

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, \$7,300,000; and

(f) financial assistance to State marine schools, \$2,370,000.

Maritime acad-
emies, vessels.
72 Stat. 622.

SEC. 2. Section 3 of the Maritime Academy Act of 1958 (46 U.S.C. 1382) is amended by inserting a new subsection (c) to read as follows:

“(c) In any case where the Secretary has not, prior to the enactment of this subsection, furnished a suitable vessel to a State as authorized by subsection (a) of this section, the Secretary may, in lieu of furnishing such a vessel, repair, recondition and equip (including all apparel, charts, books, and instruments of navigation) as necessary, a vessel which is owned by a State on the date of enactment of this subsection, for use as a training vessel for a maritime academy or college meeting the requirements of this Act.”

Approved July 9, 1971.

Public Law 92-54

AN ACT

July 12, 1971
[S. 31]

To provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Emergency Employment Act of 1971”.

Emergency
Employment Act
of 1971.

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons and migrants, persons of limited English-speaking ability, and others from socioeconomic backgrounds generally associated with substantial unemployment and underemployment;

(2) expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(3) in times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(4) many of the persons who have become unemployed or underemployed as a result of technological changes or as a result of shifts in the pattern of Federal expenditures, as in the defense, aerospace, and construction industries, could usefully be employed

in providing needed public services;

(5) it is appropriate during times of high unemployment to fill unmet needs for public services in such fields as environmental quality, health care, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks, and other public facilities, rural development, transportation, beautification, conservation, crime prevention and control, prison rehabilitation, and other fields of human betterment and public improvement;

(6) programs providing transitional employment in jobs providing needed public services and related training and manpower services can be a useful component of the Nation's manpower policies in dealing with problems of high unemployment and dependency upon welfare assistance, and providing affected individuals with opportunities to develop skills and abilities to enable them to move into other public or private employment and other opportunities; and

(7) providing resources for transitional public service employment and related training and manpower services during an economic slowdown can help as an economic stabilizer both to ease the impact of unemployment for the affected individuals and to reduce the pressures which tend to generate further unemployment.

It is therefore the purpose of this Act to provide unemployed and underemployed persons with transitional employment in jobs providing needed public services during times of high unemployment and, wherever feasible, related training and manpower services to enable such persons to move into employment or training not supported under this Act.

FINANCIAL ASSISTANCE

SEC. 3. (a) The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available during times of high unemployment for the purposes of providing transitional employment for unemployed and underemployed persons in jobs providing needed public services, and training and manpower services related to such employment which are otherwise unavailable, and enabling such persons to move into employment or training not supported under this Act.

(b) Not less than 85 per centum of the funds appropriated pursuant to this Act shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this Act.

ELIGIBLE APPLICANTS

SEC. 4. Financial assistance under this Act may be provided by the

Secretary only pursuant to applications submitted by eligible applicants which shall be—

- (1) units of Federal, State, and general local government; or
- (2) public agencies and institutions which are subdivisions of State or general local government, and institutions of the Federal Government; or
- (3) Indian tribes on Federal or State reservations.

AUTHORIZED APPROPRIATIONS

SEC. 5. (a) For the purposes of carrying out this Act, there are authorized to be appropriated \$750,000,000 for the fiscal year ending June 30, 1972, and \$1,000,000,000 for the fiscal year ending June 30, 1973.

(b) (1) No further obligation of funds appropriated under this section may be made subsequent to a determination by the Secretary that the rate of national unemployment (seasonally adjusted) has receded below 4.5 per centum for three consecutive months except as provided in paragraph (2).

(2) If, at any time subsequent to the Secretary's determination under this section, the rate of national unemployment (seasonally adjusted) equals or exceeds 4.5 per centum for three consecutive months, the Secretary shall, notwithstanding the provisions of paragraph (1), resume the obligation of funds appropriated under this section until a new determination has been made under paragraph (1).

(3) In determining the rate of national unemployment for the purposes of this section only, persons who were, at the time of their employment under this Act, being counted as unemployed in determining the rate of national unemployment shall continue to be so counted if they continue in such employment.

(c) Whenever the Secretary makes any determination required by subsection (b), he shall promptly notify the Congress and shall publish such determination in the Federal Register. At such time, the Secretary shall recommend to the Congress any further steps he deems appropriate.

Publication in
Federal Register.

SPECIAL EMPLOYMENT ASSISTANCE

SEC. 6. (a) There is hereby established a Special Employment Assistance Program. There are authorized to be appropriated \$250,000,000 each for the fiscal year ending June 30, 1972, and for the succeeding fiscal year, to carry out the provisions of this section.

(b) The Secretary shall enter into agreements with eligible applicants meeting the criteria set forth in subsection (c) in order to make financial assistance available, in accordance with the provisions of this Act, for the purpose of providing employment, for unemployed and underemployed persons residing in areas of substantial unemployment, in jobs providing needed public services.

