

THE WHITE HOUSE
WASHINGTON

September 28, 1993

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xc: Stan Herr

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only

MEMORANDUM FOR CAROL RASCO

FROM: CHRISTINE A. VARNEY *CV*
Secretary to the Cabinet

SUBJECT: Committee for Purchase from People who are Blind and
Severely Disabled

Do you have any idea what the above referenced Committee is? Do you have any suggestions on how to proceed?

I have also sent a copy of this over to Jan Piercy to forward to the appropriate White House Personnel staff for Commissions. - I spoke with Paul Miller after I drafted my memo; he tells me we have two good people ready to fill the citizen's vacancies on this committee.

Stan - Please look into this committee and brief me please.

CRasco
Carol - See my attached memorandum and attachments.

Here again, this disability committee is at low than 2/3 strength.
Stan

THE WHITE HOUSE

WASHINGTON

October 4, 1993

MEMORANDUM FOR CAROL RASCO

FROM: STANLEY S. HERR

SUBJECT: Committee for Purchase from People who are
Blind and Severely Disabled

In response to Christine Varney's memorandum of September 28th, I have learned the following about the above-captioned Committee.

- It is an independent federal agency whose mission is to encourage the Government's purchase of goods and services produced by persons who are blind or severely disabled. The latter category encompasses persons whose physical or mental disability (other than blindness) constitutes "a substantial handicap to employment" and prevents their work in "normal competitive employment." PL 92-28, Sec. 5(2).

- The President appoints its 15 members. By statute, 11 of these members are nominated by the heads of the named departments. See Id. Sec. 1(1), codified at 42 USC Sec. 46, attached.

- The President also appoints four non-Federal members, one to represent blind persons employed in qualified nonprofit, one to represent persons with severe disabilities in such agencies, one familiar with problems related to the employment of "the blind", and one familiar with such problems of persons with severe disabilities. See attached description of the Committee and its membership (Source: Encyclopedia of Governmental Advisory Organizations, 8th ed. 1992-1993).

- I called the Committee today and spoke with one of its staff, Mary Housenfleur, who informed me that there are at least five federal vacancies (Education, Navy, Defense, Agriculture, and the VA nominee attending meetings but perhaps not yet formally appointed). There are also two other vacancies in the "private citizen" slots designated for representatives of the blind and of other persons with severe disabilities. I asked her to FAX me a listing of the vacancies (copy attached).

- In summary, the President is empowered to appoint Secretary Espy's nominee to the Committee (J. Lamar Beasley). Further, it may be desirable to remind the other Departments that still have vacancies to forward their names for the President's consideration.

- Finally, I could ask Paul Miller to look into the status of efforts to fill the vacant non-federal committee appointments, and the appointment status of the VA nominee. Please advise.

Attachments

with problems incident to the employment of the blind, and one familiar with problems incident to employment of the other severely disabled. The chairperson is elected by the members. Nongovernmental members serve five-year terms.

Publications and Reports: Committee transmits to the President and the U.S. Congress a report no later than December 31 of each year, which includes a description of Committee activities and any recommendations for changes in the Act that the Committee deems necessary.

Meetings: Committee meets monthly.

★1863★ COMMITTEE ON RESOURCES FOR ELECTRONIC ACCESSIBLE TECHNOLOGY TO END USERS (CREATE) (Disabled)

Department of Commerce Phone: (202) 377-1296
14th and Constitution Ave., N.W., Rm. H6625
Washington, DC 20230

Chair: Marilyn S. McLennan

History and Authority: Committee was established by the Assistant Secretary for Administration in 1988. It is an internal committee of the Department of Commerce.

