

87TH CONGRESS
1ST SESSION

H. R. 3523

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1961

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

A BILL

To encourage needed evaluation of rehabilitation potentials of, and the provision of rehabilitation services to handicapped individuals who may engage in gainful work or achieve substantial ability of independent living, thereby eliminating or reducing their burden on others and contributing to their dignity and self-respect; to assist in the establishment of public and private nonprofit evaluation 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 1961".

1 FINDING OF FACT AND DECLARATION

2 The Congress hereby finds and declares—

3 (1) that many severely handicapped persons, in-
4 cluding the mentally ill or retarded, and older persons,
5 not feasible for vocational rehabilitation, as a result of
6 independent living rehabilitation services can achieve
7 such a degree of independence that—

8 (a) their institutional care can be terminated,

9 or

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

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

15 (2) that the provision of independent living re-
16 habilitation services to such severely handicapped per-
17 sons ends or minimizes the public and family burden of
18 providing them with attendant's care, contributes
19 greatly to their dignity and self-respect, and is in the
20 public interest;

21 (3) that effective evaluation of rehabilitation po-
22 tentials of disabled individuals is essential to effective
23 and economical provision of independent living and
24 vocational rehabilitation services, under State programs
25 and should be encouraged;

1 (4) that there is a grave shortage of rehabilitation
2 facilities where evaluation, independent living, and voca-
3 tional rehabilitation services are provided the severely
4 handicapped, including hearing and speech correction,
5 fitting and use of prosthetic devices, personal adjustment,
6 prevocational and vocational training, and particularly
7 of centers providing a variety of such services;

8 (5) that there is a grave shortage of rehabilitation
9 facilities particularly sheltered workshop wherein work
10 capacities of severely handicapped can be evaluated and
11 developed, and can also be utilized in productive work
12 in cases where the handicapped individual is not absorb-
13 able in the competitive labor market; and

14 (6) greatly expanded development and utilization
15 of evaluation services and facilities, particularly inte-
16 grated units, are required and in the public interest.

17 (7) that Federal grants assisting in the provision
18 of the foregoing rehabilitation facilities and services are
19 required in the public interest as a necessary expansion of
20 present grants under the Vocational Rehabilitation Act.

21 SEC. 2. (a) The Vocational Rehabilitation Act, as
22 amended by the Vocational Rehabilitation Amendments of
23 1954 (29 U.S.C., ch. 4), is amended (1) by inserting at
24 the beginning thereof the heading "TITLE I", (2) by strik-
25 ing out the phrase "this Act" wherever it appears in section

1 11, and inserting in lieu thereof "this title", (3) by insert-
2 ing before the period at the end of section 11 (a) the fol-
3 lowing: "*Provided*, That for purposes of grants under this
4 title, vocational rehabilitation services shall not include any
5 evaluation services with respect to which grants have been
6 qualified for by the State and have been, or will be paid under
7 title IV of this Act, (4) by striking "Alaska" and "Hawaii"
8 from section 11 (a); (5) by inserting the following after the
9 phrase "facilities and services" in clause (1) of section 4 (a) :
10 "including regional programs of integrated research and
11 training in colleges and universities.", and (6) by adding the
12 following after section 3 (c) :

13 " (d) In the event of failure of any State or States to
14 qualify in a fiscal year for any payment under this section
15 or to qualify for a payment in an amount less than the amount
16 of the State's allotment, the amount equal to the total of
17 each such State's allotment, or the difference between its
18 allotment and its payment, as the case may be, shall be re-
19 allotted among the remaining States on such basis as the
20 Secretary prescribes, as consistent with the basis of the orig-
21 inal allotments."

22 (b) The Vocational Rehabilitation Act as amended by
23 the Vocational Rehabilitation Amendments of 1954 (29
24 U.S.C., ch. 4) is further amended by striking out section 12
25 and its heading and inserting in lieu thereof the following:

1 "OFFICE OF REHABILITATION COMMISSIONER AND
2 ADVISORY COMMITTEE

3 "SEC. 12. (a) There is hereby established in the Depart-
4 ment of Health, Education, and Welfare an Office of Reha-
5 bilitation, with a Commissioner of Rehabilitation, who shall
6 be appointed by the President by and with the advice and
7 consent of the Senate. The Commissioner shall perform such
8 functions respecting vocational rehabilitation and related
9 matters as the Secretary may prescribe and shall receive
10 compensation at the rate now or hereafter provided by law
11 for assistant secretaries of the Department.

