

Public Law 92-26

JOINT RESOLUTION

Designating the last full week in July of 1971 as "National Star Route Mail Carriers Week".

June 4, 1971
[H. J. Res. 583]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the last full week in July of 1971 as "National Star Route Mail Carriers Week" and calling upon the Postal Service to observe such week with appropriate recognition to the Nation's star route mail carriers.

National Star
Route Mail Car-
riers Week.
Designation
authorization.

Approved June 4, 1971.

Public Law 92-27

AN ACT

To amend the Water Resources Planning Act to authorize increased appropriations.

June 17, 1971
[H. R. 6359]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Water Resources Planning Act (79 Stat. 244, 42 U.S.C. 1962 et seq.) is amended by striking out the present section 401 and inserting in lieu thereof the following:

Water Resources
Planning Act, ap-
propriation in-
crease.
82 Stat. 935.
42 USC 1962d.

"SEC. 401. There are authorized to be appropriated—(a) not to exceed \$6,000,000 annually for the Federal share of the expenses of administration and operation of river basin commissions, including salaries and expenses of the chairman: *Provided*, That not more than \$750,000 annually shall be available under this subsection for any single river basin commission; and

"(b) not to exceed \$1.5 million annually for the expenses of the Water Resources Council in administering this Act."

Approved June 17, 1971.

Public Law 92-28

AN ACT

To amend the Wagner-O'Day Act to extend its provisions relating to Government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals, and for other purposes.

June 23, 1971
[S. 557]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to create a Committee on Purchases of Blind-made Products, and for other purposes", approved June 25, 1938 (52 Stat. 1196; 41 U.S.C. 46-48), is amended to read as follows:

Handicapped-
made products,
Government
purchase.

"ESTABLISHMENT OF COMMITTEE

"SECTION 1. (a) ESTABLISHMENT.—There is established a committee to be known as the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (hereafter in this Act referred to as the 'Committee'). The Committee shall be composed of fourteen members appointed as follows:

Committee for
Purchase of Prod-
ucts and Services
of the Blind and
Other Severely
Handicapped.

“(1) The President shall appoint as a member one officer or employee from each of the following: The Department of Agriculture, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Department of Health, Education, and Welfare, the Department of Commerce, the Veterans' Administration, the Department of Justice, the Department of Labor, and the General Services Administration. The head of each such department and agency shall nominate one officer or employee in his department or agency for appointment under this paragraph.

“(2) (A) The President shall appoint one member from persons who are not officers or employees of the Government and who are conversant with the problems incident to the employment of the blind and other severely handicapped individuals.

“(B) The President shall appoint one member from persons who are not officers or employees of the Government and who represent blind individuals employed in qualified nonprofit agencies for the blind.

“(C) The President shall appoint one member from persons who are not officers or employees of the Government and who represent severely handicapped individuals (other than blind individuals) employed in qualified nonprofit agencies for other severely handicapped individuals.

“(b) VACANCY.—A vacancy in the membership of the Committee shall be filled in the manner in which the original appointment was made.

“(c) CHAIRMAN.—The members of the Committee shall elect one of their number to be Chairman.

“(d) TERMS.—

“(1) Except as provided in paragraphs (2) and (3), members appointed under paragraph (2) of subsection (a) shall be appointed for terms of five years. Any member appointed to the Committee under such paragraph may be reappointed to the Committee if he meets the qualifications prescribed by that paragraph.

“(2) Of the members first appointed under paragraph (2) of subsection (a)—

“(A) one shall be appointed for a term of three years,

“(B) one shall be appointed for a term of four years, and

“(C) one shall be appointed for a term of five years,

as designated by the President at the time of appointment.

“(3) Any member appointed under paragraph (2) of subsection (a) to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member appointed under such paragraph may serve after the expiration of his term until his successor has taken office.

“(e) PAY AND TRAVEL EXPENSES.—

“(1) Except as provided in paragraph (2), members of the Committee shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which they are engaged in the actual performance of services for the Committee.

5 USC 5332
note.

“(2) Members of the Committee who are officers or employees of the Government shall receive no additional pay on account of their service on the Committee.