Program: Committee was established to assure that opportunities to use computers to streamline work, to access databases, or to enhance career advancement potential are open to everyone, including those with vision, hearing, or mobility impairments; and assure that electronic technology in use at the Department of Commerce accommodates the functional needs of all individuals. Specifically, the Committee's goals and activities include: providing policy direction for accessible electronic technology within the Department of Commerce; identifying information technology needs of Department of Commerce employees with disabilities and recommend ways to satisfy those needs; educate managers and employees to the wealth of available products and the ease of providing accessible technology; exploring ways to introduce computer technology to individuals with disabilities, providing expanded employment and career advancement opportunities within the Department of Commerce; advocating the use of accessible technology to support the employment and advancement of individuals with disabilities; developing Department of Commerce policies and guidelines for computer accommodation; sponsoring demonstrations of computer technology accessible to individuals with vision, hearing, or mobility impairments; evaluating needs for accessible technology; assisting agency managers to assure that the needs of users with disabilities are identified during the requirements analysis and procurement planning phases of automated information systems development; helping Department of Commerce employees and managers obtain technical advice, locate products, find training, and reach nonfederal organizations with complementary missions; serving as a clearinghouse for information on accessible technology and successful applications within the Department of Commerce; providing liaison to the federal-wide Clearinghouse on Computer Accommodation (COCA); and supporting Department of Commerce representation on the Interagency Committee for Computer Support of Handicapped Employees (ICCSHE), see separate entry.

Membership: Committee comprises representatives designated by the following Department of Commerce divisions: Bureau of Economic Analysis, Bureau of Export Administration, Census Bureau, Economic Development Administration, International Trade Administration, Minority Business Development Agency, National Institute of Standards and Technology, National Oceanic and Atmospheric Administration, National Technical Information Service, National Telecommunications and Information Administration, Office of the Secretary, Patent and Trademark Office, and the United States Travel and Tourism Administration. The chairperson is named by the Director of the Departmental Office of Information Resources Management.

★1864★ CONSENSUS DEVELOPMENT CONFERENCE PANEL ON TREATMENT OF DESTRUCTIVE BEHAVIORS IN PERSONS WITH DEVELOPMENTAL DISABILITIES (Disabled)

History and Authority: Conference was established pursuant to the Consensus Development Conference on Treatment of Destructive Behaviors in Persons with Developmental Disabilities held September 11-13, 1989. It was sponsored by the National Institute of Child Health and Human Development, National Institutes of Health; the National Institute of Mental Health, Alcohol, Drug Abuse, and Mental Health Administration; the Bureau of Maternal and Child Health, Health Resources and Services Administration; and the Office of Medical Applications of Research, National Institutes of Health, Public Health Service, Department of Health and Human Services. Conference and Panel were a part of the NIH Consensus Develop-

ment Program (see separate entry). Panel terminated after submitting its recommendations on the last day of the Conference.

Program: Panel formulated guidelines and recommendations from scientific evidence presented at the Consensus Development Conference on Treatment of Destructive Behaviors in Persons with Developmental Disabilities. Conference was held to clarify the ranging controversies on the use of punishment for the treatment of injurious behavior. Panel addressed the following questions: (1) What are the nature, extent, and consequences of destructive behaviors in persons with disabilities? (2) What are the approaches to prevent, treat, and manage these behaviors? (3) What is the evidence that these approaches, alone or in combination, eliminate or reduce destructive behaviors? (4) What are the risks and benefits associated with the use of these approaches for the individual, family, and community? (5) Based on the answers to the above questions and taking into account (a) the behavior, (b) the diagnosis and functional level of the individual, (c) the possible effects on the individual, family, and community, (d) the treatment setting, and (e) other factors, what recommendations can be made at present regarding the use of different approaches? and (6) What research is needed on approaches for preventing, treating, and managing destructive behaviors in persons with developmental disabilities?

Membership: Panel consisted of fourteen members and was chaired by Dr. R. Rodney Howell, pediatrics, University of Miami. Members represented the fields of pediatrics, psychology, behavioral pediatrics, pediatric neurology, sociology, psychiatry, special education administration, and a parent of a person with developmental disabilities.