12 " (b) The Secretary shall appoint an advisory commit-
13 tee broadly representative of public and professional in-
14 terests in vocational rehabilitation, including interests of
15 labor, business, medicine, welfare, psychology, and educa-
16 tion, to review and advise him with respect to rehabilitation
17 policies and such other matters relating to the rehabilitation
18 program as he may from time to time request. The Secre-
19 tary or his designate shall be chairman of the council, but
20 its membership shall select the other officers thereof. The
21 Secretary shall fix the terms of office of members, and the
22 time and place of regular and special meetings of the com-
23 mittee. Members not otherwise in the employ of the United
24 States, while attending meetings of the committee or other-
25 wise serving at the request of the Secretary, shall be entitled

1 to receive compensation at a rate to be fixed by the Secre-
2 tary, but not exceeding \$50 per diem, and shall also be en-
3 titled to receive an allowance for actual and necessary
4 traveling and subsistence expenses while so serving away
5 from their places of residence.

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

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

11 "AUTHORIZATION OF APPROPRIATIONS FOR GRANTS,
12 PURPOSE 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 substantial
16 ability of independent living, thereby reducing their burden
17 upon others and contributing to their dignity and self-respect,
18 there is hereby authorized for the fiscal year ending June 30,
19 1960, \$15,000,000; for the fiscal year ending June 30, 1961,
20 \$25,000,000; and for each fiscal year thereafter such sums
21 as Congress may determine necessary to carry out the
22 purposes of this 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 independ-
5 ent living rehabilitation services, each State shall be entitled
6 to an allotment of an amount which bears the same ratio
7 to such sums as the product of the population of the State
8 and the square of its allotment percentage (as defined in
9 section 11 (h) of title I) bears to the sum of the correspond-
10 ing products for all the States. The allotment to any State
11 under an allotment for any year which is less than \$25,000
12 (or such other amount as may be specified in a minimum
13 allotment in the Act appropriating such sums for such year),
14 shall be increased to that amount, the total of the increases
15 thereby required being derived by proportionately reducing
16 the allotments to each of the remaining States, but with such
17 adjustments as may be necessary to prevent the allotments
18 of any such remaining States from being thereby reduced
19 below that amount. In the event of failure of any State
20 or States to qualify in a fiscal year for any payment under
21 this section or to qualify for a payment in an amount less
22 than the amount of the State's allotment, the amount equal

1 to the total of each such State's allotment, or the difference
2 between its allotment and its payment, as the case may be,
3 shall be reallocated among the remaining States on such
4 basis as the Secretary prescribes as consistent with the basis
5 of the original allotments.

6 " (b) From each State's allotment under this section,
7 as determined by the Secretary, the Secretary shall make
8 payments to such State in a total amount equal to the
9 Federal share (determined as provided in section 11 (1)
10 of title I of this Act) of the cost, including cost of administra-
11 tion, of independent living rehabilitation services provided
12 under its independent living rehabilitation plan approved
13 under section 203 of this title.

14 "STATE INDEPENDENT LIVING REHABILITATION PLANS

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

17 " (1) Integrate such plan with its plan approved
18 under section 5 of title I of this Act;

19 " (2) designate the State agency administering or
20 supervising the administration of vocational education in
21 the State, or a State rehabilitation agency (primarily
22 concerned with vocational rehabilitation), as the sole
23 State agency to administer such plan, or to supervise
24 its administration to the extent that any part thereof
25 is administered in local areas by any public agency,

1 except that where, under the State's law, the State blind
2 commission, or other agency which provides assistance
3 or services to the adult blind, is authorized to provide
4 them vocational rehabilitation services, such State blind
5 commission or other State agency may be designated
6 as the sole State agency to administer the part of the
7 plan under which services are provided for the blind (or
8 to supervise the administration of such part in a political
9 subdivision of the State by a sole local agency of such
10 political subdivision); and in any such situations the
11 State vocational education agency or the State rehabili-
12 tation agency shall be designated as the sole State
13 agency with respect to the rest of the State plan;

14 “(3) provide for financial participation of the State,
15 which participation may include any non-State funds
16 which the State plan specifies may be accepted by the
17 State agency;