“(3) While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

80 Stat. 499.

“(f) STAFF.—

“(1) Subject to such rules as may be adopted by the Committee, the Chairman may appoint and fix the pay of such personnel as the Committee determines are necessary to assist it in carrying out its duties and powers under this Act.

“(2) Upon request of the Committee, the head of any entity of the Government is authorized to detail, on a reimbursable basis, any of the personnel of such entity to the Committee to assist it in carrying out its duties and powers under this Act.

“(3) The staff of the Committee appointed under paragraph (1) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

80 Stat. 378.
5 USC 101
et seq.
5 USC 5101,
5331.

“(g) OBTAINING OFFICIAL DATA.—The Committee may secure directly from any entity of the Government information necessary to enable it to carry out this Act. Upon request of the Chairman of the Committee, the head of such Government entity shall furnish such information to the Committee.

GSA, reimbursable services.

“(h) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Committee on a reimbursable basis such administrative support services as the Committee may request.

“(i) ANNUAL REPORT.—The Committee shall, not later than September 30 of each year, transmit to the President and to the Congress a report which shall include the names of the Committee members serving in the preceding fiscal year, the dates of Committee meetings in that year, a description of its activities under this Act in that year, and any recommendations for changes in this Act which it determines are necessary.

Report to President and Congress.

“DUTIES AND POWERS OF THE COMMITTEE

“SEC. 2. (a) (1) The Committee shall establish and publish in the Federal Register a list (hereafter in this Act referred to as the ‘procurement list’) of—

Publication in Federal Register.

“(A) the commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

“(B) the services provided by any such agency, which the Committee determines are suitable for procurement by the Government pursuant to this Act. Such list shall be established and published in the Federal Register before the expiration of the thirty-day period beginning on the effective date of this paragraph and shall initially consist of the commodities contained, on such date, in the schedule of blind-made products issued by the former Committee on Purchases of Blind-Made Products under its regulations.

“(2) The Committee may, by rule made in accordance with the requirements of subsections (b), (c), (d), and (e) of section 553 of title 5, United States Code, add to and remove from the procurement list commodities so produced and services so provided.

“(b) The Committee shall determine the fair market price of commodities and services which are contained on the procurement list and which are offered for sale to the Government by any qualified nonprofit agency for the blind or any such agency for other severely handicapped. The Committee shall also revise from time to time in accordance with changing market conditions its price determinations with respect to such commodities and services.

“(c) The Committee shall designate a central nonprofit agency or agencies to facilitate the distribution (by direct allocation, subcontract, or any other means) of orders of the Government for commodities and services on the procurement list among qualified nonprofit agencies for the blind or such agencies for other severely handicapped.

“(d) (1) The Committee may make rules and regulations regarding (A) specifications for commodities and services on the procurement list, (B) the time of their delivery, and (C) such other matters as may be necessary to carry out the purposes of this Act.

“(2) The Committee shall prescribe regulations providing that—

“(A) in the purchase by the Government of commodities produced and offered for sale by qualified nonprofit agencies for the blind or such agencies for other severely handicapped, priority shall be accorded to commodities produced and offered for sale by qualified nonprofit agencies for the blind, and

“(B) in the purchase by the Government of services offered by nonprofit agencies for the blind or such agencies for other severely handicapped, priority shall, until the end of the calendar year ending December 31, 1976, be accorded to services offered for sale by qualified nonprofit agencies for the blind.

“(e) The Committee shall make a continuing study and evaluation of its activities under this Act for the purpose of assuring effective and efficient administration of this Act. The Committee may study (on its own or in cooperation with other public or nonprofit private agencies) (1) the problems related to the employment of the blind and of other severely handicapped individuals, and (2) the development and adaptation of production methods which would enable a greater utilization of the blind and other severely handicapped individuals.

“PROCUREMENT REQUIREMENTS FOR THE GOVERNMENT

“SEC. 3. If any entity of the Government intends to procure any commodity or service on the procurement list, that entity shall, in accordance with rules and regulations of the Committee, procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such an agency for other severely handicapped if the commodity or service is available

80 Stat. 383.

Fair market price.

Central nonprofit agency, designation.

Rules and regulations.

Blind-made products, priority.

Problems and production methods, study.

within the period required by that Government entity; except that this section shall not apply with respect to the procurement of any commodity which is available for procurement from an industry established under chapter 307 of title 18, United States Code, and which, under section 4124 of such title, is required to be procured from such industry.