Subsidiary Units: Planning Committee consisted of eighteen members and was chaired by Dr. Duane Alexander of the National Institute of Child Health and Human Development.

★1865★ CONSUMER ADVISORY PANEL (Disabled)

History and Authority: Panel was established December 7, 1974 by the Architectural and Transportation Barriers Compliance Board (see separate entry), under authority of P.L. 93-516, the Rehabilitation Amendments of 1974. It was a subcommittee of the Architectural and Transportation Barriers Compliance Board, an independent agency of the federal government. Panel terminated in 1978.

Program: Panel provided guidance, advice, and recommendations to the Architectural and Transportation Barriers Compliance Board in carrying out its functions.

Membership: A majority of Panel members were handicapped individuals.

★1866★ COUNCIL ON ACCESSIBLE TECHNOLOGY (Disabled)

Information Resources Management Service Phone: (202) 512-4471
General Services Administration, Rm. 7210

18th and F Sts., N.W.
Washington, DC 20405

Staff Contact: Daniel Maday

History and Authority: Committee was established March 3, 1984 by the General Services Administration. It is an interagency advisory committee that functions under the Information Resources Management Service, General Services Administration.

Program: Committee was established to advance the management and use of microcomputer and related technology in order to promote the productivity and achievement of disabled federal employees and to advise the General Services Administration on government-wide policy for using computer technology to benefit disabled employees and sponsors activities to further awareness of using computer technology to aid disabled employees and to recognize the accomplishments of federal agencies that promote computer support for disabled employees. In addition, Committee sponsored a Symposium on Office Automation Accommodation for Persons with Disabilities (see separate entry), 1985-89.

Membership: Committee consists of representatives of all Cabinet departments, the Equal Employment Opportunity Commission (see separate entry), the Federal Communications Commission, the Federal Emergency Management Agency, the General Services Administration, the Library of Congress, the National Science Foundation, the Office of Personnel Management, the President's Commission on Employment of the Handicapped (see separate entry), and the Department of Veterans Affairs. Leonard J. Suchanek, Chief of the Office of Information Resources Management, is the Chairman and Chairman of the Board of GSA Contract Appeals. Chairman of the Committee.

Membership: Committee consisted of seven members knowledgeable in rehabilitation recreation, special education, and physical education.
Meetings: Committee met at least twice a year.

1859 ADVISORY PANEL ON TECHNOLOGY AND HANDICAPPED PEOPLE (Disabled)

History and Authority: Panel was established in 1981 at the request of the Senate Committee on Labor and Human Resources. It was a professional advisory committee that operated under the Office of Technology Assessment. It dissolved after submitting a final report in May 1982.

Program: Panel was established to examine factors that affect the research and development, evaluation, diffusion and marketing, delivery, use, and financing of technologies directly related to disabled persons.

Findings and/or Recommendations: Panel proposed the following options to Congress: amend current legislation to create a permanent and comprehensive set of fiscal and regulatory incentives encouraging private industry to invest in the production and marketing of disability-related technologies; legislatively charter a private organization to provide marketing and production-related services to the private and the public sectors; establish a joint public-private corporation to provide marketing and production-related services to both the private and public sectors; mandate the collection of market-related demographic data by an interagency group led by the Bureau of the Census; mandate formal consumer involvement in any or all federal programs of federally funded programs related to the development and use of technologies; mandate an office of consumer involvement to monitor and provide assistance to other offices dealing with technologies, and encourage all relevant agencies to expand consumer involvement; encourage agencies to increase consumer involvement activities; mandate that consumers and production and marketing experts be represented on research and development panels and evaluation panels; appropriate specific increased funds for evaluation of technologies; conduct oversight hearings on methods to improve health insurance coverage for persons leaving employment as a result of disability; appropriate funds for the training of increased numbers of disability-related personnel; and encourage volunteer participation in assisting disabled people by modifying tax incentives related to volunteer expenses and charitable contributions.

