnel as he deems advisable,  
9 however, not more than five such appointments may be  
10 placed in grades GS-16, GS-17, and GS-18, to carry out  
11 the functions of the Administration. The authority with refer-  
12 ence to appointments in grades GS-16, GS-17, and GS-18  
13 will be subject to the procedures prescribed under section  
14 5108 of title 5 of the United States Code, and shall continue  
15 only for the duration of the exercise of functions of the Ad-  
16 ministration. The Administrator shall have power to appoint  
17 such advisory committees as he deems necessary.

18 (e) The Administrator may procure services as author-  
19 ized by section 3109, of title 5, United States Code.

20 (f) The Administrator, to such extent as he deems  
21 necessary, may procure supplies, services, and personal  
22 property; make contracts; expend funds appropriated, do-  
23 nated, or received in pursuance of contracts hereunder in  
24 furtherance of the purposes of this Act; and exercise those



1 powers that are necessary to enable him to carry out ef-  
2 ficiently and in the public interest the purposes of this Act.

3 (g) Financial and administrative services (including  
4 those related to budgeting, accounting, financial reporting,  
5 personnel, and procurement) shall be provided the Adminis-  
6 tration by the Department of the Interior, for which payment  
7 shall be made in advance, or by reimbursement, from funds  
8 of the Administration in such amounts as may be agreed  
9 upon by the Administrator and the Secretary of the Interior:  
10 *Provided*, That the regulations of the Department of the  
11 Interior for the collection of indebtedness of personnel re-  
12 sulting from erroneous payments made to or on behalf of an  
13 Administration employee and regulations of said Secretary  
14 for the administrative control of funds (31 U.S.C. 665 (g))  
15 shall apply to appropriations of the Administration: *And*  
16 *provided further*. That the Administrator shall not be re-  
17 quired to prescribe such regulations.

18 (h) Any property acquired by the Administration and  
19 which remains upon its termination shall be transferred to the  
20 Secretary of the Interior for use by him under section 7 (b)  
21 of this Act, or shall be disposed of by the Secretary as excess  
22 or surplus property as otherwise provided by law.

23 (i) Whoever, except as authorized under rules and regu-  
24 lations issued by the Administrator, knowingly manufactures,  
25 reproduces, or uses any logos, symbols, or marks originated

1 under authority of and certified by the Administrator for use  
2 in connection with the commemoration of the American  
3 Revolution Bicentennial, or any facsimile thereof, or holds  
4 out to the public objects in such a manner as to suggest any  
5 such logos, symbols, or marks not officially authorized by the  
6 Administrator, shall be fined not more than \$250 or im-  
7 prisoned not more than six months or both: *Provided*, That  
8 this section shall be applicable upon publication in the Fed-  
9 eral Register of notification of certification hereunder by the  
10 Administrator with respect to each such logo, symbol, or  
11 mark.

12 SEC. 3. (a) There is hereby established an American  
13 Revolution Bicentennial Advisory Council (hereinafter re-  
14 ferred to as the "Council") to be composed of twenty-five  
15 members appointed by the President, no more than fifteen  
16 of whom shall be appointed from the same political party.  
17 The members shall serve at the pleasure of the President,  
18 and their terms of office shall not extend beyond the termi-  
19 nation date of the Administration. Members of the Council  
20 shall be chosen from private life and shall be broadly repre-  
21 sentative of the Nation's people. In appointing persons to  
22 the Council, the President shall give due consideration to the  
23 contributions, among others, of the Nation's youth, women,  
24 elders, racial and ethnic minorities, artists and craftsmen,  
25 and learned professions. The Administrator shall serve as an





1 ex officio member of the Council. The Council shall meet at  
 2 least once every two months and shall hold other meetings  
 3 at the call of the Chairman, the Administrator, or a majority  
 4 of its members, and shall render advice to the Administrator  
 5 on all matters relating to the purposes of this Act.

6 (b) Vacancies on the Council shall be filled in the same  
 7 manner in which original appointments were made.

8 (c) The Members of the Council shall receive no com-  
 9 pensation for their services as such, but shall be allowed such  
 10 necessary travel expenses and per diem as are authorized for  
 11 individuals serving without pay under section 5703, of title 5,  
 12 United States Code.

13 (d) The chairman and vice chairman and other appro-  
 14 priate officers of the Council shall be elected by and from  
 15 members of the Council other than the Administrator.

16 SEC. 4. (a) In order to assure a balanced program for  
 17 the bicentennial commemoration, encompassing the themes  
 18 of "Heritage '76", "Festival USA", and "Horizons '76",  
 19 and in furtherance of the purposes outlined in section 2 (a)  
 20 of this Act, the Administration as a primary function shall  
 21 prepare the master calendar of events of local, State, Na-  
 22 tional, and international significance which will take place  
 23 between March 1975 and December 31, 1976. In carrying  
 24 out the purposes of this subsection, the Administrator shall—

25 (1) provide for the bicentennial master calendar or

1 register of programs and projects, and in other ways  
 2 provide a central clearinghouse for information and co-  
 3 ordination regarding dates, events, places, documents,  
 4 artifacts, and personalities of bicentennial historical and  
 5 commemorative significance;

6 (2) coordinate, facilitate, and aid in the scheduling  
 7 of events, programs, and projects of States and private  
 8 citizens, and national and international programs, which  
 9 commemorate the bicentennial; and

10 (3) develop standards for, and evaluate the feasi-  
 11 bility, relevance, status, and desirability of various pro-  
 12 grams and projects associated with the bicentennial  
 13 commemoration, acting in conjunction with the Office  
 14 of Management and Budget in cases where Federal de-  
 15 partment or agency activities are involved.

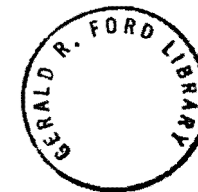
16 (b) In addition the Administrator shall—

17 (1) provide for the coordination of non-Federal bi-  
 18 centennial programs and projects with appropriate Fed-  
 19 eral programs and projects;

20 (2) provide recognition as deemed appropriate in  
 21 connection with bicentennial related programs or  
 22 projects;

23 (3) provide for competitions and similar projects  
 24 relating to the bicentennial;

25 (4) provide for the preparation, distribution, dis-



1 semination, exhibition, and sale of commemorative  
2 medals and other historical, commemorative, and infor-  
3 mational materials and objects which will contribute to  
4 public information, awareness, and interest in the bicen-  
5 tennial.

6 (c) In performing the duties set forth in subsections  
7 (a) and (b) of this section, the Administrator shall not op-  
8 erate any programs unless specifically authorized by law,  
9 but shall limit his functions to stimulating and encouraging  
10 appropriate public and private authorities and organizations  
11 to assume operational responsibility for particular programs.

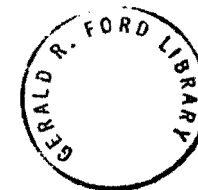
12 (d) In the Administration's planning activities, the  
13 Administrator shall give special emphasis to the ideas asso-  
14 ciated with the Revolution which have been so important in  
15 the development of the United States in world affairs and  
16 in mankind's quest for freedom.

17 SEC. 5. (a) In fulfilling his responsibilities, the Admin-  
18 istrator is authorized to consult, cooperate with, and seek  
19 advice and assistance from (1) the American Revolution  
20 Bicentennial Advisory Council and the American Revolution  
21 Bicentennial Board, (2) appropriate Federal departments  
22 and agencies, State and local public bodies, learned societies,  
23 and historical, patriotic, philanthropic, civic, professional,  
24 and related organizations, and (3) bicentennial commissions  
25 of the several States, the District of Columbia, the Common-

1 wealth of Puerto Rico and the territories, either collectively  
2 or individually. The Administrator may authorize travel as  
3 he deems appropriate for representatives and staff of such  
4 bicentennial commissions and may pay travel expenses and  
5 per diem therefor as authorized for individuals serving with-  
6 out pay under section 5703 of title 5 of the United States  
7 Code. Federal departments and agencies are authorized and  
8 requested to cooperate with the Administrator in carrying  
9 out his duties under this Act.

10 (b) The Chairman of the Federal Council on the Arts  
11 and the Humanities, the Chairman of the National Endow-  
12 ment for the Arts, and the Chairman of the National Endow-  
13 ment for the Humanities are authorized and requested to  
14 cooperate with the Administrator, especially in the en-  
15 couragement and coordination of scholarly works and pres-  
16 entations focusing on the history, culture, and political  
17 thought of the Revolutionary War period.

18 (c) The Librarian of Congress, the Secretary of the  
19 Smithsonian Institution, and the Archivist of the United  
20 States are authorized and requested to cooperate with the  
21 Administrator, especially in development and display of ex-  
22 hibits and collections and in the development of bibli-  
23 ographies, catalogs, and other material relevant to the period  
24 of the Revolutionary War.



1 SEC. 6. (a) The Administrator is authorized to accept  
2 on behalf of the Administration donations of money, property,  
3 or personal services.

4 (b) Any books, manuscripts, miscellaneous printed mat-  
5 ter, memorabilia, relics, and other materials donated to the  
6 Administration may be deposited for preservation in  
7 National, State, or local libraries, archives, museums, or other  
8 public or nonprofit institutions or be otherwise disposed of by  
9 the Administrator in consultation with the Librarian of Con-  
10 gress, the Secretary of the Smithsonian Institution, the Archi-  
11 vist of the United States, and the Administrator of General  
12 Services.

13 SEC. 7. (a) There are hereby authorized to be appro-  
14 priated annually such sums as the Congress may deem nec-  
15 essary to carry out the purposes of this Act.

16 (b) An annual report of the activities of the Adminis-  
17 tration, including an accounting of funds received and ex-  
18 pended, shall be furnished by the Administrator to the Con-  
19 gress and a final report shall be made to the Congress no  
20 later than June 30, 1977. The Administration and the Board  
21 shall terminate on June 30, 1977, or on the date of the filing  
22 of the final report, whichever is sooner. In order to effect an  
23 orderly transfer, the President is authorized to transfer to the  
24 Secretary of the Interior on or after January 1, 1977, such  
25 powers and functions as he shall deem necessary for a con-

1 tinuation of appropriate commemoration of events relating to  
2 the American Revolution until December 31, 1983. All per-  
3 sonnel, records, property, and appropriations of the Adminis-  
4 tration as relate to the transferred functions shall be trans-  
5 ferred to the Secretary of the Interior and shall be available  
6 for carrying out such transferred functions.

7 SEC. 8. Appropriations or other funds available to the  
8 Administration for carrying out the purposes related to or in  
9 furtherance of the bicentennial commemoration may be trans-  
10 ferred to another Federal department or agency as may be  
11 mutually agreed upon between the Administration and the  
12 Federal department or agency concerned. Funds so trans-  
13 ferred may be used for direct expenditure or as a working  
14 fund, and any such expenditures may be made under  
15 the authorities governing the activities of the transferee de-  
16 partment or agency or under the authorities of this Act, pro-  
17 viding that the activities so funded come within the purposes  
18 of this Act.

19 SEC. 9. The Administrator is authorized to use non-  
20 appropriated funds to carry out a program of grants-in-aid  
21 in furtherance of the purposes of this Act. Subject to such  
22 regulations as he may prescribe, the Administrator may—

23 (a) make grants to nonprofit entities, including  
24 States, territories, the District of Columbia, and the  
25 Commonwealth of Puerto Rico (or subdivisions there-



1 of), to assist in developing or supporting bicentennial  
2 programs or projects. Such grants may be up to 50 per  
3 centum of the total cost of the program or project to be  
4 assisted;

5 (b) in any case where money or property is do-  
6 nated, bequeathed, or devised to the Administration,  
7 and accepted by it for the purpose of assisting a non-  
8 profit entity, including States, territories, the District  
9 of Columbia, and the Commonwealth of Puerto Rico  
10 (or subdivision thereof), for a specific bicentennial pro-  
11 gram or project, make a grant of the money or prop-  
12 erty for the purpose specified, plus an amount from  
13 otherwise available nonappropriated funds not to exceed  
14 the value of the donation, bequest, or devise: *Provided,*  
15 That the recipient agrees to match the total value of  
16 the grant for such bicentennial program or project.

17 SEC. 10. (a) There is hereby established the American  
18 Revolution Bicentennial Board (hereinafter referred to as  
19 the "Board"). The Board shall be composed of eleven mem-  
20 bers as follows:

21 (1) the Administrator;

22 (2) two Members of the House of Representatives  
23 appointed by the Speaker of the House of Representa-  
24 tives. Members appointed under this paragraph shall  
25 not be of the same political party;

1 (3) two Members of the Senate appointed by the  
2 President of the Senate. Members appointed under this  
3 paragraph shall not be of the same political party;

4 (4) the Chairman and the Vice Chairman of the  
5 Council;

6 (5) the Secretary of the Interior; and

7 (6) three members appointed by the President  
8 from officers or staff of State bicentennial commissions  
9 or comparable State bodies.

10 (b) The members of the Board shall serve for the length  
11 of time the Board is in existence.

12 (c) Any person appointed to fill a vacancy on the Board  
13 shall be appointed in the same manner as the member whose  
14 vacancy he is filling.

15 (d) Members of the Board shall be reimbursed for  
16 travel, subsistence, and other necessary expenses incurred in  
17 the performance of duties vested in the Board, but not ex-  
18 ceeding the maximum amounts authorized under section  
19 5703 (b) of title 5, United States Code, and, in addition  
20 thereto, each member of the Board shall receive \$100 per  
21 day for each day he is engaged in the performance of duties  
22 vested in the Board, including traveltime; however, members  
23 of the Board who are officers or employees of the United  
24 States shall receive no additional compensation for their  
25 services.



1 (e) Four members of the Board shall constitute a  
2 quorum.

3 (f) The Chairman and Vice Chairman of the Board shall  
4 be elected by members of the Board from members of the  
5 Board other than the Administrator.

6 (g) The Board shall meet at least once each month and  
7 shall hold other meetings at the call of the Chairman, the  
8 Administrator, or a majority of its members.

9 (h) The Board shall be empowered to—

10 (1) receive advice and information from the Council  
11 and the Administrator with respect to the development  
12 of policy and guidelines to carry out the purposes of this  
13 Act; and

14 (2) give final approval to grants to be made under  
15 the authority of section 9 of this Act;

16 (3) review, approve, disapprove, or ratify from  
17 time to time, all basic policy and guidelines, including  
18 the proposed annual budget to be presented by the Ad-  
19 ministrator, in carrying out the purposes of this Act.

20 (i) It shall be a duty of the Board to make a continuing  
21 study of the activities of the American Revolution Bicen-  
22 tennial Administration. The Board shall, from time to time,  
23 but not less than every six months, report to the Committees  
24 on the Judiciary of the Senate and the House of Representa-  
25 tives, and to the Senate and the House of Representatives

1 concerning the results of its studies, together with such rec-  
2 ommendations as it may deem desirable. It shall make a  
3 final report thereon by June 30, 1977.

4 SEC. 11. At the request of the Board, the President  
5 may, when he determines it to be in furtherance of the  
6 purposes of this Act, direct that the functions authorized  
7 under this Act may be performed without regard to such  
8 provisions of law or limitations of authority regulating or  
9 relating to the making, performance, amendment, or modifi-  
10 cation of contracts, and the expenditure of Government funds  
11 as he may specify.

12 SEC. 12. Except for members of the Commission, the  
13 personnel, property, records, and unexpended balances of  
14 appropriations, allocations, and other funds employed, used,  
15 held available or to be made available to the American  
16 Revolution Bicentennial Commission, established by Public  
17 Law 89-491, approved July 4, 1966, and the amendments  
18 thereto, shall be transferred to the Administration upon the  
19 effective date of this Act to be used for the purposes of this  
20 Act and to liquidate any outstanding obligations of the  
21 American Revolution Bicentennial Commission.

22 SEC. 13. (a) The President may authorize any person,  
23 including any person who immediately prior to the effective  
24 date of this Act held a position in the executive branch of  
25 the Government, to act as Administrator during the sixty-



1 day period referred to in subsection (b) of section 2 of this  
2 Act, or until the office of Administrator is for the first time  
3 filled pursuant to the provisions of this Act.

4 (b) The President may authorize any person who pre-  
5 viously held a position in the executive branch of the Govern-  
6 ment who serves in an acting capacity under the provisions  
7 of subsection (a) of this section to receive the compensa-  
8 tion attached to the office in respect of which he so serves.  
9 Such compensation, if authorized, shall be in lieu of, but not  
10 in addition to, other compensation from the United States  
11 to which such person may be entitled.

12 SEC. 14. The joint resolution entitled "Joint resolution  
13 to establish the American Revolution Bicentennial Commis-  
14 sion, and for other purposes", Public Law 89-491, approved  
15 July 4, 1966, as amended, is hereby repealed, and the  
16 American Revolution Bicentennial Commission is hereby  
17 abolished.

18 SEC. 15. The Act entitled "An Act to provide for the  
19 striking of medals in commemoration of the bicentennial of  
20 the American Revolution", Public Law 92-228, approved  
21 February 15, 1972, is amended as follows:

22 (a) Section 1 of such Act is amended by striking out  
23 "American Revolution Bicentennial Commission (herein-  
24 after referred to as the 'Commission')" and inserting in lieu

1 thereof "American Revolution Bicentennial Administration  
2 (hereinafter referred to as the 'Administration')".

3 (b) Section 3 of such Act is amended—

4 (1) by striking out, in the first and second sen-  
5 tences, "Commission" and inserting in lieu thereof "Ad-  
6 ministration", and

7 (2) by striking out, in the second sentence, "De-  
8 cember 31, 1983" and inserting in lieu thereof "June 30,  
9 1977".

10 SEC. 16. The provisions of this Act shall become effective  
11 thirty days following the date of enactment.

Passed the House of Representatives June 7, 1973.

Attest:

W. PAT JENNINGS,

*Clerk.*



93<sup>d</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 7446

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## AN ACT

To establish the American Revolution Bicentennial Administration, and for other purposes.

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JUNE 8, 1973

Read twice and referred to the Committee on the  
Judiciary

LEGISLATION:

HUD

Better Communities Act (S. 1743; H.R. 7277)

BACKGROUND:

HUD draft cleared 4/18/73



PROVISIONS:

Provides revenue sharing for community development replacing categorical grant programs and reducing Federal control.

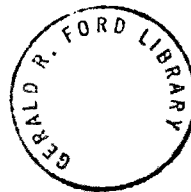
STATUS:

- A. HOUSE: Absolutely no movement for hearings on H.R. 7277. It is most doubtful if such will be scheduled soon, perhaps not even this year.
- B. SENATE: First action taken 7/16/73 with Sec'y Lynn testifying before Subcommittee on House and Urban Affairs. During 3 hours of testimony, some five minutes spent on BCA, the remainder on Housing. The Administration's housing proposal won't be sent to Congress until Sept. 7. The opening of the 2 wks of hearings considered a failure.

OUTLOOK:

D.O.T. had though there was a 50/50 chance for enactment by next year. This was a most optimistic outlook and most agree the 93rd Congress will not pass Better Communities.