18 “(4) provide such methods of administration, other
19 than methods relating to the establishment and mainte-
20 nance of personnel standards, as are found by the Sec-
21 retary to be necessary for the proper and efficient ad-
22 ministration of the plan;

23 “(5) contain (A) provisions relating to the estab-
24 lishment and maintenance of personnel standards, in-

1 including provisions relating to the tenure, selection, ap-
2 pointment, and qualification of personnel, and (B) pro-
3 visions relating to the establishment and maintenance of
4 minimum standards governing the facilities and person-
5 nel utilized in the provision of independent living reha-
6 bilitation services, but the Secretary shall exercise no
7 authority with respect to the selection, method of selec-
8 tion, tenure of office, or compensation of any individual
9 employed in accordance with such provisions;

10 “ (6) show the plan, policies, and methods to be fol-
11 lowed in carrying out the work under the State plan
12 and in its administration and supervision and, in case
13 independent living rehabilitation services cannot be pro-
14 vided all eligible physically handicapped individuals who
15 apply for such services, show the order to be followed
16 in selecting those to whom independent living rehabili-
17 tation services will be provided;

18 “ (7) provide that the State agency will make such
19 reports, in such form and containing such information,
20 as the Secretary may from time to time reasonably re-
21 quire to carry out his functions under this title, and
22 comply with such requirements as he may from time to
23 time find necessary to assure the correctness and veri-
24 fication of such reports;

25 “ (8) provide for cooperation by the State agency

1 with, and the utilization of the services of, the State
2 agencies administering the State's public assistance and
3 public health programs, and the Bureau of Old-Age
4 and Survivors Insurance (Department of Health, Edu-
5 cation and Welfare) and of other Federal, State, and
6 local public agencies providing services relating to in-
7 dependent living rehabilitation services and describe
8 practical arrangements for such cooperation.

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

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

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

21 “(2) in the administration of the plan there is a
22 failure to comply substantially with any such provision;
23 the Secretary shall notify such State agency that no further
24 payments will be made to the State under this title until
25 he is satisfied that there is no longer any such failure. Until

1 he is so satisfied, the Secretary shall make no further pay-
2 ment to such State under this title.

3 “(d) If any State is dissatisfied with the Secretary’s
4 action under subsection (c) of this section, such State may
5 appeal to the United States district court for the district
6 where the capital of such State is located, and judicial re-
7 view of such action shall be on the record in accordance
8 with the provisions of the Administrative Procedure Act.

9 “METHOD OF COMPUTING AND MAKING PAYMENTS

10 “SEC. 204. The method of computing and paying
11 amounts pursuant to this title shall be as follows:

12 “(a) The Secretary shall, prior to the beginning of each
13 calendar quarter or other period prescribed by him, estimate
14 the amount to be paid to each State under the provisions
15 of this title for such period, such estimate to be based on
16 such records of the State and information furnished by it,
17 and such other investigation as the Secretary may find neces-
18 sary.

19 “(b) The Secretary shall pay, from the allotment avail-
20 able therefor, the amount so estimated by him for such
21 period, reduced or increased, as the case may be, by any
22 sum (not previously adjusted under this paragraph) by
23 which he finds that his estimate of the amount to be paid
24 the State for any prior period under this title was greater

1 or less than the amount which should have been paid to the
 2 State for such prior period under this title. Such payments
 3 shall be made prior to audit or settlement by the General
 4 Accounting Office, shall be made through the disbursing
 5 facilities of the Treasury Department, and shall be made in
 6 such installments as the Secretary may determine.

7 "ADMINISTRATION

8 "SEC. 205. In carrying out his duties under this title,
 9 the Secretary shall—

10 " (1) make studies, investigations, demonstrations,
 11 and reports with respect to programs of independent liv-
 12 ing rehabilitation services carried on under this title;

13 " (2) cooperate with and render technical assistance
 14 to States in matters relating to the independent living
 15 rehabilitation of physically and mentally handicapped
 16 individuals;

17 " (3) provide training and instruction in technical
 18 matters relating to independent living rehabilitation
 19 services, including the establishment and maintenance
 20 of such research fellowships and traineeships, with such
 21 stipends and allowances (including travel and sub-
 22 sistence expenses), as he may deem necessary;

23 " (4) disseminate information as to the studies, in-

1 vestigations, demonstrations, and reports referred to in
2 paragraph (1) and other matters relating to independ-
3 ent living rehabilitation services.