Membership: Panel was composed of eighteen members and was chaired by Daisy Tagliacozzo, Department of Sociology, University of Massachusetts, Harbor Campus.

Staff: H. David Banta, Assistant Director, Health and Life Sciences Division, Office of Technology Assessment, was on the staff of the Panel.

1860 ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (ATBCB) (Disabled)

111 Eighteenth St., N.W., Suite 501 Phone: (202)653-7834
Washington, DC 20036

Executive Director: Lawrence W. Roffee

History and Authority: Board was established September 26, 1973, by Section 502 of P.L. 93-112, the Rehabilitation Act of 1973, as amended by P.L. 93-516, the Vocational Rehabilitation Act Amendments of 1974, dated December 4, 1974. It is an independent agency of the federal government.

Program: Board was established to investigate and examine alternative approaches to the architectural, transportation, and attitudinal barriers confronting disabled persons; determine what measures are being taken by federal, state, and local governments and by other public and private agencies to eliminate those barriers; and promote the use of the International Accessibility Symbol in all public facilities that meet the standards prescribed by the Administrator of the General Services Administration. Board is authorized under P.L. 90-601 the Architectural Barriers Act of 1968; to enforce standards issued by other agencies, and accepts complaints about the lack of access to facilities designed, constructed, altered, or leased with federal funds since September 1969.

Membership: Board consists of twenty-three members including a representative of each of the following eleven agencies: Departments of Defense, Health and Human Services, the Interior, Labor, Housing and Urban Development, Education, Justice, Veterans Affairs, and Transportation; the General Services Administration; and the U.S. Postal Service. There are twelve public members, at least six of whom must be disabled individuals. William H. McCabe serves as chairperson.

Staff: Staff support is provided by offices within the ATBCB; the Office of Executive Director, which provides administrative and

management support services as well as overall direction and supervision; the Office of Compliance and Enforcement, which processes complaints made to the Executive Director about the accessibility of buildings; and the Office of Technical Services, which provides assistance on solutions to accessibility problems.

Subsidiary Units: Board maintains three standing committees: Executive Committee; Budget and Planning Committee; Technical Assistance Committee.

Publications and Reports: Report of the Architectural and Transportation Barriers Compliance Board for Fiscal Year 1985 (1985); Minimum Guidelines and Requirements for Accessible Design (MGRAD) (1982).

Meetings: Board meets bimonthly.

Remarks: Board may be accessed by voice phone or TDD.

1861 BUREAU OF INDIAN AFFAIRS ADVISORY COMMITTEE FOR EXCEPTIONAL CHILDREN (Disabled)

Bureau of Indian Affairs Phone: (202)343-6675
Department of the Interior Fax: (202)208-5993
3530 Mail Code 523

1849 C St., N.W.
Washington, DC 20240

Designated Federal Employee: Marie J. Emery

History and Authority: Committee was established March 5, 1979, by P.L. 94-142, the Education for All Handicapped Children Act. It is a public advisory committee of the Bureau of Indian Affairs, Department of the Interior.

Program: Committee advises the Bureau of Indian Affairs on matters concerning education programs and services for American Indian and Alaskan Native disabled children and youth. Specifically, Committee comments on the state plan for exceptional education, on proposed rules or regulations regarding the education of disabled children, and on procedures for the distribution of funds; advises the Secretary of the Interior through the Assistant Secretary—Indian Affairs on the unmet needs in the education of disabled Indian children; and assists in developing and reporting such information to help serve disabled Indian children.

Membership: Committee consists of fifteen members appointed by the Secretary from tribal nominees for three-year terms. Membership is representative of disabled individuals, teachers and parents of the disabled, special education administrators and tribal education officials.

Staff: Marie J. Emery, Coordinator, Branch of Exceptional Education, Bureau of Indian Affairs, serves as designated federal employee.

Meetings: Committee meets at least four times a year.

