

85TH CONGRESS  
2D SESSION

# H. R. 10608

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IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1958

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To provide evaluation of rehabilitation potentials and rehabilitation services to handicapped individuals who as a result thereof can achieve such ability of independent living as to dispense with the need for expensive institutional care or who can dispense with or largely dispense with the need of an attendant at home, to assist in the establishment of public and private nonprofit workshops and rehabilitation facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 *That this Act may be cited as the "Rehabilitation Act of*  
4 *1958".*



## 1 FINDING OF FACT AND DECLARATION

2 The Congress hereby finds and declares—

3 (1) That many severely handicapped persons, includ-  
4 ing the mentally ill or retarded, and older persons, ineligible  
5 for vocational rehabilitation, as a result of independent living  
6 rehabilitation services can achieve such a degree of independ-  
7 ence that—

8 (a) their institutional care can be terminated, or

9 (b) their need for an attendant's care at home will  
10 be ended or substantially reduced, and

11 (c) in many instances these individuals will be  
12 found to be capable of vocational rehabilitation and will  
13 become gainfully employed taxpayers.

14 (2) That the provision of independent living rehabili-  
15 tation services to such severely handicapped persons ends or  
16 minimizes the public and family burden of providing them  
17 with attendant's care, contributes greatly to their dignity  
18 and self-respect, and is in the public interest.

19 (3) That there is a grave shortage of rehabilitation  
20 facilities where independent living and vocational rehabili-  
21 tation services are provided the severely handicapped, in-  
22 cluding hearing and speech correction, fitting and use of  
23 prosthetic devices, adjustment, prevocational and vocational  
24 training, and particularly of centers providing a variety of  
25 such services.



1 (4) That there is a grave shortage of sheltered work-  
2 shop facilities wherein work capacities of severely handi-  
3 capped can be evaluated and developed, and can also be  
4 utilized in productive work in cases where the handicapped  
5 individual is not absorbable in the competitive labor market.

6 (5) That Federal grants assisting in the provision of  
7 the foregoing rehabilitation facilities and services are re-  
8 quired in the public interest as a necessary expansion of  
9 present grants under the Vocational Rehabilitation Act.

10 SEC. 2. (a) The Vocational Rehabilitation Act, as  
11 amended by the Vocational Rehabilitation Amendments of  
12 1954 (29 U. S. C., ch. 4), is amended (a) by inserting  
13 at the beginning thereof the heading "TITLE I", (b) by  
14 striking out the phrase "this Act" wherever it appears,  
15 and inserting in lieu thereof "this title", by inserting before  
16 the period at the end of section 11 (a) the following:  
17 "*Provided*, That vocational rehabilitation services shall not  
18 include any evaluation services with respect to which grants  
19 have been qualified for by the State and have been, or will  
20 be paid, under title IV of this Act" and (c) by adding  
21 the following after section 3 (c):  
22 " (d) In the event of failure of any State or States  
23 to qualify in a fiscal year for any payment under this sec-  
24 tion or to qualify for a payment in an amount less than  
25 the amount of the State's allotment, the amount equal to



1 the total of each such State's allotment, or the difference  
2 between its allotment and its payment, as the case may  
3 be, shall be reallocated among the remaining States on the  
4 basis of their respective population."

5 SEC. 3. The Vocational Rehabilitation Act, as amended  
6 by the Vocational Rehabilitation Amendments of 1954, is  
7 further amended by adding at the end thereof three new titles  
8 as follows:

9 "TITLE II—INDEPENDENT LIVING REHABILITA-  
10 TION SERVICES

11 "AUTHORIZATION OF APPROPRIATIONS FOR GRANTS; PUR-  
12 POSE FOR WHICH AVAILABLE

13 "SEC. 201. For the purpose of assisting the States in  
14 rehabilitating handicapped individuals who, as a result of  
15 such rehabilitation, may be expected to achieve such ability  
16 of independent living as to dispense with, or largely dispense  
17 with, the need for institutional care or, if not institutionalized,  
18 to dispense with, or largely dispense with, the need for an  
19 attendant, thereby reducing their burden upon others and  
20 contributing to their dignity and self-respect, there is hereby  
21 authorized for the fiscal year ending June 30, 1958, \$10,-  
22 000,000; for the fiscal year ending June 30, 1959, \$20,000,-  
23 000; and for each fiscal year thereafter such sums as Congress  
24 may determine necessary to carry out the purposes of this  
25 title.