93<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 7277

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 1973

Mr. WIDNALL (for himself, Mr. JOHNSON of Pennsylvania, Mr. J. WILLIAM STANTON, Mr. BLACKBURN, Mr. BROWN of Michigan, Mr. WILLIAMS, Mr. WYLIE, Mrs. HECKLER of Massachusetts, Mr. CRANE, Mr. ROUSSELOT, Mr. MCKINNEY, Mr. FRENZEL, Mr. CONLAN, Mr. RONCALLO of New York, Mr. BURGNER, and Mr. RINALDO) introduced the following bill; which was referred to the Committee on Banking and Currency

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## A BILL

To provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities.

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 "Better Communities  
4       Act".

5                               STATEMENT OF FINDINGS AND PURPOSE

6       SEC. 2. (a) The Congress finds and declares that—  
7       (1) States and units of general local government are  
8       the most appropriate levels of government to develop and to  
9       carry out community development programs and activities.

1 (2) Federal assistance for community development is  
2 presently so excessively fragmented and controlled at the  
3 Federal level, channeled through so many separate over-  
4 lapping and independent grant programs, and to so many  
5 different special purpose bodies and agencies that it has  
6 become an ineffective use of the Federal funds devoted to  
7 assistance for community development.

8 (3) The effectiveness of Federal assistance for com-  
9 munity development would be improved by making Federal  
10 resources allocated for such purposes available to States and  
11 units of general local government to use with broad discretion  
12 in light of their evaluation of their own community develop-  
13 ment needs and the resources available to them to meet  
14 those needs.

15 (b) It is therefore the purpose of this Act to help States  
16 and units of general local government to deal more effec-  
17 tively with the broad range of community development  
18 concerns by replacing inflexible and fragmented categorical  
19 programs of Federal assistance with a simpler, more certain,  
20 and more expeditious system of Federal revenue sharing  
21 assistance which will encourage the exercise of State and  
22 local responsibility.

#### 23 DEFINITIONS

24 SEC. 3. (a) As used in this Act—

25 (1) the term "Secretary" means the Secretary of  
26 Housing and Urban Development;

1 (2) the term "unit of general local government"  
2 means any city, municipality, county, town, township,  
3 parish, village, or other general purpose political sub-  
4 division of a State; a combination of such political sub-  
5 divisions recognized by the Secretary; the District of  
6 Columbia; and the Trust Territory of the Pacific Islands;

7 (3) the term "State" means any State of the United  
8 States; the Commonwealth of Puerto Rico; Guam;  
9 Samoa; and the Virgin Islands.

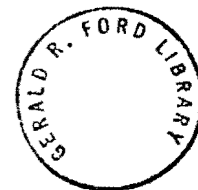
10 (4) the term "metropolitan area" means a standard  
11 metropolitan statistical area as established by the Office  
12 of Management and Budget;

13 (5) the term "metropolitan city" means a city  
14 having a population of fifty thousand or more or a cen-  
15 tral city in a metropolitan area;

16 (6) the term "urban county" means any county  
17 which is within a metropolitan area and which has a  
18 population of two hundred thousand or more, excluding  
19 the population of metropolitan cities therein;

20 (7) the term "population" means total resident  
21 population based on data compiled by the United States  
22 Bureau of the Census and referable to the same point or  
23 period in time;

24 (8) the term "extent of poverty" means the num-  
25 ber of persons whose incomes are below the poverty  
26 level, as determined by the Secretary pursuant to the



1 definition provided by the Office of Management and  
2 Budget, and based on data referable to the same point  
3 or period in time;

4 (9) the term "extent of housing overcrowding"  
5 means the number of housing units with 1.01 or more  
6 persons per room based on data compiled by the United  
7 States Bureau of the Census and referable to the same  
8 point or period in time; and

9 (10) the term "fiscal year" means that period of  
10 time extending from July 1 of any calendar year through  
11 June 30 of the subsequent calendar year and receiving  
12 the numerical designation of the calendar year in which  
13 the period ends.

14 (b) To the extent practicable, the definitions in sub-  
15 section (a) shall be based upon the most recent data com-  
16 piled by the United States Bureau of the Census and the  
17 latest published circulars of the Office of Management and  
18 Budget. The Secretary may by regulation make technical  
19 modifications in the terms defined in subsection (a) where  
20 necessary to reflect modifications in Bureau of the Census  
21 data categories made subsequent to enactment of this Act.

22 COMMUNITY DEVELOPMENT ACTIVITIES ELIGIBLE FOR

23 ASSISTANCE

24 SEC. 4. Community development activities for which a  
25 recipient may utilize shared Federal revenues provided under  
26 this Act may include—

1 (1) acquisition of real property (including air  
2 rights, water rights, and other interests therein) which  
3 is (i) blighted, deteriorated, deteriorating, undeveloped,  
4 or inappropriately developed from the standpoint of  
5 sound community development and growth, (ii) neces-  
6 sary for the preservation or restoration of historic sites,  
7 the beautification of urban land, the conservation of open  
8 spaces, natural resources, and scenic areas, the provision  
9 of recreational opportunities, or the guidance of urban  
10 development, (iii) determined to be appropriate for re-  
11 habilitation or conservation activities, (iv) to be used  
12 for the provision of public works, facilities, and improve-  
13 ments eligible for assistance under this Act, or (v) for  
14 other public purposes;

15 (2) relocation payments and assistance for indi-  
16 viduals, families, businesses, nonprofit organizations, and  
17 farm operations displaced by community development  
18 activities;

19 (3) clearance, demolition, removal, and rehabilita-  
20 tion of buildings and improvements (including financing  
21 rehabilitation of privately owned properties when inci-  
22 dental to other activities) ;

23 (4) acquisition, construction, reconstruction, or in-  
24 stallation of public works, facilities, and site or other  
25 improvements—including water and sewer facilities,  
26 community and neighborhood facilities, historic proper-



1 ties, utilities, streets, street lights, foundations, and  
 2 platforms for air rights sites, pedestrian malls, and walk-  
 3 ways, parks, and playgrounds;

4 (5) elimination, by code enforcement and other  
 5 means, of harmful physical conditions constituting a dan-  
 6 ger to public health and safety;

7 (6) disposition (through sale, lease, donation, or  
 8 otherwise) of any real property acquired pursuant to  
 9 this Act or its retention for public purposes; and

10 (7) the provision of community services (includ-  
 11 ing activities to further the purposes of section 9 (a))  
 12 which the recipient determines are necessary to achieve  
 13 its community development objectives.

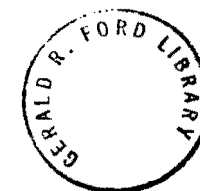
14 STATEMENTS OF COMMUNITY DEVELOPMENT ACTIVITIES

15 SEC. 5. (a) Prior to the first receipt in any fiscal year of  
 16 funds by any State or by any unit of general local govern-  
 17 ment under section 7, the recipient of such funds shall have  
 18 prepared a final statement of community development ob-  
 19 jectives and projected use of funds for such fiscal year and  
 20 shall have provided the Secretary with the certification  
 21 required in the last sentence of this subsection. The state-  
 22 ment shall also reflect the degree to which activities assisted  
 23 under this Act relate to any State and area wide programs  
 24 and activities for community development. In order to permit  
 25 public examination and appraisal of community development

1 projects and activities proposed to be carried out with shared  
 2 revenues, to enhance the public accountability of recipients  
 3 of funds and to facilitate coordination of activities with dif-  
 4 ferent levels of government, at least sixty days prior to prep-  
 5 aration of a final statement, a proposed statement shall be  
 6 published in such manner as to afford the citizens of such  
 7 State or unit of general local government a reasonable op-  
 8 portunity to examine its content and to submit comments  
 9 on the proposed statement. In preparing the final statement,  
 10 the recipient shall consider any such comments and may, if  
 11 deemed appropriate by the recipient, modify the proposed  
 12 statement. The final statement shall be made available to the  
 13 public, and a copy shall be furnished to the Secretary (and, in  
 14 the case of any recipient unit of general local government,  
 15 to the Governor of the State in which it is located as well)  
 16 together with a certification that the recipient is in full  
 17 compliance with the publication requirements of this sub-  
 18 section as well as the other provisions of the Act.

19 (b) With respect to funds to be received in fiscal year  
 20 1975, the requirements of subsection (a) may be met by  
 21 actions taken prior to the effective date of this Act.

22 (c) Within sixty days after the close of any fiscal year  
 23 in which the recipient receives funds under this Act, the  
 24 recipient shall make public and shall forward to the Secretary  
 25 a report concerning the community development projects or



1 activities paid for or expected to be paid for in whole or in  
 2 part by funds received under section 7 which were initiated  
 3 or carried out during the then preceding fiscal year. The re-  
 4 port shall include an assessment of such activities in relation  
 5 to the community's development objectives.

#### 6 AUTHORIZATION OF APPROPRIATIONS

7 SEC. 6. For the purpose of carrying out this Act there  
 8 are hereby authorized to be appropriated, without fiscal year  
 9 limitation, such sums as may be necessary for fiscal year 1975  
 10 and the four succeeding fiscal years.

#### 11 ALLOCATION AND DISTRIBUTION OF FUNDS

12 SEC. 7. (a) (1) From the funds provided in any fiscal  
 13 year from appropriations to carry out this Act, the Secretary  
 14 shall pay to each metropolitan city and urban county an  
 15 aggregate amount equal to the greater of its formula entitle-  
 16 ment, as computed under paragraph (2), or its hold-harmless  
 17 amount, as computed under paragraph (3).

18 (2) (A) Subject to subparagraph (C), the Secretary  
 19 shall compute the formula entitlement of each metropolitan  
 20 city or urban county by allocating 65 per centum of the  
 21 total of the funds made available in the fiscal year from  
 22 appropriations to carry out this Act so that each metro-  
 23 politan city or urban county is allotted an amount which  
 24 bears the same ratio to such 65 per centum as the average  
 25 of ratios among—



1 (i) the population of the city or urban county and  
 2 that of all metropolitan cities and urban counties;

3 (ii) the extent of poverty in the city or urban  
 4 county and that in all metropolitan cities and urban  
 5 counties; and

6 (iii) the extent of housing overcrowding in the  
 7 city or urban county and that in all metropolitan cities  
 8 and urban counties.

9 (B) In applying subparagraph (A), the ratio involving  
 10 the extent of poverty shall be counted twice for purposes of  
 11 determining the average ratio, and urban counties shall be  
 12 considered as if they did not include metropolitan cities. For  
 13 fiscal years 1975 and 1976, in computing entitlements under  
 14 subparagraph (A), the Secretary shall exclude from urban  
 15 county data the population, poverty, and housing overcrowd-  
 16 ing data from units of general local government which are  
 17 located in such counties and which qualify for hold-harmless  
 18 funds. For fiscal year 1977, he shall exclude two-thirds of  
 19 such data and for fiscal year 1978 he shall exclude one-third  
 20 of such data.

21 (C) During the first three years for which funds are  
 22 allocated under this Act, the entitlement of a metropolitan  
 23 city or urban county as computed under the two preceding  
 24 subparagraphs shall be adjusted as provided in this subpara-  
 25 graph if the amount so computed for the first year exceeds

1 the city's or county's hold-harmless amount as determined  
2 under paragraph (3) of this subsection. Such adjustment  
3 shall be made so that—

4 (i) the entitlement for the first year equals one-  
5 third of the full entitlement computed under subpara-  
6 graph (A), or the hold-harmless amount, whichever is  
7 the greater,

8 (ii) the entitlement for the second year equals two-  
9 thirds of the full entitlement computed under subpara-  
10 graph (A), or the hold-harmless amount, or the amount  
11 allowed under clause (i) of this subparagraph, which-  
12 ever is the greatest, and

13 (iii) the entitlement for the third year equals  
14 the full formula entitlement computed under subpara-  
15 graph (A).

16 (3) (A) The hold-harmless amount of each metro-  
17 politan city or urban county shall be determined on the basis  
18 of prior grants or other assistance the city or county has  
19 received. During fiscal years 1975 and 1976, such amount  
20 shall be the full amount computed for the city or county in  
21 accordance with subparagraph (B) of this paragraph. In  
22 fiscal years 1977, 1978, and 1979, if such amount is greater  
23 than the formula entitlement of the metropolitan city or  
24 urban county for that year, as computed under subpara-

1 graph (A) of subsection (a) (2), it shall be reduced so  
2 that—

3 (i) in fiscal year 1977, the excess of hold-harmless  
4 over the formula entitlement shall equal two-thirds of  
5 the difference between the amount computed under para-  
6 graph (B) and the formula entitlement for such year,

7 (ii) in fiscal year 1978, the excess of hold-harmless  
8 over the formula entitlement shall equal one-third of the  
9 difference between the amount computed under para-  
10 graph (B) and entitlement for such year, and

11 (iii) in fiscal year 1979 there shall be no excess of  
12 hold-harmless over formula entitlement.

13 (3) (B) The full hold-harmless amount of each metro-  
14 politan city or urban county shall be the sum of (i) the sum  
15 of the average during the five fiscal years ending prior to  
16 July 1, 1972, of (1) commitments for grants pursuant to  
17 part A of title 1 of the Housing Act of 1949; (2) loans  
18 pursuant to section 312 of the Housing Act of 1964; (3)  
19 grants pursuant to section 702 and 703 of the Housing and  
20 Urban Development Act of 1965; (4) loans pursuant to  
21 title II of the Housing Amendments of 1955; and (5)  
22 grants pursuant to title VII of the Housing Act of 1961;  
23 and (ii) the average annual grant made in accordance with  
24 part B of title I of the Housing Act of 1949 during fiscal  
25 years ending prior to July 1, 1972, or during fiscal year



1 1973 in the case of a metropolitan city or urban county  
 2 which first received a grant under part B of title I in such  
 3 fiscal year. In the case of a metropolitan city or urban county  
 4 program under section 105 of title I of the Demonstration  
 5 Cities and Metropolitan Development Act of 1966 which  
 6 has been funded or extended in fiscal year 1973 for a period  
 7 ending after June 30, 1973, determinations of the hold-harm-  
 8 less amount of such metropolitan city or urban county shall  
 9 be made so as to include, in addition to the amounts specified  
 10 in clauses (i) and (ii) of the preceding sentence, an amount  
 11 equal to the average annual grant (excluding grants for  
 12 Planned Variations) made during the fiscal years ending  
 13 prior to July 1, 1972, in accordance with such section, except  
 14 that such amount shall be added annually only for a number  
 15 of years which, when added to the number of funding years  
 16 for which the city or county received grants under section  
 17 105 of title I of the Demonstration Cities and Metropolitan  
 18 Development Act of 1966, equals five. For the purposes of  
 19 this subparagraph the average annual grant under part B of  
 20 title I of the Housing Act of 1949 and section 105 of title I  
 21 of the Demonstration Cities and Metropolitan Development  
 22 Act of 1966 shall be established by dividing the total amount  
 23 of grants made to a participant under the program by the  
 24 number of months of program activity for which funds were  
 25 authorized and multiplying the result by twelve.

1 (C) In making determinations under subparagraph  
 2 (B), of this paragraph (3), the Secretary, in the case of  
 3 urban counties, shall exclude grants or other assistance ex-  
 4 tended to metropolitan cities and other units of local govern-  
 5 ment within those counties. He shall also exclude from  
 6 determinations under subparagraph (B), grants or loans  
 7 made to assist in recovery from natural disasters, and grants  
 8 made to assist in the initial implementation of the Uniform  
 9 Relocation Assistance and Real Property Acquisition Policies  
 10 Act.

11 (b) (1) From the funds provided in any fiscal year  
 12 from appropriations to carry out this Act, the Secretary  
 13 shall pay such hold-harmless amount if any, as may be deter-  
 14 minable under subsection (a) (3) to any unit of local gov-  
 15 ernment which is not a metropolitan city or urban county,  
 16 if on June 30, 1974, it was carrying out a model cities  
 17 program under title I of the Demonstration Cities and Metro-  
 18 politan Development Act of 1966, or if during fiscal year  
 19 1968 or any subsequent fiscal years preceding the date of  
 20 the enactment of this Act, one or more urban renewal  
 21 projects or neighborhood development programs were being  
 22 carried out by such unit of general local government pursuant  
 23 to commitments for grants or grants entered into or made  
 24 during such period of fiscal years under title I of the Housing  
 25 Act of 1949.



1 (2) In fiscal years 1977, 1978, and 1979, in determin-  
 2 ing the hold-harmless amount of units of general local gov-  
 3 ernment qualifying under this subsection, the third sentence  
 4 of subparagraph (A) of subsection (a) (3) shall be applied  
 5 as though such units were metropolitan cities or urban  
 6 counties with entitlements of zero.

7 (c) (1) From the funds available from appropriations to  
 8 carry out this Act that are not paid in any fiscal year to  
 9 metropolitan cities, urban counties or other units of general  
 10 local government (other than funds that are not paid and  
 11 become available for other uses in fiscal year 1977 and subse-  
 12 quent fiscal years solely by virtue of the operation of the  
 13 third sentence of paragraph (A) of subsection (a) (3),  
 14 which funds shall be allotted in accordance with subsection  
 15 (e) of this section), the Secretary shall pay to States 90 per  
 16 centum of such funds in accordance with paragraph (2) of  
 17 this subsection. The sums paid to any State under this sub-  
 18 section shall be available for use for community development  
 19 purposes in that State, subject to the provisions of paragraph  
 20 (3).

21 (2) (A) From the amounts allocated under paragraph  
 22 (1), the Secretary shall pay to each State an amount which  
 23 bears the same ratio to the amount available for allocation  
 24 to all States as the average of ratios among—

1 (i) the population of metropolitan areas in the  
 2 State and that in metropolitan areas in all States;

3 (ii) the extent of poverty in metropolitan areas in  
 4 the State and that in metropolitan areas in all States;  
 5 and

6 (iii) the extent of housing overcrowding in metro-  
 7 politan areas in the State and that in metropolitan areas  
 8 in all States.

9 (B) In applying subparagraph (A), the ratio involving  
 10 the extent of poverty shall be counted twice in determining  
 11 the average of ratios, and metropolitan areas shall be con-  
 12 sidered as though they did not include metropolitan cities.

13 (3) To receive funds under this subsection a State must  
 14 certify through its Governor that in the distribution or use  
 15 of funds there will be made available to units of general  
 16 local government in each metropolitan area, with no deduc-  
 17 tion for State administrative costs, an amount which is equal  
 18 to at least 50 per centum of the amount, if any, of the alloca-  
 19 tion to the State under paragraph (2) which is attributable  
 20 to inclusion of data pertaining to population, poverty, and  
 21 housing overcrowding in that metropolitan area. Funds  
 22 not used in or made available to particular metropolitan areas  
 23 pursuant to the preceding sentence shall be available for  
 24 distribution by the Governor to units of general local govern-  
 25 ment in the State and may also be used, in a reasonable





1 amount, subject to regulations of the Secretary, for adminis-  
 2 trative expenses incurred by the State in carrying out this  
 3 Act.

4 (4) In the case of a metropolitan area extending to  
 5 two or more States, the portion of such area in each State  
 6 shall be deemed a metropolitan area for purposes of this  
 7 subsection.

8 (d) The funds made available from appropriations for  
 9 carrying out this Act which are not provided for and used  
 10 pursuant to any of the preceding subsections of this section,  
 11 or which are allotted but not paid pursuant to subsection (e)  
 12 (2) of this section, shall be available to the Secretary for  
 13 payments to States and units of general local government,  
 14 subject to such terms and conditions as he may prescribe,  
 15 or for such other uses as the Secretary may determine are  
 16 consistent with the purposes of this Act including evaluation,  
 17 directly or by contract or otherwise, of the use of shared  
 18 revenues disbursed under this Act.