1862 COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED (Disabled) 603-7740

Crystal Square 5, Rm. 1107 Phone: (703)557-1145
1755 Jefferson Davis Hwy. Fax: (703)521-7713
Arlington, VA 22202-3509

Executive Director: Beverly L. Milkman

History and Authority: Committee was originally established by the Wagner-O'Day Act of June 25, 1938 (52 Stat 1196), as the Committee on Purchases of Blind-Made Products; name changed by P.L. 92-28, dated June 23, 1971, to the Committee for the Purchase of Products and Services of the Blind and Other Severely Handicapped; changed to its present by an act of July 25, 1974 (88 Stat 392). It is an independent federal agency.

Program: Committee was established to encourage purchase by the government of goods and services provided by the blind and other severely disabled. Specifically, Committee establishes and publishes in the *Federal Register* a list of the commodities produced by any qualified nonprofit agency for the blind or other severely disabled and the services provided by any such agency which may be suitable for procurement by the government; it determines the fair market price of items on the list which are for sale; designates a central nonprofit agency to facilitate the distribution of orders by the government for products and services on the established list; makes a continuing study and evaluation of its activities under the Wagner-O'Day Act, as amended, in order to assure effective and efficient administration; and conducts research on problems related to employment of the blind and of other severely disabled persons.

Membership: Committee is composed of fifteen members: one representative each from the Departments of Agriculture, Defense, Army, Navy, Air Force, Labor, Justice, Education, Commerce, and Veterans Affairs; one representative from the General Services Administration; and four nongovernmental members selected by the President, one to represent blind persons employed in qualified nonprofit agencies, one to represent severely disabled persons other than blind employed in qualified nonprofit agencies, one familiar

§ 35. Contracts for materials, etc., exceeding \$10,000; representations and stipulations

NOTES OF DECISIONS

4. Purpose

Ulstein Maritime, Ltd. v. U.S., 646 F.Supp. 720 [main volume] affirmed 833 F.2d 1052.

16. — Newly entering manufacturers

Ulstein Maritime, Ltd. v. U.S., 646 F.Supp. 720 [main volume] affirmed 833 F.2d 1052.

§ 39. Hearings on Walsh-Healey provisions by Secretary of Labor; witness fees; failure to obey order; punishment

CROSS REFERENCES

Criminal contempt, see 18 USCA §§ 401, 402, 3285, and 3691; rule 42, Fed.Rules Crim.Proc., 18 USCA.

§ 43a. Administrative procedure provisions

NOTES OF DECISIONS

8. Exhaustion of administrative remedies

Issue of whether bid for Army procurement contract was unresponsive because bidder did not qualify as "manufacturer" under Walsh-Healey

Act could not be considered by courts before Army made final determination as to whether the corporation met Act's requirements. Honeywell, Inc. v. U.S., C.A.Fed.1989, 870 F.2d 644.

§ 46. Committee for Purchase From People Who Are Blind and Severely Disabled

(a) Establishment

There is established a committee to be known as the Committee for Purchase From People Who Are Blind and Severely Disabled (hereafter in sections 46 to 48c of this title referred to as the "Committee"). The Committee shall be composed of fifteen members appointed as follows:

(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 and Human Services, the Department of Commerce, the Department of Veterans Affairs, 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.

[See main volume for text of (2); (b) to (i)]

(As amended June 13, 1991, Pub.L. 102-54, § 13(p), 105 Stat. 278; Oct. 29, 1992, Pub.L. 102-569, Title IX, § 911(a), 106 Stat. 4486.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1992 Acts. Senate Report No. 102-357 and House Conference Report No. 102-973, see 1992 U.S. Code Cong. and Adm. News, p. 3712.

Amendments

1991 Amendment Subsec. (a)(1). Pub.L. 102-54 substituted "Department of Veterans Affairs" for "Veterans Administration".

§ 52. Definitions

NOTES OF DECISIONS

Prime contract 3

1. Kickback

Illegal Medicare payments allegedly received by physicians were not "kickbacks" within meaning of Anti-Kickback Act, where alleged payments were not made to intermediaries/carriers in return for favorable treatment. U.S. v. Kensington Hosp., E.D.Pa.1991, 760 F.Supp. 1120.