1 "GRANTS FOR INDEPENDENT LIVING REHABILITATION  
2 SERVICES

3 "SEC. 202. (a) From the sums made available under  
4 section 201 to assist States in meeting the costs of inde-  
5 pendent living rehabilitation services, each State shall be  
6 entitled to an allotment of an amount which bears the same  
7 ratio to such sums as the product of the population of the  
8 State and the square of its allotment percentage (as defined  
9 in section 11 (h) of title I) bears to the sum of the cor-  
10 responding products for all the States. The allotment to any  
11 State under an allotment for any year which is less than  
12 \$25,000, or in the case of the Virgin Islands is less than  
13 \$10,000 (or such other amount as may be specified in a  
14 minimum allotment in the Act appropriating such sums for  
15 such year) shall be increased to that amount, the total of  
16 the increases thereby required being derived by proportion-  
17 ately reducing the allotments to each of the remaining States,  
18 but with such adjustments as may be necessary to prevent  
19 the allotments of any such remaining States from being  
20 thereby reduced below that amount. In the event of failure  
21 of any State or States to qualify in a fiscal year for any pay-  
22 ment under this section or to qualify for a payment in an  
23 amount less than the amount of the State's allotment, the  
24 amount equal to the total of each such State's allotment, or



1 the difference between its allotment and its payment, as the  
 2 case may be, shall be reallocated among the remaining States.  
 3 “(b) From each State’s allotment under this section, as  
 4 determined by the Secretary of Health, Education, and Wel-  
 5 fare, hereinafter called the Secretary, the Secretary shall pay  
 6 to such State an amount equal to the Federal share (deter-  
 7 mined as provided in section 11 (1) of title I of this Act) of  
 8 the cost, including cost of administration, of independent liv-  
 9 ing rehabilitation services provided under the independent  
 10 living rehabilitation plan approved under section 203 of this  
 11 title, which such plan is incorporated in the State plan  
 12 approved under section 5 of title I of this Act.

13 “STATE INDEPENDENT LIVING REHABILITATION PLANS

14 “SEC. 203. (a) To be approved under this title, a State  
 15 plan for independent living rehabilitation services shall—

16 “(1) designate the State agency administering or  
 17 supervising the administration of vocational education  
 18 in the State, or a State rehabilitation agency (primarily  
 19 concerned with vocational rehabilitation), as the sole  
 20 State agency to administer the plan, or to supervise  
 21 its administration to the extent that any part thereof  
 22 is administered in local areas by any public agency  
 23 pursuant to contract, except that where under the State’s  
 24 law the State blind commission, or other agency which  
 25 provides assistance or services to the adult blind, is



1 authorized to provide them vocational rehabilitation  
2 services, such State blind commission or other State  
3 agency may be designated as the sole State agency to  
4 administer the part of the plan under which vocational  
5 rehabilitation services are provided for the blind (or to  
6 supervise the administration of such part in a political  
7 subdivision of the State by a sole local agency of such  
8 political subdivision) and the State vocational education  
9 agency or the State rehabilitation agency shall be des-  
10 ignated as the sole State agency with respect to the  
11 rest of the State plan;

12 “(2) provide for financial participation of the State,  
13 which may include non-State funds which the State  
14 plan specifies may be accepted by the State agency;

15 “(3) provide such methods of administration, other  
16 than methods relating to the establishment and main-  
17 tenance of personnel standards, as are found by the  
18 Secretary to be necessary for the proper and efficient  
19 administration of the plan;

20 “(4) contain (A) provisions relating to the es-  
21 tablishment and maintenance of personnel standards, in-  
22 cluding provisions relating to the tenure, selection, ap-  
23 pointment, and qualification of personnel, and (B)  
24 provisions relating to the establishment and maintenance  
25 of minimum standards governing the facilities and per-



1       sonnel utilized in the provision of independent living  
2       rehabilitation services, but the Secretary shall exercise  
3       no authority with respect to the selection, method of  
4       selection, tenure of office, or compensation of any in-  
5       dividual employed in accordance with such provisions;