62 Stat. 851;
63 Stat. 98.
18 USC 4121.
65 Stat. 723.

“AUDIT

“SEC. 4. The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and other records of the Committee and of each agency designated by the Committee under section 2(c). This section shall also apply to any qualified nonprofit agency for the blind and any such agency for other severely handicapped which have sold commodities or services under this Act but only with respect to the books, documents, papers, and other records of such agency which relate to its activities in a fiscal year in which a sale was made under this Act.

“DEFINITIONS

“SEC. 5. For purposes of this Act—

“(1) The term ‘blind’ refers to an individual or class of individuals whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

“(2) The terms ‘other severely handicapped’ and ‘severely handicapped individuals’ mean an individual or class of individuals under a physical or mental disability, other than blindness, which (according to criteria established by the Committee after consultation with appropriate entities of the Government and taking into account the views of non-Government entities representing the handicapped) constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment.

“(3) The term ‘qualified nonprofit agency for the blind’ means an agency—

“(A) organized under the laws of the United States or of any State, operated in the interest of blind individuals, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

“(B) which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor; and

“(C) which in the production of commodities and in the provision of services (whether or not the commodities or services are procured under this Act) during the fiscal year employs blind individuals for not less than 75 per centum of the man-hours of direct labor required for the production or provision of the commodities or services.

“(4) The term ‘qualified nonprofit agency for other severely handicapped’ means an agency—

“(A) organized under the laws of the United States or of any State, operated in the interest of severely handicapped individuals who are not blind, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

“(B) which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor; and

“(C) which in the production of commodities and in the provision of services (whether or not the commodities or services are procured under this Act) during the fiscal year employs blind or other severely handicapped individuals for not less than 75 per centum of the man-hours of direct labor required for the production or provision of the commodities or services.

“(6) The term ‘direct labor’ includes all work required for preparation, processing, and packing, but not supervision, administration, inspection, and shipping.

“(7) The term ‘fiscal year’ means the twelve-month period beginning on July 1 of each year.

“(8) The terms ‘Government’ and ‘entity of the Government’ include any entity of the legislative branch or the judicial branch, any executive agency or military department (as such agency and department are respectively defined by sections 102 and 105 of title 5, United States Code), the United States Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

“(9) The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 6. There are authorized to be appropriated to the Committee to carry out this Act \$200,000 each for the fiscal year ending June 30, 1972, and the next two succeeding fiscal years.”

SEC. 2. The amendment made by the first section of this Act shall take effect on the first day of the first month which begins more than thirty days after the date of enactment of this Act.

Approved June 23, 1971.

Public Law 92-29

AN ACT

To provide for the disposition of funds appropriated to pay judgments in favor of the Iowa Tribe of Oklahoma and of Kansas and Nebraska in Indian Claims Commission dockets numbered 79-A, 153, 158, 209, and 231, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the funds on deposit in the United States Treasury to the credit of the Iowa Tribes of Oklahoma and of Kansas and Nebraska that were appropriated by the Act of December 26, 1969 (83 Stat. 447), to pay a judgment by the Indian Claims Commission in docket numbered 79-A, and the interest thereon, and funds appropriated by the Act of July 6, 1970 (84 Stat. 376), to pay judgments in Indian Claims Commission dockets numbered 153, 158, 209, and 231, and the interest thereon, after payment of attorney fees and other litigation expenses, shall be divided on the basis of one-hundred-and-seventy-one two-hundred-and-seventy-ninths (61.29 per centum) to the Iowa Tribe of Kansas and Nebraska and one-hundred-and-eight two-hundred-and-seventy-ninths (38.71 per centum) to the Iowa Tribe of Oklahoma.

(b) The funds so divided, including interest accruing thereon, may be advanced, deposited, expended, invested, or reinvested for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior.

(c) Any part of such funds that may be distributed per capita under the provisions of this Act shall be payable only to those persons

80 Stat. 378,
379.

Effective date.

June 23, 1971
[H. R. 4353]

Indians.
Iowa Tribes of
Okla. and Kans.-
Nebr.
Judgment funds,
disposition.

Per capita dis-
tribution.