2. Prime contractor employee

Relationship between medicare intermediaries/carriers and physician did not create prime contractor/subcontractor relationship required for Anti-Kickback Act to apply to alleged medicare fraud; any contract between intermediaries/carriers and physicians existed for benefit of government, not for benefit of intermediaries/carriers.

U.S. v. Kensington Hosp., E.D.Pa.1991, 760 F.Supp. 1120.

3. Prime contract

Relationship between Pennsylvania Department of Public Welfare and the medicaid trust funds

did not constitute meaning of Anti-Kickback Act for liability case. U.S. v. Kensington Hosp., E.D.Pa.1991, 760 F.Supp. 1120.

CHAPTER 2—TERMINATION OF WAR CONTRACTS

Sec. 114. United States Court of Federal Claims.

§ 106. Basis for settlement of termination claims

NOTES OF DECISIONS

5. Actions constituting termination—Generally

Universal Fiberglass Corp. v. U.S., 537 F.2d 400 [main volume] 210 Ct.Cl. 220.

§ 107. Settlement of subcontractors' claims

NOTES OF DECISIONS

6. Direct settlements

Universal Fiberglass Corp. v. U.S., 537 F.2d 400 [main volume] 210 Ct.Cl. 220.

7. Assumption of

Universal Fiberglass Corp. v. U.S., 537 F.2d 400 [main volume]

§ 113. Appeals

[See main volume for text of (a)]

(b) Rights of war contractor

Whenever any war contractor is aggrieved by the finding on his claim or part thereof or by its failure to make such claim or part thereof, in the United States Court of Federal Claims, or by the decision of the United States district court, in accordance with sections 113 and 114, except that, if the contracting agency is the Reconstruction Finance Corporation or any corporation organized pursuant to the Reconstruction Finance Corporation Act, or any corporation owned or controlled by the United States Government, the contractor may bring suit against such corporation in any court of competent jurisdiction, but not in any court of competent jurisdiction with existing law.

[See main volume for text of (c)]

(As amended Oct. 29, 1992, Pub.L. 102-572, Title IX, § 902(b)(1).)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1992 Acts. House Report No. 102-1006, see 1992 U.S. Code Cong. and Adm. News, p. 3921.

Change of Name

References to "United States Court of Federal Claims" and "Federal Claims and Disputes Court" refer to Court of Federal Claims. Section 171 of Title 28, Judiciary and Judicial Procedure.

Effective Dates

1992 Acts. Amendment by section 902(b)(1) of Pub.L. 102-573 effective Oct. 29, 1992, see section 911 of Pub.L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

§ 114. United States Court of Federal Claims

(a) Appointment of auditors

For the purpose of expediting the adjudication of termination claims, the United States Court of Federal Claims is authorized to appoint

(b) Procedure

The United States Court of Federal Claims, on motion or on its own motion, may summon any and all persons with

Encyclopedia of Governmental Advisory ~~ASSA~~ Organizations
8th Ed. 1992-93.

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5 Stat. 845), is amended
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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.

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“(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.

“(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.

GSA, reimbursable services.

“(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.

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



**COMMITTEE FOR PURCHASE FROM
PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**

703-603-7740
FAX 703-412-7113

Crystal Square 3, Suite 403
1735 Jefferson Davis Highway
Arlington, Virginia 22202-3461

FACSIMILE TRANSMITTAL

Date: 10/4/93

To: Mr. Stan Herr

From: Mary Householder

No. of Pages (including transmittal): 2

MESSAGE:

Here is a listing of Committee positions both filled & vacant. If I can be of any further assistance please call.