6       “ (5) show the plan, policies, and methods to be  
7       followed in carrying out the work under the State plan  
8       and in its administration and supervision and, in case  
9       independent living rehabilitation services cannot be pro-  
10      vided all eligible physically handicapped individuals who  
11      apply for such services, show the order to be followed  
12      in selecting those to whom independent living rehabilita-  
13      tion services will be provided;

14      “ (6) provide that the State agency will make such  
15      reports, in such form and containing such information, as  
16      the Secretary may from time to time reasonably require  
17      to carry out his functions under this Act, and comply  
18      with such provisions as he may from time to time find  
19      necessary to assure the correctness and verification of  
20      such reports;

21      “ (7) provide for cooperation by the State agency  
22      with, and the utilization of the services of, the State  
23      agencies administering the State's public assistance and  
24      public health programs, and the Bureau of Old-Age  
25      and Survivors Insurance (Department of Health, Ed-



1 ucation, and Welfare) and of other Federal, State, and  
2 local public agencies providing services relating to inde-  
3 pendent living rehabilitation services.

4 “(b) The Secretary shall approve any plan which he  
5 finds fulfills the conditions specified in subsection (a) of this  
6 section which is submitted as an addition to a State plan for  
7 vocational rehabilitation approved by the Secretary under  
8 title I of this Act.

9 “(c) Whenever the Secretary, after reasonable notice  
10 and opportunity for hearing to the State agency admin-  
11 istering or supervising the administration of the State plan  
12 approved under this section, finds that—

13 “(1) the plan has been so changed that it no  
14 longer complies with the requirements of subsection (a)  
15 of this section; or

16 “(2) in the administration of the plan there is a  
17 failure to comply substantially with any such provision;  
18 the Secretary shall notify such State agency that no further  
19 payments will be made to the State under this title, until  
20 he is satisfied that there is no longer any such failure.  
21 Until he is so satisfied the Secretary shall make no further  
22 payment to such State under this title.

23 “(d) If any State is dissatisfied with the Secretary’s  
24 action under subsection (c) of this section, such State may



1 appeal to the United States district court for the district  
2 where the capital of such State is located and judicial review  
3 of such action shall be on the record in accordance with the  
4 provisions of the Administrative Procedure Act.

5 "METHOD OF COMPUTING AND MAKING PAYMENTS

6 "SEC. 204. The method of computing and paying  
7 amounts pursuant to this title shall be as follows:

8 "(a) The Secretary shall, prior to the beginning of  
9 each calendar quarter or other period prescribed by him,  
10 estimate the amount to be paid to each State under the pro-  
11 visions of this title for such period, such estimate to be based  
12 on such records of the State and information furnished by  
13 it, and such other investigation as the Secretary may find  
14 necessary.

15 "(b) The Secretary shall pay, from the allotment avail-  
16 able therefor, the amount so estimated by him for such  
17 period, reduced or increased, as the case may be, by any  
18 sum (not previously adjusted under this paragraph) by  
19 which he finds that his estimate of the amount to be paid  
20 the State for any prior period under this title was greater  
21 or less than the amount which should have been paid to the  
22 State for such prior period under this title. Such payments  
23 shall be made prior to audit or settlement by the General  
24 Accounting Office, shall be made through the disbursing



1 facilities of the Treasury Department, and shall be made  
2 in such installments as the Secretary may determine.

3 "ADMINISTRATION

4 "SEC. 205. (a) In carrying out his duties under this  
5 Act, the Secretary shall—

6 "(1) make studies, investigations, demonstrations,  
7 and reports with respect to programs of independent  
8 living rehabilitation services carried on under this title;

9 "(2) cooperate with and render technical assist-  
10 ance to States in matters relating to the independent  
11 living rehabilitation of physically and mentally handi-  
12 capped individuals;

13 "(3) provide training and instruction in technical  
14 matters relating to independent living rehabilitation  
15 services, including the establishment and maintenance  
16 of such research fellowships and traineeships, with such  
17 stipends and allowances (including travel and subsist-  
18 ence expenses), as he may deem necessary;

19 "(4) disseminate information as to the studies, in-  
20 vestigations, demonstrations, and reports referred to in  
21 paragraph (1) and other matters relating to independent  
22 living rehabilitation services.