19 (e) Funds which become available in fiscal year 1977  
 20 and subsequent fiscal years by virtue of the third sentence  
 21 of paragraph (A) of subsection (a) (3) shall be allotted  
 22 as follows:

23 (1) Ten per centum of such sums shall be allotted  
 24 to the Secretary for use in accordance with subsection  
 25 (d) of this section;

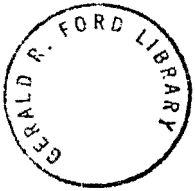
1 (2) The balance of such sums shall be allotted so  
 2 that—

3 (A) one-third is allotted among metropolitan  
 4 cities and urban counties in the same manner as  
 5 funds are allotted under subparagraph (A) of sub-  
 6 section (a) (2);

7 (B) one-third shall be allotted among the  
 8 States in the same manner as funds are allotted  
 9 under paragraph (A) of subsection (c) (2) but  
 10 without regard to the exclusion for metropolitan  
 11 cities provided for in subparagraph (B) of such  
 12 subsection, and shall be available in each State for  
 13 distribution only in metropolitan areas, with each  
 14 such area being entitled to the amount of the State's  
 15 allotment which is attributable to inclusion of data  
 16 pertaining to population, poverty, and housing over-  
 17 crowding in that metropolitan area;

18 (C) one-third shall be allotted among the States  
 19 in the same manner as funds are allotted under clause  
 20 (B) of this paragraph (2) and shall be available to  
 21 the Governors for distribution to any unit of general  
 22 local government and for other uses in accordance  
 23 with the second sentence of subsection (c) (3).

24 (3) No amount allotted under paragraph (2) (A)  
 25 of this subsection shall be paid in any fiscal year to



1 any metropolitan city or urban county if such payment  
 2 would result in such city or county receiving an aggregate  
 3 amount pursuant to this subsection and subsection  
 4 (a) of this section which is in excess of its full hold-  
 5 harmless amount as computed under subparagraph (B)  
 6 of subsection (a) (3), except that this limitation shall  
 7 not apply with respect to any city or county if the sum  
 8 of the amount allotted under such paragraph (2) (A)  
 9 and the formula entitlement as computed under sub-  
 10 paragraph (A) of subsection (a) (2) exceeds such full  
 11 hold-harmless amount.

12 (f) All computations and determinations by the Secre-  
 13 tary under this section shall be final and conclusive.

#### 14 LOANS

15 SEC. 8. Nothing in this Act shall be deemed to prohibit  
 16 a unit of general local government from obtaining loans to  
 17 finance any community development activity, and from  
 18 pledging, or offering as security for a loan, any asset which  
 19 it otherwise has authority to pledge or offer as security.

#### 20 NONDISCRIMINATION

21 SEC. 9. (a) No person in the United States shall on the  
 22 ground of race, color, national origin, or sex be excluded  
 23 from participation in, be denied the benefits of, or be sub-  
 24 jected to discrimination under any program or activity

1 funded in whole or in part with funds made available under  
 2 this Act.

3 (b) Whenever the Secretary determines that a recipient  
 4 has failed to comply with subsection (a) or an applicable  
 5 regulation, he shall notify the Governor of the State or, in  
 6 the case of a unit of general local government which has not  
 7 received shared revenues from the State, the chief executive  
 8 of such unit of local government, of the noncompliance and  
 9 shall request the Governor or the chief executive officer to  
 10 secure compliance. If within a reasonable period of time,  
 11 not to exceed sixty days, the Governor or the chief executive  
 12 officer fails or refuses to secure compliance, the Secretary  
 13 is authorized (1) to refer the matter to the Attorney General  
 14 with a recommendation that an appropriate civil action be  
 15 instituted; (2) to exercise the powers and functions provided  
 16 by title VI of the Civil Rights Act of 1964 (42 U.S.C.  
 17 2000d); (3) to exercise the powers and functions provided  
 18 for in section 15 of this Act; or (4) to take such other action  
 19 as may be provided by law.

20 (c) When a matter is referred to the Attorney General  
 21 pursuant to subsection (b), or whenever he has reason to  
 22 believe that a State government or unit of local government  
 23 is engaged in a pattern or practice in violation of the provi-  
 24 sions of this section, the Attorney General may bring a civil



1 action in any appropriate United States district court for such  
2 relief as may be appropriate, including injunctive relief.

3 LABOR STANDARDS

4 SEC. 10. All laborers and mechanics employed by con-  
5 tractors or subcontractors in the performance of work on any  
6 construction project financed in whole or in part with shared  
7 revenue funds received under this Act shall be paid wages at  
8 rates not less than those prevailing on similar construction  
9 in the locality as determined by the Secretary of Labor in  
10 accordance with the Davis-Bacon Act, as amended (40  
11 U.S.C. 276a—276a-5). This section shall apply to the con-  
12 struction of residential property only if such residential prop-  
13 erty is designed for residential use for twelve or more families.  
14 The Secretary of Labor shall have, with respect to such labor  
15 standards, the authority and functions set forth in Reorgani-  
16 zation Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat.  
17 1267) and section 2 of the Act of June 13, 1934, as amended  
18 (48 Stat. 948; 40 U.S.C. 276 (c)).

19 MATCHING GRANTS

20 SEC. 11. (a) Funds provided under this Act may be  
21 used by a recipient as its non-Federal share under any  
22 Federal program providing assistance for community de-  
23 velopment activities.

24 (b) Neither the Secretary nor any State shall require  
25 any matching or other expenditure of State or local funds  
26 as a condition to assistance under this Act.

1 USE OF SHARED REVENUE TO CLOSE OUT URBAN  
2 RENEWAL PROJECTS

3 SEC. 12. The Secretary is authorized, notwithstanding  
4 any other provision of title I of the Housing Act of 1949, or  
5 of this Act, to terminate any urban renewal project being  
6 carried out under such title as soon as practicable after con-  
7 sultation with the agency carrying out the project and the  
8 chief executive of the locality in which it is located, and to  
9 effect a financial closeout as if the project had been fully  
10 completed on the termination date. Any funds available to  
11 such project at the time of closeout will continue to be  
12 available to the unit of general local government for the area  
13 in which the project is located for use in meeting its state-  
14 ment of community development objectives and projected  
15 use of funds. Such closeout shall be based upon the costs  
16 incurred and capital grants earned for the project to the  
17 date of termination. If such closeout does not result in full  
18 repayment of the principal of, and accrued interest on, any  
19 temporary loans made under title I for the project, the  
20 Secretary is authorized, notwithstanding any other provi-  
21 sion of this Act, to condition distribution of funds pursuant  
22 to section 7 of this Act to the unit of general local govern-  
23 ment for the area in which the project is located, upon the  
24 use of such funds, in such amounts, and staged over such  
25 time periods as the Secretary deems appropriate, to repay  
26 such temporary loans.



## RECORDS, AUDIT, AND REPORTS

1           SEC. 13. In order to assure that revenues shared under  
2 this Act are used in accordance with its provisions, each  
3 recipient shall—  
4

5           (1) use such fiscal, audit, and accounting procedures  
6 as may be necessary to assure (A) proper accounting for  
7 payments received by it, and (B) proper disbursement of  
8 such payments;

9           (2) provide to the Secretary and the Comptroller  
10 General of the United States access to, and the right to  
11 examine, any books, documents, papers, or records as he  
12 requires; and

13           (3) make such reports to the Secretary or the  
14 Comptroller General of the United States as he requires.

## RELOCATION

15           SEC. 14. (a) Section 217 of the Uniform Relocation  
16 Assistance and Real Property Acquisitions Policies Act of  
17 1970 (42 U.S.C. 4601) is amended by—  
18

19           (1) striking out "or" after "Housing Act of 1949,  
20 as amended"; and

21           (2) adding "or as a direct result of any community  
22 development activities, 25 per centum or more of the cost  
23 of which is paid for with shared revenue funds received  
24 under the Better Communities Act" after "Demonstra-  
25 tion Cities and Metropolitan Development Act of 1966".

1           (b) Notwithstanding section 211 of the Uniform Reloca-  
2 tion Assistance and Real Property Acquisitions Policies Act  
3 of 1970 (42 U.S.C. 4601) or any other provision of law,  
4 no Federal contribution in addition to shared revenue funds  
5 under this title shall be made to recipients for costs incurred  
6 in providing relocation payments and assistance for those dis-  
7 placed by community development activities assisted under  
8 this Act.

## REMEDIES FOR NONCOMPLIANCE

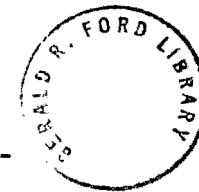
9           SEC. 15. (a) If the Secretary, after reasonable notice  
10 and opportunity for hearing finds that a recipient of reve-  
11 nues shared under this Act has failed to comply substan-  
12 tially with any provision of this Act, the Secretary, until  
13 he is satisfied that there is no longer any such failure to  
14 comply, shall—  
15

16           (1) terminate payments to such State under this  
17 Act, or

18           (2) reduce payments under this Act by an amount  
19 equal to the amount of such payments which were not  
20 expended in accordance with this Act, or

21           (3) limit the availability of payments under this  
22 Act to programs, projects, or activities not affected by  
23 such failure to comply.

24           (b) (1) In lieu of, or in addition to, any action author-  
25 ized by subsection (a), the Secretary may, if he has reason



1 to believe that a recipient has failed to comply substantially  
2 with any provision of this Act, refer the matter to the At-  
3 torney General of the United States with a recommendation  
4 that an appropriate civil action be instituted.

5 (2) Upon such a referral the Attorney General may  
6 bring a civil action in any United States district court having  
7 venue thereof for such relief as may be appropriate, includ-  
8 ing an action to recover revenues shared under this Act  
9 which were not expended in accordance with it, or for man-  
10 datory or injunctive relief.

11 (c) (1) Any recipient which receives notice, under sub-  
12 section (a), of the termination, reduction, or limitation of  
13 revenues shared may, within sixty days after receiving such  
14 notice, file with the United States Court of Appeals for the  
15 circuit in which such State is located, or in the United States  
16 Court of Appeals for the District of Columbia, a petition for  
17 review of the Secretary's action. The petitioner shall forth-  
18 with transmit copies of the petition to the Secretary and the  
19 Attorney General of the United States, who shall represent  
20 the Secretary in the litigation.

21 (2) The Secretary shall file in the court the record of  
22 the proceeding on which he based his action, as provided  
23 in section 2112 of title 28, United States Code. No objection  
24 to the action of the Secretary shall be considered by the

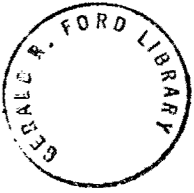
1 court unless such objection has been urged before the Secre-  
2 tary.

3 (3) The court shall have jurisdiction to affirm or modify  
4 the action of the Secretary or to set it aside in whole or in  
5 part. The findings of fact by the Secretary, if supported by  
6 substantial evidence on the record considered as a whole,  
7 shall be conclusive. The court may order additional evidence  
8 to be taken by the Secretary, and to be made part of the  
9 record. The Secretary may modify his findings of fact, or  
10 make new findings, by reason of the new evidence so taken  
11 and filed with the court, and he shall also file such modified  
12 or new findings, which findings with respect to questions of  
13 fact shall be conclusive if supported by substantial evidence  
14 on the record considered as a whole, and shall also file his  
15 recommendations, if any, for the modification or setting aside  
16 of his original action.

17 (4) Upon the filing of the record with the court, the  
18 jurisdiction of the court shall be exclusive and its judgment  
19 shall be final, except that such judgment shall be subject to  
20 review by the Supreme Court of the United States upon writ  
21 of certiorari or certification as provided in section 1254 of  
22 title 28, United States Code.

23 GENERAL PROVISIONS

24 SEC. 16. (a) The Secretary shall prescribe such rules,



1 regulations, and standards as may be necessary to carry out  
2 the purposes and conditions of this Act.

3 (b) The Secretary shall include an evaluation of the  
4 effectiveness of this Act in his annual report to the President  
5 on departmental activities required by section 8 of the De-  
6 partment of Housing and Urban Development Act.

7 (c) Each recipient shall provide for the expenditure of  
8 amounts received under this Act only in accordance with the  
9 laws and procedures applicable to the expenditures of its  
10 own revenues.

11 CONFORMING AND TECHNICAL AMENDMENTS

12 SEC. 17. (a) This Act shall be effective upon enact-  
13 ment but no funds shall be allocated under section 7 for any  
14 year prior to fiscal year 1975.

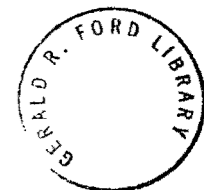
15 (b) Except with respect to projects and programs for  
16 which funds have been previously committed, no new grants  
17 or loans shall be made under (1) section 312 of the Housing  
18 Act of 1964, (2) section 702 or section 703 of the Housing  
19 and Urban Development Act of 1965, (3) loans pursuant  
20 to title II of the Housing Amendments of 1955, (4) title VII  
21 of the Housing Act of 1961, or (5) title I of the Demonstra-  
22 tion Cities and Metropolitan Development Act of 1966. After  
23 June 30, 1974, no new grants or loans shall be made under  
24 title I of the Housing Act of 1949 except with respect to

1 projects or programs for which funds have been committed  
2 on or before such date.

3 (c) Section 3689 of the Revised Statutes, as amended  
4 (31 U.S.C. 711), is amended by adding at the end thereof  
5 a new paragraph as follows:

6 “(22) For payments required from time to time under  
7 contracts entered into pursuant to section 103 (b) of the  
8 Housing Act of 1949, as amended, with respect to projects  
9 or programs for which funds have been committed on or  
10 before June 30, 1974, and for which funds have not previous-  
11 ly been appropriated.”

12 (d) The Secretary is authorized to transfer the assets  
13 and liabilities of any superseded or nonactive program of  
14 housing or urban development to the revolving fund for  
15 liquidating programs established pursuant to title II of the  
16 Independent Offices Appropriation Act of 1955 (Public Law  
17 81-428; 68 Stat. 272, 295).



98<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 7277

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## A BILL

To provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities.

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By Mr. WIDNALL, Mr. JOHNSON of Pennsylvania, Mr. J. WILLIAM STANTON, Mr. BLACKBURN, Mr. BROWN of Michigan, Mr. WILLIAMS, Mr. WYLIE, Mrs. HECKLER of Massachusetts, Mr. CRANE, Mr. ROUSSELOT, Mr. MCKINNEY, Mr. FRENZEL, Mr. CONLAN, Mr. RONCALLO of New York, Mr. BURGNER, and Mr. RINALDO

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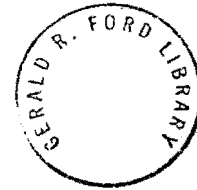
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APRIL 19, 1973

Referred to the Committee on Banking and Currency

LEGISLATION:

Better Schools Act (S 1319; HR 5823)



BACKGROUND:

HEW draft cleared 3/18/73

PROVISIONS:

Provides for special revenue-sharing for education to replace categorical grant programs and remove Federal control from education.

STATUS: A. HOUSE:

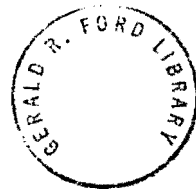
General Subcommittee on Education now in mark-up. Brademas says he will kill HR 5823. Perkins bill, HR 69, likely to be reported. This is extension of ESEA.

B. SENATE:

S 1319 will be considered during Subcommittee hearings on July 31. Chairman Pell will push his version, S 1539.

OUTLOOK:





93<sup>d</sup> CONGRESS  
1<sup>st</sup> SESSION

# H. R. 5823

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 1973

Mr. BELL (by request) introduced the following bill; which was referred to the  
Committee on Education and Labor

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## A BILL

To strengthen education by consolidating certain elementary and secondary education grant programs through the provision of a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern.

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 "Better Schools Act of  
4 1973".

5 **FINDINGS AND PURPOSE**

6 SEC. 2. (a) The Congress finds that, while public  
7 education is primarily the responsibility of the States and

1 local communities of this country, the Federal Government  
 2 has a responsibility to assist them in meeting the costs of edu-  
 3 cation in areas of special national concern. The Congress  
 4 finds, however, that prior programs of Federal financial assist-  
 5 ance for elementary or secondary education are too narrow  
 6 in scope to meet the needs of State and local school systems.

7 (b) It is therefore the purpose of this Act to consolidate  
 8 certain current programs of Federal assistance to elementary  
 9 or secondary education into a system of Federal revenue  
 10 sharing for education designed to assist in meeting such  
 11 needs, to assist in encouraging innovation and development  
 12 of new educational programs and practices, to assist in pro-  
 13 viding compensatory education for educationally deprived  
 14 children, to assist in providing the special educational serv-  
 15 ices needed by the physically or mentally handicapped, to  
 16 encourage greater attention to the vital field of vocational  
 17 education, to assure to children whose parents live on Fed-  
 18 eral property an education comparable to that given to other  
 19 children, and to assist in providing State and local educational  
 20 officials with the flexibility and responsibility they need to  
 21 make meaningful decisions in response to the needs of their  
 22 students.

#### 23 AVAILABILITY OF APPROPRIATIONS

24 SEC. 3. Allotments to a State and payments to the  
 25 Secretary of the Interior under this Act from appropriations

1 for a fiscal year shall remain available for obligation and  
 2 expenditure until the close of the next fiscal year.

#### 3 ALLOTMENT AND USE OF SHARED REVENUES

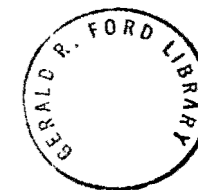
4 SEC. 4. (a) From the sums appropriated for carrying  
 5 out this Act for any fiscal year the Secretary shall allot to  
 6 each State an amount equal to 60 per centum of the average  
 7 per pupil expenditure in such State multiplied by the num-  
 8 ber of children in average daily attendance in the public  
 9 elementary or secondary schools of such State during such  
 10 year who resided on Federal property. The amount so al-  
 11 lotted shall be available for any educational purpose.

12 (b) (1) Not to exceed 3 per centum of the remainder  
 13 of such sums appropriated for such year shall be available  
 14 to the Secretary—

15 (A) for allotment of such amounts as he deems ap-  
 16 propriate to Puerto Rico, Guam, the Virgin Islands,  
 17 American Samoa, and the Trust Territory of the Pacific  
 18 Islands, and

19 (B) for payment of such amounts as he deems ap-  
 20 propriate to the Secretary of the Interior for the purpose  
 21 of meeting the educational needs of Indian children  
 22 served by schools operated by the Department of the  
 23 Interior.

24 For the purpose of achieving an equitable distribution of  
 25 such funds in the light of the educational needs of the chil-



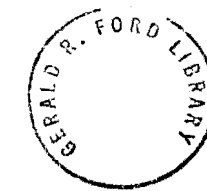
1 dren to be served, the Secretary shall prescribe criteria for  
 2 the making of such allotments and payments. Amounts al-  
 3 lotted or paid under this subsection may be used only for the  
 4 educational purposes specified in subsections (c) (4) and  
 5 (d) (2) of this section.

6 (2) For purposes of this section (except subsection  
 7 (f) ), section 5, and section 7, the term "State" does not  
 8 include Puerto Rico, Guam, the Virgin Islands, American  
 9 Samoa, and the Trust Territory of the Pacific Islands.