THE WHITE HOUSE

WASHINGTON

October 4, 1993

MEMORANDUM FOR CAROL RASCO

FROM: STANLEY S. HERR

SUBJECT: Committee for Purchase from People who are
Blind and Severely Disabled

In response to Christine Varney's memorandum of September 28th, I have learned the following about the above-captioned Committee.

- It is an independent federal agency whose mission is to encourage the Government's purchase of goods and services produced by persons who are blind or severely disabled. The latter category encompasses persons whose physical or mental disability (other than blindness) constitutes "a substantial handicap to employment" and prevents their work in "normal competitive employment." PL 92-28, Sec. 5(2).

- The President appoints its 15 members. By statute, 11 of these members are nominated by the heads of the named departments. See Id. Sec. 1(1), codified at 42 USC Sec. 46, attached.

- The President also appoints four non-Federal members, one to represent blind persons employed in qualified nonprofit, one to represent persons with severe disabilities in such agencies, one familiar with problems related to the employment of "the blind", and one familiar with such problems of persons with severe disabilities. See attached description of the Committee and its membership (Source: Encyclopedia of Governmental Advisory Organizations, 8th ed. 1992-1993).

- I called the Committee today and spoke with one of its staff, Mary Housenflour, who informed me that there are at least five federal vacancies (Education, Navy, Defense, Agriculture, and the VA nominee attending meetings but perhaps not yet formally appointed). There are also two other vacancies in the "private citizen" slots designated for representatives of the blind and of other persons with severe disabilities. I asked her to FAX me a listing of the vacancies (copy attached).

• In summary, the President is empowered to appoint Secretary Espy's nominee to the Committee (J. Lamar Beasley). Further, it may be desirable to remind the other Departments that still have vacancies to forward their names for the President's consideration.

• Finally, I could ask Paul Miller to look into the status of efforts to fill the vacant non-federal committee appointments, and the appointment status of the VA nominee. Please advise.

Attachments

probability of accom-
of the loan.
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government and shall
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(B) by striking out "fourteen" in the second sentence thereof and inserting in lieu thereof "fifteen";
(C) by striking out "and other severely handicapped individuals." in paragraph (2) (A) and inserting in lieu thereof a period; and
(D) by redesignating subparagraphs (B) and (C) of paragraph (2) as subparagraphs (C) and (D), respectively, and inserting after subparagraph (A) the following new subparagraph:
"(B) 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 other severely handicapped individuals."
(2) Section 1(d) is amended—
(A) by striking out "paragraphs (2) and (3)" in paragraph (1) and inserting in lieu thereof "paragraphs (2), (3), and (4)"; and
(B) by adding at the end thereof the following new paragraph:
"(4) The member first appointed under paragraph (2) (B) of subsection (a) shall be appointed for a term of three years."
(3) Section 5 is amended—
(A) by inserting after paragraph (4) the following new paragraph:
"(5) The term 'direct labor' includes all work required for preparation, processing, and packing of a commodity, or work directly relating to the performance of a service, but not supervision, administration, inspection, or shipping."
(B) by striking out paragraph (6); and
(C) by redesignating paragraphs (7), (8), and (9) as paragraphs (6), (7), and (8), respectively.
(4) Section 6 is amended to read as follows:
"SEC. 6. There are authorized to be appropriated to the Committee to carry out this Act \$240,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for the succeeding fiscal years."
Approved July 25, 1974.

Presidential appointee.

41 USC 46.

41 USC 48b.

"Direct labor."

41 USC 48c.

Public Law 93-359

AN ACT

July 25, 1974 [S. 1803]

To authorize the waiver of claims of the United States arising out of erroneous payments of pay and allowances to certain officers and employees of the legislative branch.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5584 of title 5, United States Code, is amended as follows:

Legislative branch. Overpayment claims, waiver.