Special Employment
Assistance
Program, estab-
lishment.

(c) For the purpose of this section—

Definitions.

(1) "areas of substantial unemployment" means any area of sufficient size and scope to sustain a public service employment program and which has a rate of unemployment equal to or in excess of 6 per centum for three consecutive months as determined by the Secretary; and

(2) "eligible applicant" means any unit or combination of units of general local government or any public agency or institution which is a subdivision of any such unit, or an Indian tribe on a Federal or State reservation, which is or has within it an area of substantial unemployment.

(d) Whenever the Secretary makes any determination required by this section, he shall promptly notify the Congress and shall publish such determination in the Federal Register.

Publication in Federal Register.

APPLICATIONS

SEC. 7. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service employment program designed, in times of high unemployment, to provide transitional employment for unemployed and underemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

Program design.

(b) Programs assisted under this Act shall, to the extent feasible, be designed with a view toward—

Purposes.

(1) developing new careers, or

(2) providing opportunities for career advancement, or

(3) providing opportunities for continued training, including on-the-job training, or

(4) providing transitional public service employment which will enable the individuals so employed to move into public or private employment or training not supported under this Act.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

Required provisions.

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant

segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that special consideration in filling public service jobs will be given to unemployed or underemployed persons who served in the Armed Forces in Indochina or Korea on or after August 5, 1964 in accordance with criteria established by the Secretary (and who have received other than dishonorable discharges); and that the applicant shall (A) make a special effort to acquaint such individuals with the program, and (B) coordinate efforts on behalf of such persons with those authorized by chapter 41 of title 38, United States Code (relating to Job Counseling and Employment Services for Veterans) or carried out by other public or private organizations or agencies;

(5) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes;

(6) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(7) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(8) a description of unmet public service needs and a statement of priorities among such needs;

(9) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(10) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(11) where appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(12) the planning for and training of supervisory personnel in working with participants;

(13) a description of career opportunities and job advancement potentialities for participants;

(14) assurances that procedures established pursuant to section 11 (a) will be complied with;

(15) assurances that agencies and institutions to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service

Veterans, special consideration.

72 Stat. 1221;
76 Stat. 558;
80 Stat. 27.
38 USC 2001.

requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary;

(16) assurances that the applicant will, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(17) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons;

(18) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged;

(19) assurances that not more than one-third of the participants in the program will be employed in a bona fide professional capacity (as such term is used in section 13(a)(1) of the Fair Labor Standards Act of 1938), except that this paragraph shall not be applicable in the case of participants employed as classroom teachers, and the Secretary may waive this limitation in exceptional circumstances; and

(20) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall prescribe.

75 Stat. 71;
80 Stat. 837,
29 USC 213.

APPROVAL OF APPLICATIONS

SEC. 8. An application, or modification or amendment thereof, for financial assistance under this Act may be approved only if the Secretary determines that—

(1) the application meets the requirements set forth in this Act;

(2) the approvable request for funds does not exceed 90 per centum of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances or other provisions of law warrant the waiver of this requirement;

(3) an opportunity has been provided to officials of the appropriate units of general local government to submit comments with respect to the application to the applicant and to the Secretary; and

(4) an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary.

Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

ALLOCATION OF FUNDS

SEC. 9. (a) The amounts appropriated under section 5 of this Act for any fiscal year shall be allocated by the Secretary in such a manner that of such amounts—

State apportionment.

(1) not less than 80 per centum shall be apportioned among the States in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such State bears to such total number of such persons, respectively, in the United States, but not less than \$1,500,000 shall be apportioned to any State, except that not less than \$1,500,000 shall be apportioned among the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands; and

(2) the remainder shall be available as the Secretary deems appropriate to carry out the purposes of this Act.

Within-State apportionment.

(b) The amount apportioned to each State under clause (1) of subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which the total number of unemployed persons in each such area bears to such total number of such persons, respectively, in that State.

Publication in Federal Register.

(c) As soon as practicable after funds are appropriated to carry out this Act for any fiscal year, the Secretary shall publish in the Federal Register the apportionments required by subsections (a) (1) and (b) of this section.

TRAINING AND MANPOWER SERVICES

SEC. 10. For the purpose of providing training and manpower services for persons employed in public service employment programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, not to exceed 15 per centum of the amounts appropriated under section 5.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

Employee status, periodic reviews.

SEC. 11. (a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a public service job under this Act to assure that—

(1) in the event that any person employed in a public service job under this Act and the reviewing agency finds that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

(2) as the rate of unemployment approaches the objective of section 5(b)(1) or financial assistance will otherwise no longer be available under this Act, maximum efforts shall be made to locate employment or training opportunities not supported under this Act for each person employed in a public service job under this Act, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

Programs, continuing evaluation.