10 (c) (1) After application of subsections (a) and (b)  
 11 for the fiscal year ending June 30, 1974, the Secretary shall  
 12 allot to each State, from 60 per centum of the remainder of  
 13 the sums appropriated for carrying out this Act for such  
 14 year, an amount equal to the amount paid to such State  
 15 under title I of the Elementary and Secondary Education  
 16 Act of 1965 (except with respect to section 103 (a) (5)  
 17 thereof) for the fiscal year ending June 30, 1973.

18 (2) After application of subsections (a) and (b), and,  
 19 for the fiscal year ending June 30, 1974, paragraph (1),  
 20 the Secretary shall allot to each State, from 60 per centum  
 21 of the remainder of the sums appropriated for carrying out  
 22 this Act for such year, an amount equal to—

23 (A) the number of children aged five to seventeen,  
 24 inclusive, in such State from families with incomes be-  
 25 low the poverty level multiplied by



1 (B) the expenditure index (as defined by section  
 2 19 (7) ) for such State for such year,

3 except that

4 (C) for the fiscal year ending June 30, 1974, no  
 5 State may be allotted an amount in excess of 150 per  
 6 centum of the amount paid to such State for the fiscal  
 7 year ending June 30, 1973, under title I of the Ele-  
 8 mentary and Secondary Education Act of 1965, and

9 (D) for any other fiscal year no State may be  
 10 allotted an amount in excess of 150 per centum of the  
 11 amount allotted to such State under this subsection for  
 12 the preceding fiscal year.

13 (3) If for any fiscal year the amount available for allot-  
 14 ment under paragraph (2) is less than the total required to  
 15 make in full all of such allotments, the Secretary shall reduce  
 16 the allotment of each State under such paragraph by the per-  
 17 centage by which the total amount available for allotment  
 18 under such paragraph is less than the amount which would  
 19 otherwise be required to be allotted under paragraph (2).

20 (4) The amount allotted to a State under this subsection  
 21 shall be available only for programs and projects designed  
 22 to meet the special educational needs, at the preschool or any  
 23 other educational level, of educationally deprived children,  
 24 and at least 75 per centum of such amount shall be available  
 25 only for instruction in basic language or mathematics skills.

1 (d) (1) After application of the provisions of subsec-  
 2 tions (a), (b), and (c) for a fiscal year, the Secretary shall  
 3 allot to each State an amount which bears the same ratio to  
 4 the remainder of the sums appropriated for carrying out this  
 5 Act for such year as the number of children aged five to  
 6 seventeen, inclusive, in such State bears to the number of  
 7 such children in all of the States.

8 (2) Except as provided in section 7—

9 (A) 16 per centum of the amount allotted to a  
 10 State under paragraph (1) shall be available only for  
 11 programs and projects at the preschool or any other edu-  
 12 cational level designed to meet the special educational  
 13 needs of handicapped children;

14 (B) 43 per centum of such amount shall be avail-  
 15 able only for vocational education activities; and

16 (C) 41 per centum of such amount shall be avail-  
 17 able only for supporting materials and services.

18 (e) In the event that any State—

19 (i) is not eligible to receive revenues shared under  
 20 this Act for any fiscal year,

21 (ii) notifies the Secretary that it does not desire to  
 22 receive such revenues, or

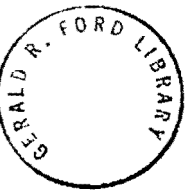
23 (iii) may not, because of clause (C) or (D) of  
 24 subsection (c) (2), receive a portion of its allotment  
 25 for such year,

1 the allotment (or portion thereof) of such State for such  
 2 year under subsection (c) or (d) shall be available for re-  
 3 allotment from time to time, on such date or dates during  
 4 such year as the Secretary may fix, to other States in pro-  
 5 portion to the original amount of the allotments to such other  
 6 States under such subsection for that year, but with such  
 7 proportionate amount for any of such other States being  
 8 reduced by the extent it exceeds the amount the Secretary  
 9 estimates such State needs and will be able to use; and the  
 10 total of such reductions shall be reallocated in the same manner  
 11 among the States whose proportionate amounts were not so  
 12 reduced. Any amount for a fiscal year so reallocated to a State  
 13 under this subsection shall be deemed part of its allotment  
 14 under such subsection (c) or (d), as the case may be, for  
 15 such year.

16 (f) The amounts appropriated and allotted pursuant to  
 17 this Act shall be paid to the States at such intervals and in  
 18 such installments as the Secretary may determine. Such  
 19 amounts paid for any purpose under this Act shall also be  
 20 available for construction to carry out such purpose.

21 DISTRIBUTION OF SHARED REVENUES WITHIN EACH  
 22 STATE

23 SEC. 5. (a) Each State shall pay to each of its local  
 24 educational agencies for a fiscal year an amount equal to the  
 25 sums allotted to such State under section 4 (a) for such year



1 on account of the number of children in average daily at-  
2 tendance who resided on Federal property in the school dis-  
3 trict of such agency.

4 (b) (1) From the sums allotted to a State under section  
5 4(c) for the fiscal year ending June 30, 1974, such State  
6 shall pay to each of its local educational agencies an amount  
7 equal to the amount paid to each such agency for the fiscal  
8 year ending June 30, 1973, under title I of the Elementary  
9 and Secondary Education Act of 1965.

10 (2) From the remainder of such sums and from the  
11 sums allotted to such State under section 4(c) for any other  
12 fiscal year, such State shall retain such amounts as it deems  
13 necessary for meeting the special educational needs of ne-  
14 glected or delinquent children and migratory children of mi-  
15 gratory agricultural workers, except that the amount re-  
16 tained by such State under this paragraph for any fiscal  
17 year shall not exceed an amount equal to the expenditure  
18 index for such State for such year multiplied by the number  
19 of such children in such State during such year.

20 (3) From the remainder of the sums allotted to such  
21 State under section 4(c) for a fiscal year and not paid to  
22 any local educational agency under paragraph (1) nor re-  
23 tained under paragraph (2), such State shall pay to each  
24 of its local educational agencies which has more than five  
25 thousand children aged five to seventeen, inclusive, from

1 families with incomes below the poverty level, or has more  
2 than 15 per centum of the total enrollment of its schools  
3 consisting of such children, an amount equal the product  
4 of—

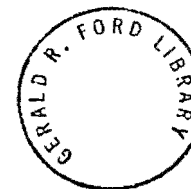
5 (A) the expenditure index for such State for such  
6 year multiplied by

7 (B) the number of such children from such families  
8 in the school district of such agency,

9 less any amount paid to such agency under paragraph (1).

10 (4) If for any fiscal year the portion of the sums  
11 allotted to a State under section 4(c) and available for pay-  
12 ments under paragraph (3) of this subsection are insufficient  
13 to make the payments to all local educational agencies re-  
14 quired by such paragraph, such State shall reduce the pay-  
15 ment to each local educational agency under such paragraph  
16 by the percentage by which such portion of the sums so  
17 allotted and available is less than the total of the payments  
18 required by such paragraph for all such agencies.

19 (5) If the allotment to such State under section 4(c)  
20 for any fiscal year exceeds the amounts required under para-  
21 graphs (1), (2), and (3) of this subsection, such State  
22 shall rank all of its local educational agencies which are not  
23 eligible for payments for such year under paragraph (3) by  
24 the number of children in the school district of each such



1 agency aged five to seventeen, inclusive, from families with  
 2 incomes below the poverty level, or, if such State so elects,  
 3 by the percentage which the number of such children in each  
 4 such district is of the total number of children aged five to  
 5 seventeen, inclusive, in such district. Subject to clause (A)  
 6 of paragraph (6) of this subsection, such State shall then  
 7 make payments to such agencies as though they were eli-  
 8 gible under paragraph (3), beginning with the agency or  
 9 agencies with the largest number, or, if such State has so  
 10 elected, the largest percentage, of such children from such  
 11 families, and following such order of ranking until the re-  
 12 maining portion of such allotment is exhausted.

13 (6) No local educational agency may receive payments  
 14 under this subsection for any fiscal year unless—

15 (A) the total amount of such payments for such  
 16 year to such agency is at least \$10,000,

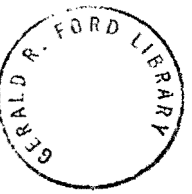
17 (B) the State agency (designated under section  
 18 9 (a) ) determines, in accordance with such criteria as  
 19 the Secretary may prescribe, that the services provided  
 20 in each of the schools of such local agency with funds  
 21 other than funds received under this Act will for such  
 22 year be comparable with the services so provided in all  
 23 of the other schools of such local agency,

24 (C) such local agency provides satisfactory as-  
 25 surance to the State agency (designated under section

1 9 (a) ) that if such State agency does not conduct such  
 2 evaluations of programs and projects carried out with  
 3 funds paid to such local agency under this subsection  
 4 as the Secretary may require, such local agency will do  
 5 so, and

6 (D) such local agency provides satisfactory assur-  
 7 ance to the State agency (designated under section  
 8 9 (a) ) that it will comply with the applicable provisions  
 9 of this Act.

10 (7) Each local educational agency which receives a  
 11 payment for a fiscal year under this section shall rank all  
 12 of its schools by the number of educationally deprived chil-  
 13 dren enrolled in such schools, or, if such agency so chooses,  
 14 by the percentage which the number of such children en-  
 15 rolled in any school is of the total number of such children  
 16 enrolled in such school, except that, upon the approval of  
 17 the State agency designated under section 9 (a) , such local  
 18 educational agency may, for the purpose of such ranking,  
 19 group its schools by the grade levels in such schools, each  
 20 such group containing all of such schools having the same  
 21 grade levels. Programs and projects carried out with pay-  
 22 ments received by such agency under this section for such  
 23 year shall be designed in such a manner that the total cost  
 24 (consistent with cost allocation criteria prescribed by the  
 25 Secretary) of such programs and projects for such year shall



1 be at least equal to the expenditure index for such State for  
 2 such year multiplied by the number of children served by  
 3 such programs and projects. No educationally deprived  
 4 children enrolled in any school of such agency may be served  
 5 by such programs and projects unless all of the educationally  
 6 deprived children enrolled in any other school (or, if the  
 7 schools of such agency are ranked within groups by the  
 8 grade levels in such schools, in any other school within such  
 9 group) enrolling a larger number (or, if such agency has  
 10 chosen to rank its schools by percentage, a larger percent-  
 11 age) of such children are served by such programs and  
 12 projects.

13 (8) Any portion of an allotment which is not, but would  
 14 be except for clause (A), (B), (C), or (D) of paragraph  
 15 (6), paid to a local educational agency by a State shall be  
 16 paid by such State, in accordance with its plan developed  
 17 under section 9 (b), to other local educational agencies  
 18 within such State to which funds are required to be paid  
 19 under paragraph (1), (3), or (5) of this subsection for use  
 20 in accordance with the provisions of section 4 (c) (4), ex-  
 21 cept that no such other agency shall be paid more for any  
 22 fiscal year pursuant to this subsection than 200 per centum  
 23 of the amount required to be paid to it under paragraph (3)  
 24 or (5) of this subsection for such year.

25 (9) If no local educational agency within such State

1 which would otherwise receive payments for any fiscal year  
 2 under this subsection has been determined, under clause (B)  
 3 of paragraph (6), to provide comparable services, the  
 4 amount allotted to such State under section 4 (c) shall be  
 5 available for reallocation from time to time, on such date or  
 6 dates during such year as the Secretary may fix, to other  
 7 States in proportion to the amounts originally allotted to such  
 8 other States under such section, but with such proportionate  
 9 amount for any of such States being reduced by the extent  
 10 it exceeds the amount the Secretary estimates such State  
 11 needs and will be able to use; and the total of such reduc-  
 12 tions shall be reallocated in the same manner among the States  
 13 whose proportionate amounts were not so reduced. Any  
 14 portion of an allotment which is not, but would be except  
 15 for paragraph (8), paid to a local educational agency within  
 16 a State, shall be reallocated to other States in the manner  
 17 prescribed by the preceding sentence. The amount reallocated  
 18 for any fiscal year under this subsection to any State may  
 19 not exceed 200 per centum of the amount originally allotted  
 20 to such State for such year under section 4 (c). Any amount  
 21 reallocated to a State under this subsection for any fiscal year  
 22 shall be deemed to be part of its allotment for such year  
 23 under section 4 (c).

24 (c) The remainder of each State's allotment shall be  
 25 available—



1 (1) for use, in accordance with the provisions of  
2 sections 4 and 7 and the plan developed under section  
3 9 (b), by the State agency designated under section  
4 9 (a) ; and

5 (2) for distribution, for use by them in accordance  
6 with the provisions of sections 4 and 7 and such plan,  
7 among the local educational agencies of such State on a  
8 basis reflecting the relative needs of each of such agen-  
9 cies for the types of assistance for which appropriations  
10 under this Act are available;

11 except that, in determining the relative needs of each of  
12 such agencies for the types of assistance for which appro-  
13 priations under this Act are available, funds paid to such  
14 agencies under subsection (b) of this section shall not be  
15 taken into account.

#### 16 DETERMINATION OF NUMBERS

17 SEC. 6. (a) For purposes of sections 4 and 5 of this  
18 Act, the Secretary shall make the required determinations  
19 of average daily attendance, average per pupil expenditure in  
20 the United States, State average per pupil expenditure, and  
21 numbers of children, and in doing so he shall use the most  
22 recent satisfactory data available to him, referable with  
23 respect to data used for each purpose to the same time period  
24 for all jurisdictions. If the Secretary determines that satis-  
25 factory data regarding numbers of children are not available

1 for any local educational agency, he shall determine the total  
2 numbers of children in the county or counties in which the  
3 school district of such agency is located, and the State agency  
4 designated under section 9 (a) shall determine, pursuant to  
5 criteria prescribed by the Secretary, within such total the  
6 numbers of children in each school district within such county  
7 or counties.

8 (b) In determining numbers of children for purposes  
9 of section 5, a child from a family with an income below  
10 the poverty level who, during any year, is transferred by  
11 a local educational agency from a school in which he is en-  
12 rolled and in which the majority of the children enrolled are  
13 from families with incomes below the poverty level to a  
14 school in which the minority of children enrolled are from  
15 such families, shall be counted twice for the following year.

16 (c) Except as the Secretary may provide by regulation,  
17 no information obtained under this section relating to any  
18 individual may be used for any purpose other than the  
19 purposes of this Act.

#### 20 TRANSFERS AMONG PURPOSES

21 SEC. 7. (a) Thirty per centum of that portion of each  
22 State's allotment which is available for the purposes de-  
23 scribed in clause (A) or (B) of section 4 (d) (2) may be  
24 made available for any of the other purposes described in  
25 subsection (c) or (d) of section 4.





1 (b) The 30 per centum limitations in subsection (a)  
2 may be exceeded if the State demonstrates to the satisfaction  
3 of the Secretary that such action will achieve more effec-  
4 tively the purposes of this Act.

5 PARTICIPATION OF NONPUBLIC SCHOOL CHILDREN

6 SEC. 8. (a) The State agency designated under sec-  
7 tion 9 (a) shall provide that—

8 (1) except as provided in subsection (b), chil-  
9 dren enrolled in nonprofit private elementary or secon-  
10 dary schools will be given an opportunity to participate,  
11 on an equitable basis, in activities for which funds are  
12 made available under subsections (b), (c), and (d) of  
13 section 4; and

14 (2) title to and control of funds received under this  
15 Act and other property derived therefrom will remain  
16 in one or more public agencies.

17 (b) If the Secretary determines that provisions of State  
18 law prevent any State agency designated under section 9 (a)  
19 from complying with subsection (a) of this section, the Sec-  
20 retary shall, if he finds that the State is otherwise eligible to  
21 participate in the program under this Act, permit such State  
22 to participate, but in such case he shall—

23 (1) arrange, by contract or otherwise, for children  
24 enrolled in the nonprofit private elementary or secondary  
25 schools within such State to receive, on an equitable

1 basis, services similar to those provided from the funds  
2 made available under subsection (b), (c), or (d) of  
3 section 4 to public school children within such State;  
4 and

5 (2) pay the cost thereof out of that portion of the  
6 allotment to such State for carrying out each such  
7 subsection.

8 STATE ADMINISTRATION

9 SEC. 9. (a) The chief executive officer of a State shall  
10 be the State agency responsible for administration (or super-  
11 vision of the administration) of the program under this Act  
12 in such State, except that a specified single State agency  
13 shall be responsible for such administration (or supervision  
14 of administration) if such officer determines that the law of  
15 such State so provides. Section 204 of the Intergovernmental  
16 Cooperation Act of 1968 (42 U.S.C. 4214) shall apply to  
17 the preceding sentence.

18 (b) The State agency designated under subsection (a)  
19 shall, for each fiscal year, develop and publish a plan for  
20 the distribution of funds available therefor under section  
21 5 (b) (8) and under section 5 (c), and for the expenditure  
22 of funds retained under section 5 (b) (2) and under section  
23 5 (c) (1) for use by such State agency or distributed under  
24 section 5 (c) (2) for use by local educational agencies. Such



1 plan shall include estimates of the amounts which will be paid  
 2 to each local educational agency in such State for such year  
 3 (A) under subsection (a) or (b) of section 5, and (B)  
 4 from that portion of such State's allotment derived from  
 5 clause (2) (A), (2) (B), or (2) (C) of section 5 (d). Such  
 6 plan shall not finally be adopted by such State agency until  
 7 a reasonable opportunity has been given to interested persons  
 8 for comment thereon.

#### 9 TREATMENT OF FEDERALLY CONNECTED CHILDREN

10 SEC. 10. The State agency designated under section  
 11 9 (a) shall provide that children attending school within the  
 12 State who reside with a parent on Federal property will re-  
 13 ceive public elementary or secondary education on a basis  
 14 comparable to that provided to other children in the State.

#### 15 ELIGIBILITY

16 SEC. 11. In order to qualify for any payment under this  
 17 Act from appropriations for any year, a State, or a local  
 18 educational agency, must establish to the satisfaction of the  
 19 Secretary that, with respect to such appropriations and pay-  
 20 ments therefrom, it will use such payments only for the pur-  
 21 poses for which made and will otherwise comply with the  
 22 applicable provisions of this Act and regulations thereunder.

#### 23 REMEDIES FOR NONCOMPLIANCE

24 SEC. 12. (a) If the Secretary, after reasonable notice  
 25 and opportunity for hearing to the State agency designated

1 under section 9 (a), finds that a State has failed to comply  
 2 substantially with any provision of this Act, the Secretary,  
 3 until he is satisfied that there is no longer any such failure  
 4 to comply, shall—

5 (1) terminate payments to such State under this  
 6 Act, or

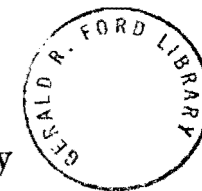
7 (2) reduce payments under this Act by an amount  
 8 equal to the amount of such payments which were not  
 9 expended in accordance with this Act, or

10 (3) limit the availability of payments under this  
 11 Act to programs, projects, or activities not affected by  
 12 such failure to comply.