23 "(b) The Secretary is authorized to make rules and  
24 regulations governing the administration of this Act, and



1 to delegate to any officer or employee of the United States  
2 such of his powers and duties, except the making of rules  
3 and regulations, as he finds necessary in carrying out the  
4 purposes of this Act.

5 "DEFINITIONS

6 "SEC. 206. For the purpose of this title—

7 "(a) The term 'independent living rehabilitation serv-  
8 ices' means counseling, psychological, and related services  
9 (including transportation) rendered seriously handicapped  
10 individuals and in the case of any such individual found to  
11 require financial assistance with respect thereto, after full  
12 consideration of his eligibility for any similar benefits by  
13 way of pension, compensation, and insurance, such term  
14 shall include physical restoration and related services, in-  
15 cluding corrective surgery, therapeutic treatment, and  
16 hospitalization, needed prosthetic appliances and other  
17 devices which will contribute to independent living and  
18 training in the use thereof, and maintenance needed to assure  
19 the availability of such services.

20 "(b) The term 'handicapped individual' means an indi-  
21 vidual of employable age, as defined by regulations of the  
22 Secretary, who is under such physical or mental disability  
23 as to require institutional care or attendance in his household  
24 continuously or for a substantial portion of the time, but  
25 who can be reasonably expected, as a result of rehabilitation



1 services, to achieve such ability of independent living that  
2 he will no longer require such institutional care or such  
3 attendance in his household.

4 “(c) The term ‘State’ includes Alaska, District of  
5 Columbia, Hawaii, Virgin Islands, Puerto Rico, and Guam.

6 **“TITLE III—WORKSHOPS AND REHABILITATION**  
7 **FACILITIES**

8 **“AUTHORIZATION OF APPROPRIATIONS FOR GRANTS;**

9 **PURPOSES FOR WHICH AVAILABLE**

10 **“SEC. 301. (a)** For the purpose of encouraging and  
11 assisting in the establishment of public and other nonprofit  
12 workshops and rehabilitation facilities needed in rehabilitat-  
13 ing physically and mentally handicapped individuals, there  
14 is hereby authorized to be appropriated for the fiscal year  
15 ending June 30, 1959, the sum of \$10,000,000; for the fiscal  
16 year ending June 30, 1960, \$12,500,000; for the fiscal year  
17 ending June 30, 1961, \$15,000,000; and for each fiscal year  
18 thereafter such sums as Congress may determine, for grants  
19 to carry out the purpose of this title, including any amounts  
20 which may be specifically appropriated for area facilities.

21 **“ (b)** In making grants hereunder, except from funds  
22 specifically appropriated for and limited to area facilities,  
23 the Secretary of Health, Education, and Welfare, hereinafter  
24 called the Secretary, shall, insofar as practical and consistent  
25 with the purposes of this Act, distribute grants for projects



1 in the several States in aggregate amounts proportionate to  
2 their respective populations, and in no event shall grants  
3 hereunder to a State exceed by more than 50 per centum  
4 the aggregate amount it would receive on such population  
5 basis or \$10,000, whichever is greater: *Provided*, That in  
6 any case where the Secretary of Health, Education, and  
7 Welfare finds that any State or States has no project, or in-  
8 sufficient projects, to utilize fully the amount it would utilize  
9 in a fiscal year, he may, after January 1 of such year, re-  
10 distribute the funds which would otherwise have been paid  
11 such State to other States for suitable projects and such dis-  
12 tribution need not be proportionate to State populations.

13 “(c) As used in this section ‘area facilities’ means  
14 facilities intended to serve areas which include all or parts  
15 of two or more States.

16 “GRANTS FOR ESTABLISHMENT OF WORKSHOPS AND  
17 REHABILITATION FACILITIES

18 “SEC. 302. (a) From the sums made available pur-  
19 suant to section 301 of this title, the Secretary shall make  
20 grants for paying part of the costs incurred in the establish-  
21 ment of nonprofit workshops and rehabilitation facilities as  
22 hereafter defined and limited in subsections (b) and (c)  
23 hereof, and subject to the conditions and requirements of  
24 section 303 of this title. Such grants shall be available for



1 payment of administrative expenses found by the Secretary  
2 to be necessary in connection with performance by the State  
3 of its functions under this title.