(c) From funds appropriated pursuant to section 5, the Secretary may reserve such amount, not to exceed 1 per centum, as he deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

SPECIAL PROVISIONS

SEC. 12. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will result in an increase in employment opportunities over those which would otherwise be available, (B) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), (C) will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed, and (D) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall be paid wages which shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this Act will not be used to pay persons employed in public service jobs under this Act at a rate in excess of \$12,000 per year;

(4) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy;

(5) the provisions of section 2(a)(3) of Public Law 89-286 (relating to health and safety conditions) shall apply to such program or activity;

(6) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(7) no funds under this Act will be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials, or real property; and

(8) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment.

(b) Consistent with the provisions of this Act, the Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the population of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

52 Stat. 1060.
29 USC 201.
80 Stat. 838.
29 USC 206.
63 Stat. 917.
29 USC 213.

79 Stat. 1034.
41 USC 351.

Regulations.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, as he may deem necessary to carry out the provisions of this Act, including necessary adjustments in payments on account of overpayments or underpayments. The Secretary may also withhold funds otherwise payable under this Act in order to recover any amounts expended in the current or immediately prior fiscal year in violation of any provision of this Act or any term or condition of assistance under this Act.

Reports.

(f) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis, and shall include such information in the report required by section 13 of this Act.

Discrimination prohibition.

(g) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

Political activities, prohibition.

(h) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, nor personnel employed in the administration thereof, shall be, in any way or to any extent, engaged in the conduct of political activities in contravention of chapter 15 of title 5, United States Code.

80 Stat. 403.
5 USC 1501.

(i) The Secretary shall not provide financial assistance for any program under this Act unless he determines that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

SPECIAL REPORT

Report to
Congress.

SEC. 13. The Secretary shall transmit to the Congress at least annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by sections 11(c) and 12(f) of this Act and information on the extent to which (1) participants in such activities subsequently secure and retain public or private employment or participate in training or employability development programs, (2) segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this Act.

DEFINITIONS

SEC. 14. (a) As used in this Act, the term—

(1) "Secretary" means the Secretary of Labor.

(2) "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.

(3) "public service" includes, but is not limited to, work in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement.

(4) "health care" includes, but is not limited to, preventive and clinical medical treatment, voluntary family planning services, nutrition services, and appropriate psychiatric, psychological, and prosthetic services.

(5) "unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed;

(6) "underemployed persons" means—

(A) persons who are working part-time but seeking full-time work;

(B) persons who are working full-time but receiving wages below the poverty level determined in accordance with criteria as established by the Director of the Office of Management and Budget.

(b) As used in section 12(c) of this Act, the term "area" means—

(1) where the applicant is an eligible unit of government or an Indian tribe, that geographical area over which the applicant exercises general political jurisdiction, or

42 USC 301,
601, 1201, 1381.

(2) where the applicant is a public agency or institution which is a subdivision of an eligible unit of government, that geographical area over which such unit of government exercises general political jurisdiction.

EFFECTIVE DATE

SEC. 15. This Act shall be effective upon enactment and the determinations to be made under sections 5(b) and 6(c)(1) shall take into account the rate of unemployment for a period of three consecutive months even though all or part of such period may have occurred prior to the enactment of this Act.

Approved July 12, 1971.

Public Law 92-55

July 20, 1971
[S. J. Res. 101]

JOINT RESOLUTION

To authorize and request the President to issue a proclamation designating July 20, 1971, as "National Moon Walk Day".

National Moon
Walk Day.
Designation
authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the many achievements of the national space program and in commemoration of the anniversary of the first moon walk on July 20, 1969, the President is authorized and requested to issue a proclamation designating July 20, 1971, as "National Moon Walk Day"; and calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

Approved July 20, 1971.

Public Law 92-56

July 29, 1971
[H. J. Res. 169]

JOINT RESOLUTION

Authorizing the acceptance, by the Joint Committee on the Library on behalf of the Congress, from the United States Capitol Historical Society, of preliminary design sketches and funds for murals in the east corridor, first floor, in the House wing of the Capitol, and for other purposes.

U.S. Capitol,
murals,
Sketches and
funds, acceptance.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Joint Committee on the Library is hereby authorized to accept on behalf of the Congress, as a gift from the United States Capitol Historical Society, preliminary design sketches prepared by Allyn Cox, artist of New York City, intended as a basic design for murals proposed to be painted on the ceiling and walls of the east corridor, first floor, in the House wing of the United States Capitol.

SEC. 2. Notwithstanding any other provision of law, the Architect of the Capitol is authorized—

(1) to accept in the name of the United States from the United States Capitol Historical Society the sum of \$80,000, and such other sums as such society may tender, and such sum or sums, when so received, shall be credited to the appropriation account "Capitol Buildings, Architect of the Capitol"; and

(2) subject to section 3 of this joint resolution, to expend such sum or sums for employment, by contract of Allyn Cox, artist of New York City, for the execution by him of mural decorations