13 (b) (1) In lieu of, or in addition to, any action author-  
 14 ized by subsection (a), the Secretary may, if he has reason  
 15 to believe that a State has failed to comply substantially with  
 16 any provision of this Act, refer the matter to the Attorney  
 17 General of the United States with a recommendation that an  
 18 appropriate civil action be instituted.

19 (2) Upon such a referral the Attorney General may  
 20 bring a civil action in any United States district court having  
 21 venue thereof for such relief as may be appropriate, includ-  
 22 ing an action to recover revenues shared under this Act  
 23 which were not expended in accordance with it, or for manda-  
 24 tory or injunctive relief.

25 (c) (1) Any State which receives notice, under sub-



1 section (a), of the termination, reduction, or limitation of  
 2 revenues shared may, within sixty days after receiving such  
 3 notice, file with the United States court of appeals for the  
 4 circuit in which such State is located, or in the United States  
 5 Court of Appeals for the District of Columbia, a petition for  
 6 review of the Secretary's action. The petitioner shall forth-  
 7 with transmit copies of the petition to the Secretary and the  
 8 Attorney General of the United States, who shall represent  
 9 the Secretary in the litigation.

10 (2) The Secretary shall file in the court the record of  
 11 the proceeding on which he based his action, as provided in  
 12 section 2112 of title 28, United States Code. No objection to  
 13 the action of the Secretary shall be considered by the court  
 14 unless such objection has been urged before the Secretary.

15 (3) The court shall have jurisdiction to affirm or  
 16 modify the action of the Secretary or to set it aside in whole  
 17 or in part. The findings of fact by the Secretary, if sup-  
 18 ported by substantial evidence on the record considered as  
 19 a whole, shall be conclusive. The court may order additional  
 20 evidence to be taken by the Secretary, and to be made part  
 21 of the record. The Secretary may modify his findings of  
 22 fact, or make new findings, by reason of the new evidence  
 23 so taken and filed with the court, and he shall also file such  
 24 modified or new findings, which findings with respect to  
 25 questions of fact shall be conclusive if supported by sub-

1 stantial evidence on the record considered as a whole, and  
 2 shall also file his recommendations, if any, for the modifica-  
 3 tion or setting aside of his original action.

4 (4) Upon the filing of the record with the court, the  
 5 jurisdiction of the court shall be exclusive and its judgment  
 6 shall be final, except that such judgment shall be subject to  
 7 review by the Supreme Court of the United States upon  
 8 writ of certiorari or certification as provided in section 1254  
 9 of title 28, United States Code.

#### 10 CIVIL RIGHTS

11 SEC. 13. Revenues shared under this Act shall be sub-  
 12 ject to title VI of the Civil Rights Act of 1964 (42 U.S.C.  
 13 2000d) and title IX of the Education Amendments of 1972  
 14 (20 U.S.C. 1681-1686).

#### 15 ADVANCE FUNDING

16 SEC. 14. To the end of affording the responsible State,  
 17 local, and Federal officers adequate notice of available Fed-  
 18 eral financial assistance under this Act, appropriations for  
 19 carrying out this Act for any fiscal year are authorized to be  
 20 included in the appropriation Act for the fiscal year preced-  
 21 ing such fiscal year. In order to effect a transition to this  
 22 method of timing appropriation action, the preceding sen-  
 23 tence shall apply notwithstanding that its initial application  
 24 will result in the enactment in the same year (whether in



1 the same appropriation Act or otherwise) of appropriations  
2 for each of two consecutive fiscal years.

### 3 LABOR STANDARDS

4 SEC. 15. All laborers and mechanics employed by con-  
5 tractors and subcontractors in any construction which is  
6 assisted under this Act shall be paid wages at rates not  
7 less than those prevailing on similar construction in the  
8 locality as determined by the Secretary of Labor in accord-  
9 ance with the Davis-Bacon Act (40 U.S.C. 276a—276a-5).  
10 The Secretary of Labor shall have, with respect to such  
11 labor standards, the authority and functions set forth in  
12 Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176;  
13 64 Stat. 1267) and section 2 of the Act of June 13, 1934  
14 (40 U.S.C. 276c).

### 15 ANNUAL REPORT

16 SEC. 16. The Secretary shall make an annual report to  
17 the President and the Congress pertaining to the effective-  
18 ness of assistance under this Act in meeting the educational  
19 needs of children and adults.

### 20 RECORDS, AUDITS, AND REPORTS

21 SEC. 17. In order to assure that revenues shared under  
22 this Act are used in accordance with its provisions, each  
23 State shall—

24 (1) use such fiscal, audit, and accounting proce-  
25 dures as may be necessary to assure (A) proper ac-

1 counting for payments received by it, and (B) proper  
2 disbursement of such payments;

3 (2) provide to the Secretary and the Comptroller  
4 General of the United States access to, and the right to  
5 examine, any books, documents, papers, or records as  
6 he requires; and

7 (3) make such reports to the Secretary or the  
8 Comptroller General of the United States as he requires.

### 9 INTERSTATE AGREEMENTS

10 SEC. 18. In the event that agreements between States  
11 are necessary in order to realize the full benefit of provisions  
12 of this Act, the consent of Congress is hereby given to such  
13 States to enter into such agreements.

### 14 DEFINITIONS

15 SEC. 19. For purposes of this Act—

16 (1) The term "adult education" means services or in-  
17 struction below the college level for individuals (A) who  
18 have attained the age of sixteen, (B) who do not have a  
19 certificate of graduation from a school providing secondary  
20 education and who have not achieved an equivalent level of  
21 education, and (C) who are not currently required to be  
22 enrolled in schools.

23 (2) The term "average per pupil expenditure" in the  
24 United States, or in any State, means the aggregate current  
25 expenditures of all local educational agencies in the United



1 States, or in such State, as the case may be, for any fiscal  
 2 year, plus any direct current expenditures by the States, or  
 3 such State, as the case may be, in which such agencies are  
 4 located for the operation of such agencies during such year  
 5 (without regard to the sources of funds from which either  
 6 of such expenditures is made), divided by the aggregate  
 7 number of children in average daily attendance to whom such  
 8 agencies provided public education during such year.

9 (3) The term "construction" means the erection, ac-  
 10 quisition, alteration, remodeling, or improvement of facili-  
 11 ties, including the acquisition of land necessary therefor,  
 12 and the cost of construction includes the cost of architect's  
 13 fees.

14 (4) The term "current expenditures" means expendi-  
 15 tures for public education, but not including expenditures  
 16 for community services, capital outlay, and debt services,  
 17 or any expenditures made from funds allotted under this  
 18 Act.

19 (5) The term "educationally deprived children" means  
 20 children who suffer from educational deprivation, as deter-  
 21 mined in accordance with such criteria as the Secretary may  
 22 prescribe.

23 (6) The term "elementary school" means a day or  
 24 residential school which provides elementary education, as  
 25 determined under State law.



1 (7) The term "expenditure index" for any State means  
 2 the higher of (A) .35 multiplied by the average per pupil  
 3 expenditure for such State, and (B) .35 multiplied by two-  
 4 thirds of the average per pupil expenditure in the United  
 5 States.

6 (8) The term "family with an income below the  
 7 poverty level" means a family with poverty status, as de-  
 8 termined by the Secretary on the basis of criteria prescribed  
 9 or approved by him.

10 (9) The term "Federal property" means real property  
 11 which is owned by the United States or is leased by the  
 12 United States, and which is not subject to taxation by any  
 13 State or any political subdivision of a State or by the Dis-  
 14 trict of Columbia. Such term includes (A) real property  
 15 held in trust by the United States for individual Indians  
 16 or Indian tribes, and real property held by individual Indians  
 17 or tribes which is subject to restrictions on alienation imposed  
 18 by the United States, (B) for one year beyond the end of  
 19 the fiscal year in which occurred the sale or transfer thereof  
 20 by the United States, any property considered prior to such  
 21 sale or transfer to be Federal property for the purposes of  
 22 this Act, and (C) any school which is providing flight train-  
 23 ing to members of the Air Force under contractual arrange-  
 24 ments with the Department of the Air Force at an airport  
 25 which is owned by a State or political subdivision of a State.

1 Such term also includes any interest in Federal property (as  
 2 defined in the foregoing provisions of this paragraph) under  
 3 an easement, lease, license, permit, or other arrangement, as  
 4 well as any improvements of any nature (other than pipe-  
 5 lines or utility lines) on such property even though such  
 6 interests or improvements are subject to taxation by a State  
 7 or political subdivision of a State or by the District of Co-  
 8 lumbia. Notwithstanding the foregoing provisions of this  
 9 paragraph, such term does not include (D) any real property  
 10 used for a labor supply center, labor home, or labor camp  
 11 for migratory farmworkers, (E) any real property under the  
 12 jurisdiction of the United States Postal Service and used  
 13 primarily for the provision of postal services, or (F) any low-  
 14 rent housing project held under title II of the National Indus-  
 15 trial Recovery Act, the Emergency Relief Appropriation  
 16 Act of 1935, the United States Housing Act of 1937, the  
 17 Act of June 28, 1940 (Public Law 871 of the Seventy-sixth  
 18 Congress), or any law amendatory of or supplementary to  
 19 any of such Acts.

20 (10) The term "handicapped children" means mentally  
 21 retarded, hard of hearing, deaf, speech impaired, visually  
 22 handicapped, seriously emotionally disturbed, crippled, or  
 23 other health impaired children who by reason thereof require  
 24 special educational services.

25 (11) The term "local educational agency" means a

1 public board of education or other public authority legally  
 2 constituted within a State for either administrative control  
 3 or direction of, or to perform a service function for, public  
 4 elementary or secondary schools in a city, county, township,  
 5 school district, or other political subdivision of a State, or  
 6 such combination of school districts or counties as are recog-  
 7 nized in a State as an administrative agency for its public  
 8 elementary or secondary schools. Such term also includes any  
 9 other public institution or agency having administrative con-  
 10 trol and direction of a public elementary or secondary school.

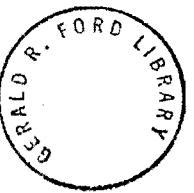
11 (12) The term "nonprofit", as applied to a school,  
 12 means a school owned and operated by one or more nonprofit  
 13 corporations or associations no part of the net earnings of  
 14 which inures, or may lawfully inure, to the benefit of any  
 15 private shareholder or individual.

16 (13) The term "revenues shared" means payments  
 17 under this Act.

18 (14) The term "secondary school" means a day or  
 19 residential school which provides secondary education, as  
 20 determined under State law, except that it does not include  
 21 any education provided beyond grade twelve.

22 (15) The term "Secretary" means (except as used in  
 23 section 4 (b) (1) (B)) the Secretary of Health, Education,  
 24 and Welfare.

25 (16) The term "State" includes, in addition to the sev-



1 eral States, the Commonwealth of Puerto Rico, the District  
2 of Columbia, Guam, American Samoa, the Virgin Islands,  
3 and the Trust Territory of the Pacific Islands.

4 (17) The term "supporting materials and services"  
5 means programs and projects described in section 4 (c) (4)  
6 or 4 (d) (2) (A); activities described in section 4 (d) (2)  
7 (B); the purchase of school textbooks, library resources,  
8 and educational equipment; the provision of supplementary  
9 educational centers and services, of school pupil personnel  
10 services, of adult education, and of school meals; the training  
11 or retraining of teachers, teacher aides, and other school per-  
12 sonnel; the strengthening of State or local educational agency  
13 capabilities and of educational planning at the State or local  
14 level; and the administration at the State level of the program  
15 carried out under this Act.

16 (18) The term "vocational education" includes voca-  
17 tional or technical training or retraining (including field or  
18 laboratory work and remedial or related academic and tech-  
19 nical instruction incident thereto and work-study programs  
20 for students who need the earnings from work in order to  
21 commence or continue their education) conducted as part of  
22 a program designed to prepare individuals for gainful em-  
23 ployment as semiskilled or skilled workers or technicians or  
24 subprofessionals in recognized occupations and in new and  
25 emerging occupations or to prepare individuals for enroll-

1 ment in advanced technical education programs, but exclud-  
2 ing any program to prepare individuals for employment in  
3 occupations generally considered professional or which re-  
4 quire a baccalaureate or higher degree; and such term also  
5 includes vocational guidance and counseling in connection  
6 with such training or for the purpose of facilitating occupa-  
7 tional choices; instruction related to the occupation or occu-  
8 pations for which the students are in training or instruction  
9 necessary for students to benefit from such training; job  
10 placement; and the training of persons engaged as, or pre-  
11 paring to become, teachers in a vocational education program  
12 or teachers, supervisors, or directors of such teachers.

13 **EFFECTIVE DATE AND REPEAL OF PROGRAMS REPLACED**  
14 **BY THIS ACT**

15 **SEC. 20. (a)** The preceding provisions of this Act shall  
16 be effective with respect to appropriations for fiscal years  
17 beginning after June 30, 1973, and effective with respect  
18 to such appropriations the following statutes and parts of  
19 statutes are repealed:

20 (1) title I of the Elementary and Secondary Edu-  
21 cation Act of 1965 (20 U.S.C. 241a-241l);

22 (2) title II of the Elementary and Secondary Edu-  
23 cation Act of 1965 (20 U.S.C. 821-827);

24 (3) title III of the Elementary and Secondary Edu-  
25 cation Act of 1965 (20 U.S.C. 841-848);



1 (4) title V of the Elementary and Secondary Edu-  
2 cation Act of 1965 (20 U.S.C. 861-870);

3 (5) part B of the Education of the Handicapped  
4 Act (20 U.S.C. 871-877);

5 (6) the Smith-Hughes Act (20 U.S.C. 11-15,  
6 16-28);

7 (7) sections 3, 4, and 7 of Public Law 81-874  
8 (20 U.S.C. 238, 239, and 241-1);

9 (8) title III of the National Defense Education  
10 Act of 1958 (20 U.S.C. 441-455);

11 (9) subpart 2 of part B of title V of the Higher  
12 Education Act of 1965 (20 U.S.C. 1108-1110c);

13 (10) the Vocational Education Act of 1963 (20  
14 U.S.C. 1241-1391); and

15 (11) section 16 of Public Law 81-815 (20 U.S.C.  
16 646).

17 (b) Effective with respect to appropriations for fiscal  
18 years beginning after June 30, 1973, the Adult Education  
19 Act is amended by—

20 (1) striking out “reserved in section 304 (a) for  
21 the purposes of this section” in section 309 (a) and in-  
22 serting in lieu thereof “appropriated pursuant to section  
23 312 (a)”; and

24 (2) striking out sections 304, 305, 306, 307, 308,  
25 310, and 314, and subsection (b) of section 312.

1 (c) Effective with respect to appropriations for fiscal  
2 years beginning after June 30, 1973, the Child Nutrition  
3 Act of 1966 (42 U.S.C. 1771-1785) is amended by—

4 (1) striking out sections 5 and 7;

5 (2) striking out “through 7” in section 6 and in-  
6 serting “and 4” in lieu thereof;

7 (3) striking out “through 5” in section 11 and  
8 inserting “and 4” in lieu thereof; and

9 (4) striking out “section 4” in section 4 (b) and  
10 inserting “section 11” in lieu thereof.

11 (d) Effective with respect to appropriations for fiscal  
12 years beginning after June 30, 1973, the National School  
13 Lunch Act (42 U.S.C. 1751-1761) is amended by—

14 (1) striking out sections 4, 5, 7, 8, and 10;

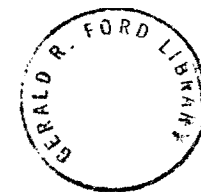
15 (2) (A) striking out “the amount apportioned by  
16 him pursuant to sections 4 and 5 of this Act and” in  
17 paragraph (2) of section 6 and (B) by striking out in  
18 such paragraph “sections 4, 5, and 7” and inserting in  
19 lieu thereof “section 4”;

20 (3) striking out “section 10” in the last sentence of  
21 section 9 and inserting “section 11” in lieu thereof;

22 (4) striking out subsection (d) of section 11 and  
23 inserting in lieu thereof the following: “(d) The Sec-  
24 retary shall certify to the Secretary of the Treasury,  
25 from time to time, the amounts to be paid to any State







1 under this section and the time or times such amounts are  
2 to be paid; and the Secretary of the Treasury shall pay  
3 to the State at the time or times fixed by the Secretary  
4 the amounts so certified. Payments to a State under this  
5 section may be made in advance or by way of reim-  
6 bursement in accordance with procedures prescribed by  
7 the Secretary."

8 (5) striking out in paragraph (g) of section 11  
9 "including those applicable to funds apportioned or  
10 paid pursuant to section 4 or 5 but excluding the pro-  
11 visions of section 7 relating to matching,";

12 (6) striking out in section 11(h) (1) "to extend  
13 the school lunch program under this Act to every  
14 school within the State, and (C)"; and

15 (7) striking out paragraphs (4), (5), and (6)  
16 of section 12(d) and renumbering paragraph (7) as  
17 paragraph (4).

93<sup>d</sup> CONGRESS  
1<sup>st</sup> SESSION

# H. R. 5823

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## A BILL

To strengthen education by consolidating certain elementary and secondary education grant programs through the provision of a share of the revenues of the United States to the States and to local educational agencies for the purpose of assisting them in carrying out education programs reflecting areas of national concern.

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By Mr. BELL

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MARCH 20, 1973

Referred to the Committee on Education and Labor



LEGISLATION:

Federal Election Reform Commission  
(SJ Res. 110; HJ Res 559)

BACKGROUND:

Presidential Message

PROVISIONS:

Establishes a bi-partisan Commission to study election reform and make appropriate recommendations.

STATUS:

- A. SENATE: Senate Rules reported on 7/11/73 SJ 110 with amendments.
- B. HOUSE: Referred to House Administration on 5/16/73  
Probably will not schedule any hearings until after August recess.

OUTLOOK:



93D CONGRESS  
1ST SESSION

# H. J. RES. 559

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 1973

Mr. GERALD R. FORD (for himself, Mr. ARENDS, Mr. DICKINSON, Mr. CLEVELAND, Mr. FRENZEL, Mr. FROEHLICH, Mr. HANSEN of Idaho, Mr. HASTINGS, and Mr. DEVINE) introduced the following joint resolution; which was referred to the Committee on House Administration

## JOINT RESOLUTION

To establish a nonpartisan commission on political campaign reform.

Whereas the strength of our democracy rests on the integrity of our political processes;

Whereas the confidence of the public in the integrity of those processes must be assured;

Whereas the Congress and the President recognize the need to establish an impartial commission to study the conduct of election campaigns and to make recommendations concerning future practices: Now, therefore, be it

1        *Resolved by the Senate and House of Representatives*  
2        *of the United States of America in Congress assembled,*

1 SECTION 1. This resolution may be cited as the "Non-  
2 partisan Commission on Campaign Reform Act of 1973".

3 SEC. 2. There is hereby established an independent com-  
4 mission, to be known as the Nonpartisan Commission on  
5 Campaign Reform (hereinafter referred to as the "Commis-  
6 sion").