4 “(b) Nonprofit workshops and rehabilitation facilities  
5 with respect to which grants may be made pursuant to  
6 subsection (a) hereof, shall include but not be limited to—

7 “(1) nonprofit workshops where any manufacture  
8 or handiwork is carried on, and which are operated  
9 for the primary purpose of providing one or more of  
10 the following:

11 “(A) remunerative employment to severely  
12 handicapped individuals as an interim step in the  
13 rehabilitation process for those who cannot readily  
14 be absorbed in the competitive labor market, or  
15 during such time as employment opportunities for  
16 them in the competitive labor market do not exist;

17 “(B) an opportunity for evaluating the work  
18 potential and developing the work capacity of  
19 handicapped individuals; or

20 “(C) employment for handicapped individuals  
21 confined to their homes.

22 “(2) nonprofit rehabilitation facilities operated for  
23 the primary purpose of assisting in the rehabilitation of  
24 physically and mentally handicapped individuals—



1 “(A) which provide one or more of the fol-  
2 lowing types of services:

3 “(i) testing, fitting, or training in the use  
4 of prosthetic devices;

5 “(ii) vocational training;

6 “(iii) prevocational or conditioning ther-  
7 apy;

8 “(iv) physical, occupational, or other  
9 medically supervised therapy;

10 “(v) adjustment training; or

11 “(vi) evaluation or control of special dis-  
12 abilities; or

13 “(B) through which is provided an integrated  
14 program of medical, psychological, social, and voca-  
15 tional evaluation and services under competent pro-  
16 fessional supervision: *Provided*, That the major por-  
17 tion of such evaluation and services is furnished  
18 within the facility and that all medical and related  
19 health services are prescribed by, or are under the  
20 formal supervision of, persons licensed to practice  
21 medicine or surgery in the State.

22 “(b) Grants shall be made with respect to construc-  
23 tion or alteration of buildings and procurement or installa-  
24 tion of initial equipment necessary to establish or increase



1 their effectiveness as workshops or rehabilitation facilities,  
2 and staffing for a period not to exceed two years. Grants  
3 shall be subject to such limitations and conditions as the  
4 Secretary of Health, Education, and Welfare shall prescribe  
5 to assure minimum standards for facilities and personnel  
6 under this Act, including a system of priorities for the ap-  
7 proval of projects.

8 “(c) The Federal share of cost of the workshop or  
9 rehabilitation facility established under this title shall not  
10 exceed \$2 for each \$1 which is otherwise obtained and used  
11 toward defraying such cost.

12 “(d) No grant shall be made under this title with  
13 respect to any workshop or rehabilitation facility unless—

14 “(1) application therefor in such form and con-  
15 taining such data and assurances as are required by the  
16 Secretary has been transmitted through and approved  
17 as feasible and necessary for vocational rehabilitation by  
18 the State agency designated pursuant to section 5 (a)  
19 (1) of title I of the State where such workshop or other  
20 rehabilitation facility is located or to be located;

21 “(2) the Secretary finds that the facility with  
22 respect to which such grant is requested is feasible, is  
23 needed, and that Federal grants for its establishment  
24 are not available under any other Federal law;



1 “(3) the Secretary finds that wages paid handi-  
2 capped workers meet wage and hour standards admin-  
3 istered by the United States Department of Labor;

4 “(4) the Secretary requires, and the applicant  
5 provides, such assurances, in such form and with such  
6 provisions as the Secretary finds necessary to insure that  
7 the purpose of such grant will be carried out and that  
8 its conditions and limitations of such grant will be com-  
9 plied with.

10 “TITLE IV—REHABILITATION EVALUATION  
11 SERVICES

12 “AUTHORIZATION FOR APPROPRIATIONS

13 —“SEC. 401. For the purpose of assisting the States in  
14 evaluating the nature and extent of the disabilities and the  
15 rehabilitation potentials of individuals of employable age, as  
16 defined in regulations of the Secretary of Health, Education,  
17 and Welfare, whose application therefor shows that they are  
18 under a substantial physical or mental handicap which may  
19 be overcome or substantially reduced by vocational rehabili-  
20 tation services available under title I of this Act or otherwise  
21 available, or whose dependency may be overcome or sub-  
22 stantially reduced by independent living rehabilitation serv-  
23 ices available under title II hereof, or otherwise available,  
24 there is hereby authorized to be appropriated for the fiscal  
25 year ending June 30, 1959, and for each fiscal year there-



1 after, such sums as are necessary for grants to States to carry  
2 out the purpose of this title.