- (1) Strike out "executive" wherever it appears in such section.
- (2) In subsection (b) (2)—
(A) immediately after "(2)" insert the following: "except in the case of employees of the Government Printing Office, the Library of Congress, the Office of the Architect of the Capitol, or the Botanic Garden,"; and
(B) strike out "or" at the end thereof.
- (3) In subsection (b) (3)—
(A) immediately after "(3)" insert the following "except in the case of employees of the Government Printing Office, the

(c) The Secretary finds there is reasonable probability of accomplishing the objectives of the Act and repayment of the loan.

Guaranteed loan security.
7 USC prec.
1961 note.

SEC. 4. Loans guaranteed under this Act shall be secured by security adequate to protect the Government's interests, as determined by the Secretary.

Outstanding loan guarantees, limitation.
7 USC prec.
1961 note.
7 USC 1929.

SEC. 5. Loan guarantees outstanding under this Act shall not exceed \$2,000,000,000 at any one time. Subject to the provisions of section 2(c) of this Act, the fund created in section 309 of the Consolidated Farm and Rural Development Act shall be used by the Secretary for the discharge of the obligations of the Secretary under contracts of guarantee made pursuant to this Act.

7 USC prec.
1961 note.

SEC. 6. Contracts of guarantee under this Act shall not be included in the totals of the budget of the United States Government and shall be exempt from any general limitation imposed by statute on expenditures and net lending (budget outlays) of the United States.

7 USC prec.
1961 note.

SEC. 7. Any contract of guarantee executed by the Secretary under this Act shall be an obligation supported by the full faith and credit of the United States and incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

Effective date.
7 USC prec.
1961 note.

SEC. 8. The provisions of this Act shall become effective upon enactment, and the authority to make new guarantees under this Act shall terminate one year from the date of enactment of this Act, except that the Secretary of Agriculture may extend the guarantee authority provided in this Act for a period not to exceed six months if he (1) determines that such guarantees are necessary to the welfare of livestock producers and that adequate credit cannot be obtained without such guarantee by the Secretary, and (2) notifies the Committee on Agriculture and Forestry of the Senate and the Committee on Agriculture of the House of Representatives at least thirty days prior to the date on which he elects to extend the guarantee authority provided in the Act.

7 USC prec.
1961 note.
7 USC 1932.

SEC. 9. (a) The provisions of section 310B(d)(6) of the Consolidated Farm and Rural Development Act shall apply to loans guaranteed under this Act.

Regulations.
7 USC prec.
1961 note.

(b) Contracts of guarantee executed pursuant to the provisions of this Act shall be fully assignable.

SEC. 10. The Secretary is authorized to issue such regulations as he determines necessary to carry out this Act. The proposed regulations shall be issued as soon as possible, but in no event later than thirty days from the date of enactment of this Act.

Approved July 25, 1974.

Public Law 93-358

AN ACT

July 25, 1974
[H. R. 11143]

To provide the authorization for fiscal year 1975 and succeeding fiscal years for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, and for other purposes.

Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.
Appropriation authorization.
41 USC 46.

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 (41 U.S.C. 46-48c) is amended as follows:

(1) Section 1(a) is amended—

(A) by striking out "Committee for Purchase of Products and Services of" in the first sentence thereof and inserting in lieu thereof "Committee for Purchase from";

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COMMITTEE FOR PURCHASE
FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

VACANT/FILLED POSITIONS ON COMMITTEE

Department of Agriculture - vacant

Department of Commerce - Mr. Hugh L. Brennan

Department of Education - vacant

Department of Labor - Ms. Nancy M. Flynn

General Services Administration - Mr. Donald C.J. Gray

Department of Air Force - Mr. Ira L. Kemp

Department of Army - Mr. Chester A. Kowalczyk

Department of Navy - vacant

Defense Department - vacant

Department of Veterans Affairs - vacant

Department of Justice/UNICOR - Mr. Richard P. Seiter

Private Citizen/Blind - Mr. Mervin L. Flander

Private Citizen/Blind - vacant

Private Citizen/Disabled - Mrs. Joyce C. Young

Private Citizen/Disabled - vacant