7 SEC. 3. The Commission shall—

8 (a) Conduct an extensive and exhaustive study of the  
9 practices engaged in by political parties and individuals in  
10 the course of Federal political campaigns including, but not  
11 limited to—

12 (i) the adequacy of procedures for the enforcement  
13 of existing laws relating to political campaigns and cam-  
14 paign financing;

15 (ii) the existing and alternative methods of financing  
16 political campaigns;

17 (iii) the purpose for which money is expended in  
18 political campaigns, such as development of campaign  
19 organizations, campaign advertising, voter registration,  
20 and polling;

21 (iv) the interrelationship of Federal, State, and  
22 local campaigns and Federal, State, and local laws re-  
23 lating to campaigns and campaign financing;

24 (v) the methods and procedures by which candi-

1 dates are nominated for national office by political  
2 parties;

3 (vi) the adequacy of safeguards against unethical,  
4 disruptive, fraudulent, violent, or otherwise wrongful  
5 campaign tactics; and

6 (vii) the length of the period over which candi-  
7 dates are required to campaign for nomination and elec-  
8 tion to national office.

9 (b) Make recommendations for such legislation or other  
10 reforms as its findings indicate, and in its judgment are  
11 needed to revise and control the practices and procedures of  
12 political parties, organizations, and individuals participating  
13 in the Federal electoral process.

14 SEC. 4. The Commission shall consist of the following  
15 members:

16 (i) four Members of the Senate, two of whom shall  
17 be appointed by the President of the Senate upon the  
18 recommendation of the majority leader of the Senate  
19 and two of whom shall be appointed by the President of  
20 the Senate upon the recommendation of the minority  
21 leader of the Senate;

22 (ii) four Members of the House of Representatives,  
23 two of whom shall be appointed by the Speaker of the  
24 House upon the recommendation of the majority leader



1 of the House and two of whom shall be appointed by the  
 2 Speaker of the House upon the recommendation of the  
 3 minority leader of the House;

4 (iii) eight individuals from private life to be ap-  
 5 pointed by the President of the United States, two of  
 6 whom shall be the respective chairmen of the national  
 7 political parties having polled the highest and second  
 8 highest vote pluralities in the last national election, and  
 9 six of whom shall be selected from the general public on  
 10 the basis of their experience and expertise in public serv-  
 11 ice or political science without regard to political party  
 12 affiliations. The Chairman and Vice Chairman shall be  
 13 designated by the Commission from among the mem-  
 14 bers of the Commission.

15 SEC. 5. (a) Members of Congress who are members of  
 16 the Commission shall serve without compensation in addition  
 17 to that received for their services as Members of Congress;  
 18 but they shall be reimbursed for travel, subsistence, and other  
 19 necessary expenses incurred by them in the performance of  
 20 the duties vested in the Commission.

21 (b) Each member of the Commission who is appointed  
 22 by the President is entitled to pay at the daily equivalent of  
 23 the annual rate of basic pay of level II of the Executive  
 24 Schedule for each day he is engaged on the work of the  
 25 Commission, and is entitled to travel expenses, including a

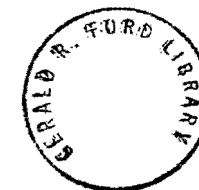
1 per diem allowance, in accordance with section 5703 (b) of  
 2 title 5, United States Code.

3 SEC. 6. The Commission shall adopt rules of procedure  
 4 to govern its proceedings. Vacancies on the Commission shall  
 5 not affect the authority of the remaining members to con-  
 6 tinue the Commission's activities, and shall be filled in the  
 7 same manner as the original appointments.

8 SEC. 7. (a) The Commission, or any five members  
 9 thereof as authorized by the Commission, may conduct hear-  
 10 ings anywhere in the United States or otherwise secure data  
 11 and expressions of opinion pertinent to its study. In connec-  
 12 tion therewith the Commission is authorized to pay witnesses  
 13 travel, lodging, and subsistence expenses.

14 (b) The Commission may require directly from the  
 15 head of any Federal executive department or independent  
 16 agency available information which the Commission deems  
 17 useful in the discharge of its duties. All departments and  
 18 independent agencies of the Government shall cooperate with  
 19 the Commission and furnish all information requested by  
 20 the Commission to the extent permitted by law.

21 (c) The Commission may enter into contracts with  
 22 Federal or State agencies, private firms, institutions, and in-  
 23 dividuals for the conduct of research or surveys, the prepara-  
 24 tion of reports, and other activities necessary to the discharge  
 25 of its duties.



1 (d) The Commission may delegate any of its functions  
2 to individual members of the Commission or to designated  
3 individuals on its staff and make such rules and regulations  
4 as are necessary for the conduct of its business, except as  
5 otherwise provided in this resolution.

6 SEC. 8. (a) The Commission may, without regard to the  
7 provisions of title 5, United States Code, relating to appoint-  
8 ments in the competitive service or to classification and Gen-  
9 eral Schedule pay rates, appoint and fix the compensation  
10 of such additional personnel as may be necessary to carry  
11 out the functions of the Commission.

12 (b) The Commission may obtain services in accord-  
13 ance with section 3109 of title 5 of the United States Code,  
14 but at rates for individuals not to exceed the rate authorized  
15 for GS-18 under the General Schedule.

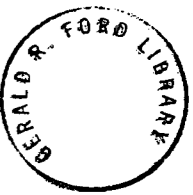
16 (c) Financial and administrative services (including  
17 those related to budgeting and accounting, financial report-  
18 ing, personnel, and procurement) shall be provided the  
19 Commission by the General Services Administration, on a  
20 reimbursable basis, from funds of the Commission in such  
21 amounts as may be agreed upon by the Chairman of the  
22 Commission and the Administrator of General Services. The  
23 regulations of the General Services Administration for the  
24 collection of indebtedness of personnel resulting from erro-  
25 neous payments apply to the collection of erroneous pay-

1 ments made to or on behalf of a Commission employee, and  
2 regulations of that Administration for the administrative con-  
3 trol of funds apply to appropriations of the Commission.

4 SEC. 9. (a) The Commission shall submit to the Con-  
5 gress and the President such interim reports and recom-  
6 mendations as it considers appropriate, and the Commission  
7 shall make a final report of the results of the study conducted  
8 by it pursuant to this resolution, together with its findings  
9 and such legislative proposals as it deems necessary or desir-  
10 able, to the Congress and the President at the earliest prac-  
11 ticable date, but no later than January 1, 1974.

12 (b) Ninety days after submission of its final report, as  
13 provided in subsection (a) above, the Commission shall  
14 cease to exist.

15 SEC. 10. There are authorized to be appropriated such  
16 sums as may be necessary to carry out the provisions of this  
17 resolution. Any money so appropriated shall remain available  
18 to the Commission until the date of its expiration, as fixed by  
19 section 9 (b).



93d CONGRESS  
1ST SESSION

# H. J. RES. 559

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## JOINT RESOLUTION

To establish a nonpartisan commission on political campaign reform.

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By Mr. GERALD R. FORD, Mr. ARENDS, Mr. DICKINSON, Mr. CLEVELAND, Mr. FRENZEL, Mr. FROELICH, Mr. HANSEN of Idaho, Mr. HASTINGS, and Mr. DEVINE

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MAY 17, 1973

Referred to the Committee on House Administration



LEGISLATION:

Dept. of Energy and Natural Resources (S. 2135; H.R. 9090)

BACKGROUND:

Presidential Statement



PROVISIONS:

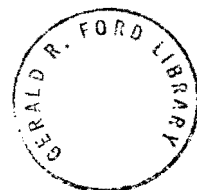
Combines the Dept. of Interior and several other agencies to form a Dept. of Energy and Natural Resources.

STATUS:

- A. HOUSE: Referred to Government Operations on 6/29/73. (Hearings started Tuesday, July 24 -- will continue for several days)
- B. SENATE: Referred to Government Operations on 7/9/73

OUTLOOK:

Memo: Mr. Horton says he is optimistic about getting a bill out by November. They will continue hearings this week and next and resume after the recess. He says Chairman Holifield is generally favorable to the bill's objectives and the only problem he sees may come from the Corps of Engineers. He praised Mr. Ash's preliminary spadework in obtaining input from Government Operations and other House Committees concerned and said Holifield also appears to get along well with Ash. RTH



93<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 9090

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IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 1973

Mr. HOLIFIELD (for himself and Mr. HORTON) (by request) introduced the following bill; which was referred to the Committee on Government Operations

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## A BILL

To promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Energy and Natural Resources, by reorganizing and consolidating others in a new Energy Research and Development Administration, 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 PART A—DEPARTMENT OF ENERGY AND

4 NATURAL RESOURCES

5 TITLE I

6 DECLARATION OF PURPOSE

7 SEC. 101. (a) (1) The Congress hereby declares that  
8 the general welfare of the Nation requires that its limited

1 natural resources, including energy sources, be conserved,  
 2 managed, and utilized so as to help achieve the highest prac-  
 3 ticable environmental quality, harmony between man and  
 4 nature, economic and community development, individual  
 5 fulfillment, and security of the American people of this and  
 6 future generations.

7 (2) The Congress further declares that, while recogniz-  
 8 ing the substantial responsibility of State and local govern-  
 9 ments, private organizations and individuals for natural  
 10 resources, the Federal Government has a national responsi-  
 11 bility to practice, with respect to the natural resources it ad-  
 12 ministers, and to foster the practice of, with respect to natural  
 13 resources administered by others, appropriate conservation,  
 14 management, and utilization policies. Such responsibility en-  
 15 compasses energy sources and the Federal Government must  
 16 exercise leadership in the timely development and efficient  
 17 and balanced utilization of such sources consonant with pres-  
 18 ervation of environmental values.

19 (b) To best achieve these objectives, improve opera-  
 20 tions, and assure the coordinated and effective administration  
 21 of natural resource programs, the Congress finds that it is  
 22 necessary to establish a Department of Energy and Natural  
 23 Resources to bring together and provide leadership and direc-  
 24 tion for Federal activities which most directly relate to the  
 25 discovery, assessment, preservation, development, utilization,

1 future adequacy, and enjoyment of natural resources, includ-  
 2 ing energy sources, achieving a sound balance between pres-  
 3 ervation and development. The Congress further finds that it  
 4 is appropriate for the Department of Energy and Natural Re-  
 5 sources to administer the trust responsibility for, and selected  
 6 programs to assist, the Indians, Alaska Natives, and terri-  
 7 torial peoples.

8 (c) Among other things it shall be the function of the  
 9 Department of Energy and Natural Resources, through pro-  
 10 viding national leadership and establishing effective working  
 11 relationships with State and local governments, public and  
 12 private institutions and individuals, and other Federal agen-  
 13 cies, to foster the conservation, management, and utilization  
 14 of natural resources; help assure maintenance of the ecologi-  
 15 cal balance necessary to sustain human and unique plant and  
 16 animal life systems; explore and survey the earth, the at-  
 17 mosphere, and the oceans; conduct scientific research and  
 18 encourage development of technology to conserve and ef-  
 19 ficiently utilize natural resources with minimum impact on  
 20 the environment; assess national energy requirements and  
 21 resources; provide physical and economic data, maps, charts,  
 22 and hazard warnings; manage Federal lands, including na-  
 23 tional parks and forests, and minerals; preserve irreplaceable  
 24 park, wilderness, scientific, historic, fish and wildlife re-  
 25 sources; assist in providing outdoor recreational opportuni-



1 ties; and undertake programs for the conservation, manage-  
 2 ment, and utilization of land, water, forest, range, mineral,  
 3 fish and wildlife resources; and to provide for the fulfillment  
 4 of Federal trust responsibilities over land and other resources  
 5 of Indians, Alaska Natives, and territorial peoples and assist  
 6 such people to achieve their cultural and economic objectives.

## 7 TITLE II

### 8 ESTABLISHMENT OF DEPARTMENT

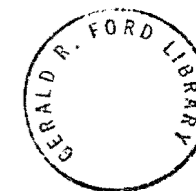
9 SEC. 201. (a) There is hereby established at the seat  
 10 of government an executive department to be known as the  
 11 Department of Energy and Natural Resources (hereinafter  
 12 in this part referred to as "Department"). There shall be  
 13 at the head of the Department a Secretary of Energy and  
 14 Natural Resources (hereinafter in this part referred to as  
 15 the "Secretary"), who shall be appointed by the President  
 16 by and with the advice and consent of the Senate. The Sec-  
 17 retary shall receive compensation at the rate now or here-  
 18 after prescribed for offices and positions at level I of the  
 19 Executive Schedule (5 U.S.C. 5312). The Department shall  
 20 be administered under the supervision and direction of the  
 21 Secretary, who shall be responsible for the efficient and coor-  
 22 dinated management of the Department.

23 SEC. 202. (a) There shall be in the Department a  
 24 Deputy Secretary who shall be appointed by the President  
 25 by and with the advice and consent of the Senate and who

1 shall receive compensation at the rate now or hereafter pre-  
 2 scribed for offices and positions at level II of the Executive  
 3 Schedule (5 U.S.C. 5313).

4 (b) There shall be in the Department two Under  
 5 Secretaries who shall be appointed by the President by and  
 6 with the advice and consent of the Senate and who shall  
 7 receive compensation at the rate now or hereafter prescribed  
 8 for offices and positions at level III of the Executive Schedule  
 9 (5 U.S.C. 5314).

10 (c) There shall be in the Department a Land and  
 11 Recreation Resources Administration, at the head of which  
 12 shall be an Administrator of Land and Recreation Resources;  
 13 a Water Resources Administration, at the head of which  
 14 shall be an Administrator of Water Resources; an Energy  
 15 and Minerals Administration, at the head of which shall be  
 16 an Administrator of Energy and Minerals; an Oceanic,  
 17 Atmospheric, and Earth Sciences Administration, at the head  
 18 of which shall be an Administrator of Oceanic, Atmospheric,  
 19 and Earth Sciences; and an Indian and Territorial Affairs  
 20 Administration, at the head of which shall be an Administra-  
 21 tor of Indian and Territorial Affairs. The Administrators  
 22 appointed pursuant to this subsection shall be appointed by  
 23 the President by and with the advice and consent of the  
 24 Senate and shall receive compensation at the rate now or



1 hereafter prescribed for offices and positions at level III of  
2 the Executive Schedule (5 U.S.C. 5314).

3 (d) There shall be in the Department one Assistant  
4 Secretary and a General Counsel who shall be appointed by  
5 the President by and with the advice and consent of the  
6 Senate and who shall receive compensation at the rate now  
7 or hereafter prescribed for offices and positions at level IV of  
8 the Executive Schedule (5 U.S.C. 5315).

9 (e) There shall be within the Department not more than  
10 twenty-five additional officers, as determined from time to  
11 time by the Secretary, who shall be appointed by the Secre-  
12 tary and shall receive compensation at the rate now or here-  
13 after prescribed for offices and positions at level IV or V  
14 of the Executive Schedule (5 U.S.C. 5315 or 5316), as  
15 the Secretary may specify.

16 (f) Officers appointed pursuant to this section shall  
17 perform such functions as the Secretary shall specify from  
18 time to time.

19 SEC. 203. The Deputy Secretary (or in the absence or  
20 disability of the Deputy Secretary or in the event of a  
21 vacancy in the Office of the Deputy Secretary, an Under  
22 Secretary, Administrator, Assistant Secretary, or the Gen-  
23 eral Counsel, determined according to such order as the Sec-  
24 retary shall prescribe) shall act for and perform the func-  
25 tions of the Secretary during any absence or disability of the

1 Secretary or in the event of a vacancy in the Office of the  
2 Secretary.

3 TITLE III

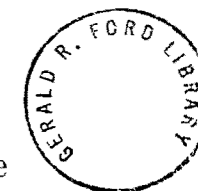
4 TRANSFERS

5 SEC. 301. Subject to the remaining sections of this title,  
6 there are hereby transferred to and vested in the Secretary:

7 (a) Except as provided in section 308 of this part, all  
8 of the functions of the Secretary of the Interior, the Depart-  
9 ment of the Interior, and all officers and components of that  
10 Department.

11 (b) Such of the functions of the Secretary of Commerce,  
12 the Department of Commerce, and officers and components  
13 of that Department, as relate to or are utilized by the Na-  
14 tional Oceanic and Atmospheric Administration.

15 (c) (1) Such of the functions of the Secretary of De-  
16 fense, the Secretary of the Army, the Assistant Secretary  
17 of the Army for Civil Works, and the Chief of Engineers  
18 and the Corps of Engineers of the Department of the Army,  
19 as relate to or are utilized for civil works and civil regulatory  
20 functions: *Provided*, That under the guidance of the Secre-  
21 tary, preparation of feasibility reports, and planning with  
22 respect to such individual projects as may be specified and  
23 funded by the Secretary, shall continue to be accomplished  
24 through and under the direction of the Secretary of the  
25 Army and the supervision of the Chief of Engineers: *Pro-*



1 *vided further*, That all civil works project design, construc-  
 2 tion, operation and maintenance, flood and coastal emer-  
 3 gencies, and related activities, which shall be funded by the  
 4 Secretary, shall be accomplished through and under the  
 5 direction of the Secretary of the Army and the supervision  
 6 of the Chief of Engineers.

7 (2) All of the functions of the Board of Engineers  
 8 for Rivers and Harbors, Mississippi River Commission, and  
 9 California Debris Commission.

10 (d) Such of the functions of the Secretary of Agricul-  
 11 ture, the Department of Agriculture, and officers and com-  
 12 ponents of that Department, as relate to or are utilized by  
 13 the Forest Service.

14 (e) Such of the functions of the Secretary of Agriculture,  
 15 the Department of Agriculture, and officers and components  
 16 of that Department, as relate to or are utilized by the Soil  
 17 Conservation Service in connection with—

18 (1) the conduct of river basin surveys and investi-  
 19 gations pursuant to section 6 of the Watershed Protec-  
 20 tion and Flood Prevention Act, as amended (16 U.S.C.  
 21 1006),

22 (2) the planning and funding of watershed protec-  
 23 tion and flood prevention operations pursuant to the  
 24 Watershed Protection and Flood Prevention Act, as  
 25 amended (16 U.S.C. 1001-1008), with respect to plans

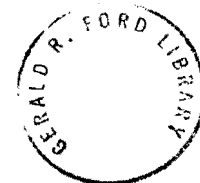
1 required by section 2 of that Act to be submitted to the  
 2 appropriate committees of the Senate and House of Rep-  
 3 resentatives for approval: *Provided*, That the Soil Con-  
 4 servation Service shall, under the guidance of the Secre-  
 5 tary, continue investigations and planning with respect  
 6 to such individual projects as may be specified by the  
 7 Secretary: *Provided further*, That the carrying out of  
 8 watershed plans pursuant to the authority conferred upon  
 9 the Secretary by this clause shall be accomplished  
 10 through and under the direction of the Secretary of  
 11 Agriculture.

12 (f) Such of the functions of the Secretary of Transporta-  
 13 tion, the Department of Transportation, and officers and  
 14 components of that Department, as relate to or are utilized  
 15 for pipeline safety.

16 (g) All of the functions of the Water Resources Council,  
 17 its Chairman, and members.

18 (h) Such of the functions of the Atomic Energy Com-  
 19 mission, and officers and components of that Commission, as  
 20 relate to or are utilized for uranium and thorium assessment.

21 SEC. 302. Functions vested by subchapter II of chapter  
 22 5 of title 5 of the United States Code in hearing examiners  
 23 employed by any department, agency, or component thereof,  
 24 the functions of which are transferred to the Department



1 under the provisions of this part, shall be vested in hearing  
2 examiners of the Department.