3 "PAYMENTS TO STATES

4 "SEC. 402. (a) From the sums appropriated therefor,  
5 the Secretary of the Treasury shall pay to each State which  
6 has an approved plan for vocational rehabilitation (under  
7 title I of this Act) and for independent living rehabilitation  
8 services (under title II of this Act), for each fiscal year an  
9 amount equal to two-thirds of the total of the sums expended  
10 by the State agency or agencies administering such plans  
11 during such year, including administrative costs thereof, as  
12 found necessary by the Secretary of Health, Education, and  
13 Welfare, for the proper and efficient evaluation of disabilities  
14 and rehabilitation potentials referred to in section 401.

15 "(b) The Secretary of Health, Education, and Welfare  
16 shall, prior to the beginning of each quarter, or such other  
17 period as he shall prescribe as appropriate, estimate the  
18 amount to be paid with respect to expenditures for such  
19 evaluations in such period, such estimate to be based on  
20 (1) a report filed by such State agency or agencies contain-  
21 ing the estimates of such expenditures, and stating the  
22 amount appropriated or made available by the State and its  
23 political subdivisions for such expenditures in such period,  
24 and if such amount is less than the State's proportionate sum  
25 of such estimated expenditures, the sources from which the



1 difference is expected to be derived, (2) records of the  
2 number of applicants for rehabilitation evaluation, and (3)  
3 such other records and reports as the Secretary may find  
4 necessary.

5 “(c) The Secretary of Health, Education, and Welfare  
6 shall then certify to the Secretary of the Treasury the amount  
7 so estimated by the Secretary of Health, Education, and  
8 Welfare, (A) reduced or increased, as the case may be, by  
9 any sum by which the Secretary of Health, Education, and  
10 Welfare finds that his estimate for any prior period was  
11 greater or less than the amount which should have been paid  
12 to the State under subsection (a) for such period; except  
13 that such increases or reductions shall not be made to the  
14 extent that such sums have been applied to make the amount  
15 certified for any prior period greater or less than the amount  
16 estimated by the Secretary of Health, Education, and Wel-  
17 fare for such prior period.

18 “The Secretary of the Treasury shall thereupon, through  
19 the Fiscal Service of the Treasury Department and prior to  
20 audit or settlement by the General Accounting Office, pay to  
21 the State, at the time or times fixed by the Secretary of  
22 Health, Education, and Welfare, the amount so certified.

23 “(d) Payments hereunder shall not be made a State  
24 with respect to any period for which the Secretary refuses



1 payment of grants to such State under title I or II hereof  
2 pursuant to the provisions of such titles.

3 "DEFINITION OF REHABILITATION EVALUATION SERVICES

4 "SEC. 403. The term 'rehabilitation evaluation services'  
5 means (1) diagnostic and related services (including trans-  
6 portation) incidental to the determination of the nature and  
7 extent of an individual's physical and mental impairment and  
8 rehabilitation potentials and the rehabilitation services re-  
9 quired to realize these potentials, (2) the determination of  
10 appropriate referral of such individual for vocational re-  
11 habilitation services as defined in title I of this Act, inde-  
12 pendent living rehabilitation services as defined in title II  
13 of this Act, or other needed services provided by public or  
14 private agencies. In the case of individuals found to require  
15 financial assistance with respect thereto such term also in-  
16 cludes maintenance during any period he is required to be  
17 away from home during the period diagnostic and other  
18 evaluation services are being provided."



85TH CONGRESS  
2d Session

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# **A BILL**

To provide evaluation of rehabilitation potentials and rehabilitation services to handicapped individuals who as a result thereof can achieve such ability of independent living as to dispense with the need for expensive institutional care or who can dispense with or largely dispense with the need of an attendant at home, to assist in the establishment of public and private nonprofit workshops and rehabilitation facilities, and for other purposes.

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By Mr. FOGARTY

FEBRUARY 10, 1958

Referred to the Committee on Education and Labor