3 SEC. 303. In any case in which the head of a depart-  
4 ment or agency is required to consult or obtain the approval  
5 of the head of another department or agency as a condition to  
6 his performance of a function and the functions of both with  
7 respect to the matter involved have been transferred pursuant  
8 to this part, the requirement for such consultation or approval  
9 is hereby terminated.

10 SEC. 304. Except as provided in the next sentence, the  
11 personnel employed in connection with, and the personnel  
12 positions, assets, liabilities, contracts, property, records, and  
13 unexpended balances of appropriations, authorizations, allo-  
14 cations, and other funds employed, held, used, arising from,  
15 available to or to be made available in connection with the  
16 functions transferred by this part are, subject to section 202  
17 of the Budget and Accounting Procedures Act of 1950 (31  
18 U.S.C. 581c), correspondingly transferred for appropriate  
19 allocation. Personnel positions expressly created by statute  
20 or reorganization plan, personnel occupying those positions  
21 on the effective date of this part, and personnel authorized  
22 to receive compensation at the rate prescribed for offices and  
23 positions at level I, II, III, IV, or V of the Executive  
24 Schedule (5 U.S.C. 5312-5316) on the effective date of

1 this part shall be subject to the provisions of sections 306  
2 and 501 of this part.

3 SEC. 305. Except as provided in section 306, transfer of  
4 nontemporary personnel pursuant to this title shall not cause  
5 any such employee to be separated or reduced in grade or  
6 compensation for one year after such transfer.

7 SEC. 306. Any person who, on the effective date of  
8 this part, held a position compensated in accordance with  
9 the Executive Schedule prescribed in chapter 53 of title 5  
10 of the United States Code, and who, without a break in serv-  
11 ice, is appointed pursuant to this part to a position having  
12 duties comparable to those performed immediately preceding  
13 his appointment shall continue to be compensated in his new  
14 position at not less than the rate provided for his previous  
15 position, for the duration of his service in the new position.

16 SEC. 307. (a) The Commissioned Officer Corps of the  
17 National Oceanic and Atmospheric Administration shall be-  
18 come the Commissioned Officer Corps of the Oceanic, Atmos-  
19 pheric, and Earth Sciences Administration (hereinafter re-  
20 ferred to as the "Commissioned Officer Corps of OAESA").  
21 Members of the Corps (hereinafter referred to as "commis-  
22 sioned officers of OAESA"), including those appointed here-  
23 after, shall be entitled to all rights, privileges, and benefits  
24 heretofore available under any law to commissioned officers



1 of the National Oceanic and Atmospheric Administration, in-  
 2 cluding those rights, privileges, and benefits heretofore ac-  
 3 corded by law to commissioned officers of the former En-  
 4 vironmental Science Services Administration and to commis-  
 5 sioned officers of the former Coast and Geodetic Survey.

6 (b) The Secretary may appoint one of the commissioned  
 7 officers of OAESA from the active list to one of the positions  
 8 at level IV or V of the Executive Schedule established pur-  
 9 suant to subsection 202 (e) of this Act. Such appointment  
 10 shall create a vacancy on the active list; and while holding  
 11 such position, the officer shall have rank, pay, and allow-  
 12 ances not exceeding those of a vice admiral.

13 (c) The Secretary may designate two commissioned  
 14 officers from the active list to serve at any one time as the  
 15 designated heads of two principal constituent organizational  
 16 entities of the Oceanic, Atmospheric, and Earth Sciences  
 17 Administration, or the Secretary may designate one such  
 18 officer as the head of such an organizational entity and the  
 19 other as the head of the Commissioned Officer Corps of  
 20 OAESA. Any such designation shall create a vacancy on  
 21 the active list and the officer while serving under this sub-  
 22 section shall have the rank, pay, and allowances of a rear  
 23 admiral (upper half).

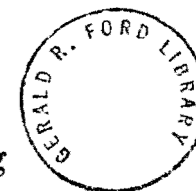
24 (d) Any commissioned officer of OAESA who has  
 25 served under (b) or (c) and is retired while so serving or

1 is retired after the completion of such service while serving  
 2 in a lower rank or grade, shall be retired with the rank, pay,  
 3 and allowances authorized by law for the highest grade and  
 4 rank held by him; but any such officer, upon termination of  
 5 his appointment in a rank above that of captain, shall, unless  
 6 appointed or assigned to some other position for which a  
 7 higher rank or grade is provided, revert to the grade and  
 8 number he would have occupied had he not served in a rank  
 9 above that of captain and such officer shall be an extra num-  
 10 ber in that grade.

11 SEC. 308. There are hereby transferred to the Atomic  
 12 Energy Commission (or to the Energy Research and Devel-  
 13 opment Administration created by part B of this Act if that  
 14 Administration is in being when this part becomes effective)  
 15 such functions of the Secretary of the Interior, the Depart-  
 16 ment of the Interior, and officers and components of that  
 17 department—

18 (1) as relate to or are utilized by the Office of  
 19 Coal Research established pursuant to the Act of July  
 20 1, 1960 (74 Stat. 336; 30 U.S.C. 661-668);

21 (2) as relate to or are utilized in connection with  
 22 fossil fuel energy research and development programs  
 23 and related activities conducted by the Bureau of Mines  
 24 to provide greater efficiency in the extraction, process-  
 25 ing, and utilization of energy resources for the purpose





1 of conserving those resources, developing alternative  
2 energy resources such as oil and gas secondary and ter-  
3 tiary recovery, oil shale and synthetic fuels, improving  
4 methods of managing energy-related wastes and pollut-  
5 ants, and providing technical guidance needed to  
6 establish and administer national energy policies;

7 (3) as relate to or are utilized for underground  
8 electric power transmission research.

#### 9 TITLE IV

##### 10 DEFINITIONS AND ADMINISTRATIVE PROVISIONS

11 SEC. 401. (a) As used in this part (1) reference to  
12 "function" or "functions" shall be deemed to include ref-  
13 erences to duty, obligation, power, authority, responsibility,  
14 right, privilege, and activity, or the plural thereof, as the  
15 case may be; and (2) references to "perform" or "perform-  
16 ance," when used in relation to functions, shall be deemed  
17 to include the exercise of power, authority, rights, and  
18 privileges.

19 (b) Any reference in this part to any provision of law  
20 shall be deemed to include, as appropriate, references thereto  
21 as now or hereafter amended or supplemented.

22 SEC. 402. (a) The Secretary is authorized to prescribe  
23 such policies, standards, criteria, procedures, rules, and reg-  
24 ulations as he may deem to be necessary or appropriate to  
25 perform functions now or hereafter vested in him.

1 (b) The Secretary shall engage in such policy planning  
2 and perform such program evaluation analyses and other  
3 studies as may be necessary to promote the efficient and  
4 coordinated administration of the Department and properly  
5 assess progress toward the achievement of its missions.

6 (c) The Atomic Energy Commission is authorized to  
7 prescribe such policies, standards, criteria, procedures, rules,  
8 and regulations as it may deem to be necessary or appropriate  
9 to perform functions transferred to it by this part.

10 SEC. 403. (a) Except as otherwise expressly provided  
11 by law, the Secretary may delegate any of his functions to  
12 such officers and employees of the Department as he may des-  
13 ignate, and may authorize such successive redelegations of  
14 such functions as he may deem to be necessary or appropriate.

15 (b) The Secretary may organize the Department as he  
16 may deem to be necessary or appropriate, but he may not  
17 abolish any Administration of the Department established  
18 under section 202 (c).

19 SEC. 404. The Secretary is authorized to establish, alter,  
20 or discontinue and to maintain such State, regional, district,  
21 local, or other field offices as he may deem to be necessary or  
22 appropriate to perform functions now or hereafter vested in  
23 him.

24 SEC. 405. The Secretary is authorized, subject to the  
25 civil service and classification laws, to select, appoint, em-



1 ploy, and fix the compensation of such officers and employees,  
2 including attorneys, as are necessary to perform the functions,  
3 now or hereafter vested in him and to prescribe their  
4 functions.

5 SEC. 406. The Secretary may obtain services as author-  
6 ized by section 3109 of title 5 of the United States Code, at  
7 rates not to exceed the rate prescribed for grade GS-18 of  
8 the General Schedule by section 5332 of title 5 of the United  
9 States Code.

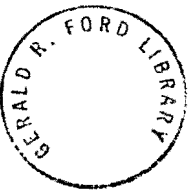
10 SEC. 407. The Secretary is authorized to appoint, with-  
11 out regard to the civil service laws, such advisory committees  
12 as he may deem appropriate for the purpose of consultation  
13 with and advice to the Secretary in the performance of his  
14 functions. Members of advisory committees, other than those  
15 regularly employed by the Federal Government, while at-  
16 tending meetings of such committees or while otherwise serv-  
17 ing at the request of the Secretary, may be paid compensation  
18 at rates not exceeding those authorized for individuals under  
19 section 5332 of title 5 of the United States Code and, while  
20 so serving away from their homes or regular places of busi-  
21 ness, may be allowed travel expenses, including per diem, as  
22 authorized by section 5703 of title 5 of the United States  
23 Code for persons in the Government service employed inter-  
24 mittently.

25 SEC. 408. (a) Notwithstanding any other provision of

1 law, a member of the Coast Guard, the Commissioned Officer  
2 Corps of OAESA, or the Regular or Reserve Commissioned  
3 Corps of the Public Health Service may be appointed, de-  
4 tailed, or assigned to any position in the Department other  
5 than a position the occupant of which must be approved by  
6 and with the advice and consent of the Senate.

7 (b) The Secretary is authorized to provide for participa-  
8 tion of military personnel in the performance of his func-  
9 tions. Members of the Army, the Navy, the Air Force, or  
10 the Marine Corps may be detailed for service in the Depart-  
11 ment by the appropriate Secretary, pursuant to cooperative  
12 agreements with the Secretary.

13 (c) Appointment, detail, or assignment to, acceptance  
14 of, and service in any appointive or other position in the  
15 Department under this section shall in no way affect status,  
16 office, rank, or grade which officers or enlisted men may  
17 occupy or hold or any emolument, prerequisite, right, privi-  
18 lege or benefit incident to or arising out of any such status,  
19 office, rank, or grade, nor shall any member so appointed,  
20 detailed, or assigned be charged against any statutory limita-  
21 tion on strengths applicable to the Armed Forces. A member  
22 so appointed, detailed, or assigned shall not be subject to  
23 direction or control by his armed force or any officer thereof  
24 directly or indirectly with respect to the responsibilities ex-



1 exercised in the position to which appointed, detailed, or  
2 assigned.

3 SEC. 409. The Secretary is authorized to pay transporta-  
4 tion expenses, and per diem in lieu of subsistence expenses, in  
5 accordance with chapter 57 of title 5 of the United States  
6 Code for travel between places of recruitment and duty, and  
7 while at places of duty, of persons appointed for emergency,  
8 temporary, or seasonal services in the field service of the  
9 Department.

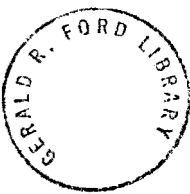
10 SEC. 410. The Secretary is authorized to enter into such  
11 contracts and agreements, including grant agreements, with  
12 public agencies and private organizations and persons; make  
13 such payments (in lump sum or installments, and in advance  
14 or by way of reimbursement, and with necessary adjustments  
15 on account of overpayments and underpayments); and gen-  
16 erally take such steps as he may deem to be necessary or  
17 appropriate to perform functions now or hereafter vested in  
18 him.

19 SEC. 411. Except for public buildings as defined in the  
20 Public Buildings Act of 1959, as amended, and with respect  
21 to leased space subject to the provisions of Reorganization  
22 Plan Numbered 18 of 1950, the Secretary is authorized to  
23 acquire (by purchase, lease, condemnation, or otherwise),  
24 construct, improve, repair, operate, and maintain facilities  
25 and real property as the Secretary deems to be necessary in

1 and outside of the District of Columbia. Such authority shall  
2 apply only to facilities required for the maintenance and  
3 operation of laboratories, research and testing sites and facili-  
4 ties, quarters, and related accommodations for employees and  
5 dependents of employees of the Department, and such other  
6 special purpose real property as the Secretary deems to be  
7 necessary in and outside the District of Columbia. Title to  
8 any property or interest therein, real, personal, or mixed, ac-  
9 quired pursuant to this section, shall be in the United States.

10 SEC. 412. (a) The Secretary is authorized to provide,  
11 construct, or maintain, as necessary and when not otherwise  
12 available, the following for employees and their dependents  
13 stationed at remote locations:

- 14 (1) emergency medical services and supplies;  
15 (2) food and other subsistence supplies;  
16 (3) messing facilities;  
17 (4) audiovisual equipment, accessories, and supplies  
18 for recreation and training;  
19 (5) reimbursement for food, clothing, medicine, and  
20 other supplies furnished by such employees in emergen-  
21 cies for the temporary relief of distressed persons;  
22 (6) living and working quarters and facilities; and  
23 (7) transportation for school-age dependents of em-  
24 ployees to the nearest appropriate educational facilities.  
25 (b) The furnishing of medical treatment under para-



1 graph (1) of subsection (a) and the furnishing of services  
2 and supplies under paragraphs (2) and (3) of subsection  
3 (a) shall be at prices reflecting reasonable value as deter-  
4 mined by the Secretary.

5 (c) Proceeds from reimbursements under this section  
6 shall be deposited in the Treasury and may be withdrawn  
7 by the Secretary to pay directly the cost of such work or  
8 services, to repay or make advances to appropriations of  
9 funds which do or will bear all or a part of such cost, or to  
10 refund excess sums when necessary: *Provided*, That such  
11 payments may be credited to a service or working capital  
12 fund otherwise established by law, and used under the law  
13 governing such funds, if the fund is available for use by the  
14 Department for performing the work or services for which  
15 payment is received.

16 SEC. 413. (a) The Secretary may, under regulations  
17 prescribed by the President, enter into contracts or other  
18 agreements with any concessioner to permit the use, under  
19 such terms and conditions, at such rates, and for such periods  
20 not exceeding thirty years, as the Secretary may deem to be  
21 in the public interest, of any real property (or any facility,  
22 structure, or other improvement thereon) under the custody  
23 and control of the Secretary.

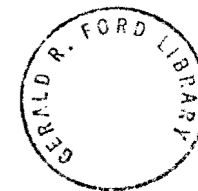
24 (b) The Secretary may, under the terms and condi-  
25 tions of such a contract or other agreement, require the con-

1 cessioner to recondition and maintain to a satisfactory stand-  
2 ard, at the concessioner's own expense, the real property (or  
3 improvement thereon) subject to such contract or agree-  
4 ment. In the case of any concessioner who enters into a  
5 contract or other agreement under subsection (a) with the  
6 Secretary—

7 (1) such concessioner shall keep (for such period  
8 as the Secretary may prescribe) such records as the  
9 Secretary may prescribe to enable the Secretary to de-  
10 termine that all terms of the contract or agreement have  
11 been and are being faithfully performed, and the Secre-  
12 tary shall, for the purpose of audit and examination,  
13 have access to such records and to other books, docu-  
14 ments, and papers of the concessioner pertinent to the  
15 contract or agreement; and

16 (2) the Comptroller General of the United States  
17 shall, for the purpose of audit and examination at any  
18 time until the expiration of the three-year period begin-  
19 ning on the date the contract or agreement terminates,  
20 have access to any books, documents, papers, or other  
21 records of the concessioner pertinent to the contract or  
22 agreement.

23 SEC. 414. The Secretary is authorized to acquire any of



1 the following described rights if the property acquired there-  
2 by is for use by or for, or is useful to, the performance of  
3 functions vested in him—

4 (1) copyrights, patents, and applications for pat-  
5 ents, designs, processes, and manufacturing data;

6 (2) licenses under copyrights, patents, and appli-  
7 cations for patents; and

8 (3) releases, before suit is brought, for past infringe-  
9 ment of patents or copyrights.

10 SEC. 415. Whenever the Secretary determines it neces-  
11 sary for the performance of his functions, he may (1) con-  
12 duct research and development programs, directly or through  
13 contracts or grants, and (2) disseminate technological infor-  
14 mation through demonstrations, cooperative agreements, and  
15 information programs.

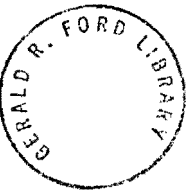
16 SEC. 416. The Secretary is authorized to engage in joint  
17 projects of a research, developmental, or experimental nature  
18 with nonprofit or public agencies or organizations and to  
19 perform services on matters of mutual interest. The cost of  
20 such projects or services shall be apportioned equitably, as  
21 determined by the Secretary, who may, however, waive pay-  
22 ment of any portion of such costs by others, when otherwise  
23 authorized to do so.

24 SEC. 417. (a) The Secretary is authorized, upon his own  
25 initiative or upon the request of any person, firm, organiza-

1 tion, or others, public or private, to make special studies  
2 concerning matters within the special competence of the  
3 Department; to prepare from the records of the Department  
4 special compilations, lists, bulletins, or reports; to furnish  
5 transcripts or copies of such studies, compilations, and other  
6 records; to provide copies of charts, maps, or photographs;  
7 and to provide services incident to the conduct of the regular  
8 work of the Department. The Secretary shall require pay-  
9 ment of the actual or estimated cost of such special work in  
10 accordance with regulations prescribed by the President.

11 (b) All payments for work or services performed or  
12 to be performed under this section shall be deposited in the  
13 appropriate service fund established by section 425 of this  
14 Act.

15 SEC. 418. The Secretary is authorized to accept, hold,  
16 administer, and utilize gifts, and bequests of property, both  
17 real and personal, for the purpose of aiding or facilitating the  
18 work of the Department. Gifts and bequests of money and  
19 proceeds from sales of other property received as gifts or  
20 bequests shall be deposited in the Treasury and shall be dis-  
21 bursed upon the order of the Secretary. Property accepted  
22 pursuant to this section, and the proceeds thereof, shall be  
23 used as nearly as possible in accordance with the terms of  
24 the gift or bequest. For the purpose of Federal income, estate,



1 and gift taxes, property accepted under this section shall be  
2 considered as a gift or bequest to the United States.

3 SEC. 419. The Secretary shall cause a seal of office to  
4 be made for the Department of such device as he shall ap-  
5 prove and judicial notice shall be taken of such seal.

6 SEC. 420. The Secretary is authorized to establish a  
7 working capital fund, to be available without fiscal year limi-  
8 tation, for expenses necessary for the maintenance and oper-  
9 ation of such common administrative services as he shall find  
10 to be desirable in the interests of economy and efficiency.  
11 There shall be transferred to the fund the stocks of supplies,  
12 equipment, other assets, liabilities, and unpaid obligations re-  
13 lating to the services which he determines will be performed  
14 through the fund. Appropriations to the fund in such amounts  
15 as may be necessary to provide additional working capital  
16 are authorized. The working capital fund shall recover from  
17 the appropriations and funds for which services are per-  
18 formed, either in advance or by way of reimbursement,  
19 amounts which will approximate the costs incurred, includ-  
20 ing the accrual of annual leave and the depreciation of equip-  
21 ment. The fund shall also be credited with receipts from the  
22 sale or exchange of its property, and receipts in payment for  
23 loss or damage to property owned by the fund.

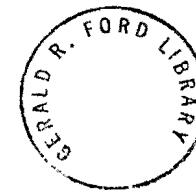
24 SEC. 421. To the extent necessary or appropriate to per-  
25 form functions transferred by this part, the Secretary and the

1 Atomic Energy Commission, respectively, may exercise, in  
2 relation to the functions so transferred, any authority or part  
3 thereof available by law, including appropriations Acts, to  
4 the official or agency from which such functions were trans-  
5 ferred.

6 SEC. 422. Except as may be otherwise expressly pro-  
7 vided in this part, all functions expressly conferred by this  
8 part shall be in addition to and not in substitution for func-  
9 tions existing immediately before the effective date of this  
10 part and transferred by this part.

11 SEC. 423. The Secretary shall, as soon as practicable  
12 after the end of each fiscal year, make a report to the Presi-  
13 dent for submission to the Congress on the activities of the  
14 Department during the preceding fiscal year. Such report  
15 shall include a statement of his goals, priorities, and plans  
16 for the Department together with an assessment of the prog-  
17 ress made toward the attainment of those objectives, the  
18 more effective and efficient management of the Department,  
19 and the coordination of its functions.

20 SEC. 424. The Secretary, when authorized in an appro-  
21 priation Act, may, in any fiscal year, transfer funds from one  
22 appropriation to another within the Department: *Provided*,  
23 That no appropriation shall be either increased or decreased  
24 pursuant to this section by more than 5 per centum of the  
25 appropriation for such fiscal year.



1 SEC. 425. There is hereby established a service fund for  
 2 the Land and Recreation Resources Administration, the  
 3 Water Resources Administration, the Energy and Minerals  
 4 Administration, the Oceanic, Atmospheric, and Earth Sci-  
 5 ences Administration, and the Indian and Territorial Affairs  
 6 Administration. Each such fund shall be available, without  
 7 fiscal year limitations, for the purpose of providing services  
 8 on a reimbursable basis for other departments, agencies, and  
 9 instrumentalities of the Government and for persons outside  
 10 the Government as authorized by law. The costs of providing  
 11 such services shall be paid from the appropriate service fund.  
 12 Proceeds received as reimbursement for services performed  
 13 with funds from a service fund shall be credited to that fund.  
 14 Refunds may be made from a service fund whenever an ad-  
 15 vance for services is subsequently determined to exceed the  
 16 cost of such service.

17 SEC. 426. The Secretary shall from time to time prepare  
 18 and publish such compilations of laws and treaties applicable  
 19 to the various program areas of the Department as he deems  
 20 to be in the public interest.

21 SEC. 427. The Secretary is authorized to employ persons  
 22 who are not citizens of the United States in expert, scientific,  
 23 technical, or professional capacities whenever he deems it in  
 24 the public interest.

## TITLE V

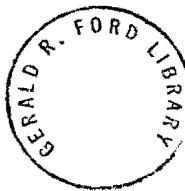
## TRANSITIONAL AND CONFORMING PROVISIONS

3 SEC. 501. Whenever all of the functions of a department,  
 4 agency, or other body, or any component thereof, affected by  
 5 this part, have been transferred from that department,  
 6 agency, or other body, or any component thereof by title  
 7 III of this part, the department, agency, or other body, or  
 8 component thereof shall lapse. If a department, agency, or  
 9 other body, or any component thereof, lapses pursuant to the  
 10 preceding sentence, each position and office therein which  
 11 was expressly created by statute or reorganization plan or  
 12 the incumbent of which was authorized to receive compen-  
 13 sation at the rate prescribed for an office or position at level  
 14 I, II, III, IX, or V of the Executive Schedule (5 U.S.C.  
 15 5312-5316) shall lapse.

16 SEC. 502. Section 211 of the Flood Control Act of 1970  
 17 (84 Stat. 1818, 1829), establishing the position of the As-  
 18 sistant Secretary of the Army for Civil Works, is hereby  
 19 repealed.

20 SEC. 503. Section 101 of title 5 of the United States  
 21 Code is amended by substituting "Department of Energy  
 22 and Natural Resources" for "Department of the Interior".

23 SEC. 504. Section 19 (d) of title 3 of the United States  
 24 Code is amended by substituting "Secretary of Energy and  
 25 Natural Resources" for "Secretary of the Interior".



1 SEC. 505. Section 201 of Reorganization Plan numbered  
2 2 of 1970 is amended by substituting the "Secretary of  
3 Energy and Natural Resources" for the "Secretary of the  
4 Interior".

5 SEC. 506. The Director of the Office of Management and  
6 Budget is authorized to make such additional incidental dis-  
7 positions of functions, personnel, personnel positions, assets,  
8 liabilities, contracts, property, records, and unexpended bal-  
9 ances of appropriations, authorizations, allocations, and other  
10 funds held, used, arising from, available to or to be made  
11 available in connection with the functions transferred by  
12 this part as he may deem necessary or appropriate to accom-  
13 plish the intent and purpose of this part.

## 14 TITLE VI

### 15 SAVINGS PROVISIONS

16 SEC. 601. All orders, determinations, rules, regulations,  
17 permits, contracts, certificates, licenses, and privileges—

18 (1) which have been issued, made, granted, or  
19 allowed to become effective by the President, any Fed-  
20 eral department or agency or official thereof, or by a  
21 court of competent jurisdiction, in the performance of  
22 functions which are transferred under this part, and

23 (2) which are in effect at the time this part takes  
24 effect, shall continue in effect according to their terms  
25 until modified, terminated, superseded, set aside, or re-

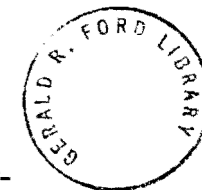
1 voked by the President, the Secretary, or other author-  
2 ized officials, a court of competent jurisdiction, or by  
3 operation of law.

4 SEC. 602. (a) The provisions of this part shall not affect  
5 any proceedings pending at the time this section takes effect  
6 before any department or agency (or component thereof)  
7 functions of which are transferred by this part; but such pro-  
8 ceedings, to the extent that they relate to functions so trans-  
9 ferred, shall be continued. Orders shall be issued in such  
10 proceedings, appeals shall be taken therefrom, and payments  
11 shall be made pursuant to such orders, as if this part had not  
12 been enacted; and orders issued in any such proceedings shall  
13 continue in effect until modified, terminated, superseded, or  
14 revoked by a duly authorized official, by a court of competent  
15 jurisdiction, or by operation of law. Nothing in this subsec-  
16 tion shall be deemed to prohibit the discontinuance or modi-  
17 fication of any such proceeding under the same terms and  
18 conditions and to the same extent that such proceeding could  
19 have been discontinued if this part had not been enacted.

20 (b) Except as provided in subsection (d) —

21 (1) the provisions of this part shall not affect suits  
22 commenced prior to the date this part takes effect, and,

23 (2) in all such suits proceedings shall be had, ap-  
24 peals taken, and judgments rendered, in the same man-  
25 ner and effect as if this part had not been enacted.





1 (c) No suit, action, or other proceeding commenced  
 2 by or against any officer in his official capacity as an officer  
 3 of any department or agency, functions of which are trans-  
 4 ferred by this part, shall abate by reason of the enactment of  
 5 this part. No cause of action by or against any department  
 6 or agency, functions of which are transferred by this part, or  
 7 by or against any officer thereof in his official capacity shall  
 8 abate by reason of the enactment of this part. Causes of ac-  
 9 tions, suits, actions, or other proceedings may be asserted  
 10 by or against the United States or such official as may be  
 11 appropriate and, in any litigation pending when this section  
 12 takes effect, the court may at any time, on its own motion  
 13 or that of any party, enter any order which will give effect  
 14 to the provisions of this section.

15 (d) If, before the date on which this part takes effect,  
 16 any department or agency, or officer thereof in his official  
 17 capacity, is a party to a suit, and under this part any func-  
 18 tion of such department, agency, or officer is transferred to  
 19 the Secretary, the Atomic Energy Commission, or any other  
 20 official, then such suit shall be continued as if this part had  
 21 not been enacted, with the Secretary, the Atomic Energy  
 22 Commission, or other official, as the case may be, substituted.

23 (e) Final orders and actions of any official or component  
 24 in the performance of functions transferred by this part shall

1 be subject to judicial review to the same extent and in the  
 2 same manner as if such orders or actions had been made or  
 3 taken by the officer, department, agency, or instrumentality  
 4 in the performance of such functions immediately preceding  
 5 the effective date of this part. Any statutory requirements  
 6 relating to notices, hearings, action upon the record, or ad-  
 7 ministrative review that apply to any function transferred by  
 8 this part shall apply to the performance of those functions by  
 9 the Secretary, or any officer or component.

10 SEC. 603. With respect to any function transferred by  
 11 this part and performed after the effective date of this part,  
 12 reference in any other law (including reorganization plans)  
 13 to any department or agency or any officer or office the  
 14 functions of which are so transferred shall be deemed to refer  
 15 to the Secretary or other officials in which this part vests such  
 16 functions.

17 SEC. 604. Nothing contained in this part shall be con-  
 18 strued to limit, curtail, abolish, or terminate any function of  
 19 the President which he had immediately before the effective  
 20 date of this part; or to limit, curtail, abolish, or terminate his  
 21 authority to perform such function; or to limit, curtail, abol-  
 22 ish, or terminate his authority to delegate, redelegate, or  
 23 terminate any delegation of functions.



## TITLE VII

## SEPARABILITY

1           SEC. 701. If any provision of this part or the application  
2 thereof to any person or circumstance is held invalid, the  
3 remainder of this part, and the application of such provision  
4 to other persons or circumstances shall not be affected there-  
5 by.

## TITLE VIII

## EFFECTIVE DATE AND INTERIM APPOINTMENTS

9           SEC. 801. (a) The provisions of this part shall take  
10 effect one hundred and twenty days after the Secretary first  
11 takes office, or on such earlier date as the President may  
12 prescribe and publish in the Federal Register, except that  
13 any of the officers provided for in title II of this part may  
14 be nominated and appointed, as provided in that title, at  
15 any time after the date of enactment of this part. Funds  
16 available to any department or agency (or any official or  
17 component thereof), any functions of which are transferred  
18 to the Secretary by this part, may, with the approval of the  
19 President, be used to pay the compensation and expenses  
20 of any officer appointed pursuant to this subsection until such  
21 time as funds for that purpose are otherwise available.

22           (b) In the event that one or more officers required by  
23 this part to be appointed by and with the advice and consent  
24 of the Senate shall not have entered upon office on the effec-

1           tive date of this part, the President may designate any officer,  
2 whose appointment was required to be made by and with the  
3 advice and consent of the Senate and who was such an officer  
4 immediately prior to the effective date of the part, to act in  
5 such office until the office is filled as provided in this part.  
6 While so acting such persons shall receive compensation at  
7 the rates provided by this part for the respective offices in  
8 which they act.

## TITLE IX

## SHORT TITLE

9           SEC. 901. This part may be cited as the "Department of  
10 Energy and Natural Resources Act".

11           **PART B—ENERGY RESEARCH AND DEVELOP-**  
12           **MENT ADMINISTRATION**

## TITLE XI

## DECLARATION OF PURPOSE

13           SEC. 1101. (a) (1) The Congress hereby declares that  
14 the general welfare and the common defense and security  
15 require effective action to develop all forms of energy sources  
16 to meet the needs of present and future generations, to  
17 increase the productivity and self-sufficiency of the national  
18 economy and strengthen its position in regard to international  
19 trade, and to advance the goals of restoring, protecting, and  
20 enhancing environmental quality.

21           (2) The Congress finds that, to best achieve these ob-



1 jectives, improve Government operations, and assure the co-  
 2 ordinated and effective development of all forms of energy  
 3 sources, it is necessary to establish an Energy Research and  
 4 Development Administration to bring together and direct  
 5 Federal activities relating to research and development on  
 6 the various sources of energy and to carry out the perform-  
 7 ance of other functions, including military and production  
 8 activities.

9 (3) The Congress further declares that, among other  
 10 things, it shall be the function of the Energy Research and  
 11 Development Administration to exercise central responsibility  
 12 for policy planning, coordination, support, and management  
 13 of research and development programs respecting all forms  
 14 of energy sources. In carrying out this function, the Admin-  
 15 istration shall be responsible for assessing the requirements  
 16 for research and development in regard to various forms of  
 17 energy sources in relation to near-term and long-range needs,  
 18 for policy planning in regard to meeting those requirements,  
 19 for undertaking programs for the optimal development of  
 20 the various forms of energy sources, for managing such  
 21 programs, and for disseminating information resulting there-  
 22 from.

23 (b) The Congress further declares and finds that it is  
 24 in the public interest that the licensing and related regulatory  
 25 functions of the Atomic Energy Commission be separated

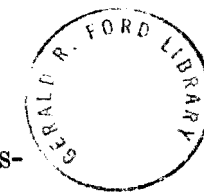
1 from the performance of the other functions of the Commis-  
 2 sion transferred pursuant to this part, and that this separa-  
 3 tion be effected in an orderly manner assuring adequacy of  
 4 technical and other resources necessary for the performance  
 5 of each.

## 6 TITLE XII

### 7 ESTABLISHMENT OF ADMINISTRATION

8 SEC. 1201. There is hereby established at the seat of the  
 9 Government an independent executive agency to be known  
 10 as the Energy Research and Development Administration  
 11 (hereinafter in this part referred to as the "Administration").  
 12 There shall be at the head of the Administration an Admin-  
 13 istrator of Energy Research and Development (hereinafter  
 14 in this part referred to as the "Administrator"), who shall be  
 15 appointed by the President by and with the advice and con-  
 16 sent of the Senate. The Administrator shall receive compen-  
 17 sation at the rate now or hereafter prescribed for officers and  
 18 positions at level II of the Executive Schedule (5 U.S.C.  
 19 5313). The Administration shall be administered under the  
 20 supervision and direction of the Administrator, who shall be  
 21 responsible for the efficient and coordinated management of  
 22 the Administration.

23 SEC. 1202. (a) There shall be in the Administration a  
 24 Deputy Administrator who shall be appointed by the Presi-



1 dent by and with the advice and consent of the Senate and  
 2 who shall receive compensation at the rate now or hereafter  
 3 prescribed for offices and positions at level III of the Execu-  
 4 tive Schedule (5 U.S.C. 5314).

5 (b) There shall be in the Administration a General  
 6 Counsel who shall be appointed by the Administrator and  
 7 who shall serve at the pleasure of and be removable by the  
 8 Administrator. The General Counsel shall receive compen-  
 9 sation at the rate now or hereafter prescribed for offices and  
 10 positions at level IV of the Executive Schedule (5 U.S.C.  
 11 5315).

12 (c) The Deputy Administrator, the General Counsel,  
 13 and other officials of the Administration shall perform such  
 14 functions as the Administrator may specify from time to  
 15 time.

16 (d) The Deputy Administrator (or in the absence or  
 17 disability of the Deputy Administrator, or in the event of  
 18 a vacancy in the office of the Deputy Administrator, the  
 19 General Counsel or such other official, determined according  
 20 to such order as the Administrator shall prescribe) shall act  
 21 for and perform the functions of the Administrator during  
 22 any absence or disability of the Administrator or in the  
 23 event of a vacancy in the office of the Administrator.

## TITLE XIII

## TRANSFERS

1  
 2  
 3 SEC. 1301. There are hereby transferred to and vested in  
 4 the Administrator all functions of the Atomic Energy Com-  
 5 mission and of the Chairman and members of the Commis-  
 6 sion, except as provided in subsection 301 (h) of part A and  
 7 in section 1701 of this part.

8 SEC. 1302. As determined, from time to time, by the  
 9 Director of the Office of Management and Budget, the per-  
 10 sonnel employed in connection with, and the personnel posi-  
 11 tions, assets, liabilities, contracts, property, records, and  
 12 unexpended balances of appropriations, authorizations, alloca-  
 13 tions, and other funds employed, held, used, arising from,  
 14 available to or to be made available in connection with the  
 15 functions transferred to the Administrator by this part, sub-  
 16 ject to section 202 of the Budget and Procedures Accounting  
 17 Act of 1950 (31 U.S.C. 581c), shall be transferred to the  
 18 Administrator for appropriate allocation.

19 SEC. 1303. Transfer of nontemporary personnel pursuant  
 20 to this part shall not cause any such employee to be sepa-  
 21 rated or reduced in grade or compensation for one year after  
 22 such transfer.



## TITLE XIV

## DEFINITIONS AND ADMINISTRATIVE PROVISIONS

1           SEC. 1401. Sections 401, 402, 403, 404, 407, 409, 410,  
2 414, 415, 416, 417, 418, 419, 420, 421, 422, 424, and  
3 427 of part A of this Act are adopted by reference and made  
4 applicable to this part, the Administrator, and Administra-  
5 tion.

## TITLE XV

## SAVINGS PROVISIONS

6           SEC. 1501. Title VI of part A of this Act is adopted  
7 by reference and made applicable to this part, the Admin-  
8 istrator, and the Administration.

## TITLE XVI

## SEPARABILITY

9           SEC. 1601. If any provisions of this part, or the appli-  
10 cation thereof to any person or circumstance is held invalid,  
11 the remainder of this part, and the application of such pro-  
12 vision to other persons or circumstances shall not be affected  
13 thereby.

## TITLE XVII

## NUCLEAR ENERGY COMMISSION

14           SEC. 1701. (a) The Atomic Energy Commission shall  
15 continue to perform the licensing and related regulatory func-  
16 tions of the Chairman and members of the Commission, the  
17 General Counsel, and other officers and components of the

1 Commission performing such functions, which functions, offi-  
2 cers, and components are excepted from the transfer to the  
3 Administrator by section 1301 of this part.

4           (b) The Atomic Energy Commission is hereby renamed  
5 the Nuclear Energy Commission.

## TITLE XVIII

## EFFECTIVE DATE AND INTERIM APPOINTMENT

6           SEC. 1801. (a) The provisions of this part shall take  
7 effect one hundred and twenty days after the Administrator  
8 first takes office, or on such earlier date as the President may  
9 prescribe and publish in the Federal Register, except that  
10 any of the officers provided for in title XII of this Act may  
11 be nominated and appointed, as provided in that title, at any  
12 time after the date of enactment of this part. Funds available  
13 to any department or agency (or any official or component  
14 thereof), any functions of which are transferred to the Ad-  
15 ministrator by this part may, with the approval of the Presi-  
16 dent, be used to pay the compensation and expenses of any  
17 officer appointed pursuant to this subsection until such time  
18 as funds for that purpose are otherwise available.

19           (b) In the event that any officer required by this part  
20 to be appointed by and with the advice and consent of the  
21 Senate shall not have entered upon office on the effective  
22 date of this part, the President may designate any officer,  
23 whose appointment was required to be made by and with  
24



1 the advice and consent of the Senate and who was such an  
2 officer immediately prior to the effective date of the part, to  
3 act in such office until the office is filled as provided in this  
4 part. While so acting such persons shall receive compensa-  
5 tion at the rates provided by this part for the respective  
6 offices in which they act.

7 TITLE XIX

8 SHORT TITLE

9 SEC. 1901. This part may be cited as the "Energy  
10 Research and Development Administration Act".



93<sup>d</sup> CONGRESS  
1<sup>st</sup> SESSION

# H. R. 9090

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## A BILL

To promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Energy and Natural Resources, by reorganizing and consolidating others in a new Energy Research and Development Administration, and for other purposes.

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By Mr. HOLIFIELD and Mr. HORTON

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JUNE 29, 1973

Referred to the Committee on Government Operations