4 "DEFINITIONS

5 "SEC. 206. For the purpose of this title and titles III
6 and IV:

7 "(a) The term 'independent living rehabilitation serv-
8 ices' means (exclusive of any rehabilitation evaluation serv-
9 ices with respect to which the State receives payments pur-
10 suant to title IV of this Act) counseling, psychological and
11 related services (including transportation) rendered seri-
12 ously handicapped individuals and in the case of any such
13 individual found to require financial assistance with re-
14 spect thereto, after full consideration of his eligibility for
15 any similar benefits by way of pension, compensation, and
16 insurance, such term shall include physical restoration and
17 related services, including corrective surgery, therapeutic
18 treatment, and hospitalization, needed prosthetic appliances,
19 mobility and other devices, and other goods and services
20 which will contribute to independent living and training in
21 use of appliances, personal adjustment services, maintenance
22 needed to assure the availability of such services, and fol-
23 lowup services to insure maintenance of rehabilitation gains.

24 "(b) The term 'seriously handicapped individual'

1 means an individual of employable age or below such age
 2 if in special circumstances defined by regulations of the
 3 Secretary, who is under such physical or mental disability
 4 as to be unable to perform the ordinary functions of daily
 5 living, but who can be reasonably expected, as a result of
 6 rehabilitation services to achieve such ability of independent
 7 living as to eliminate or substantially reduce the burden of
 8 his care.

9 “(c) The term ‘State’ includes District of Columbia,
 10 the Virgin Islands, Puerto Rico, and Guam.

11 “TITLE III—REHABILITATION FACILITIES

12 “AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR
 13 REHABILITATION FACILITIES

14 “SEC. 301. (a) For the purpose of encouraging and as-
 15 sisting in the establishment of public and other nonprofit re-
 16 habilitation facilities needed in rehabilitating physically and
 17 mentally handicapped individuals, there is hereby authorized
 18 to be appropriated for the fiscal year ending June 30, 1960,
 19 the sum of \$10,000,000; for the fiscal year ending June 30,
 20 1961, \$12,500,000; for the fiscal year ending June 30,
 21 1962, \$15,000,000; and for each fiscal year thereafter such
 22 sums as Congress may determine, for grants to carry out the
 23 purpose of this title, including any amounts which may be
 24 specifically appropriated for area facilities.

1 "GRANT CONDITIONS AND PAYMENTS

2 "SEC. 302. (a) From the sums made available under
3 section 301 the Secretary shall make grants to public and
4 other nonprofit organizations for paying part of the costs of
5 the establishment of rehabilitation facilities needed in re-
6 habilitating physically and mentally handicapped individuals
7 and meeting the criteria specified in section 303, and for not
8 to exceed the Federal share, as determined under the formula
9 in section 11 (1) of title I of any expenditures incurred by
10 the State in making surveys with respect to the need for such
11 facilities, and for carrying out State agency functions referred
12 to in subsection (d) of section 303 of this title.

13 "(b) Payments under this section may be made in ad-
14 vance or by way of reimbursement for expenditures made
15 with respect to the establishment of such facilities; and shall
16 be made only under the conditions specified in this title and
17 such other conditions as the Secretary finds necessary to
18 carry out its purposes. Such payments shall be made prior
19 to audit or settlement by the General Accounting Office, shall
20 be made through the disbursing facilities of the Treasury De-
21 partment, and in such installments or lump sum as the
22 Secretary may determine.

23 "(c) In making grants under this title except from
24 funds specifically appropriated for and limited to area facili-
25 ties, the Secretary shall, insofar as practical and consistent

1 with the purposes of this title, distribute grants for facilities
2 in the several States in aggregate amounts proportionate to
3 their respective populations: *Provided*, That in any case
4 where the Secretary finds that in any State or States there
5 are no projects, or insufficient projects, to utilize fully the
6 amount it would utilize in a fiscal year, he may, after Janu-
7 ary 1 of such year redistribute the funds which would other-
8 wise have been paid such State hereunder to other States
9 for facilities, and such distribution need not be proportionate
10 to State populations.

11 “(d) In connection with a grant with respect to any
12 facility or facilities, the Secretary may designate what part
13 thereof, if any, shall be available for costs of its administra-
14 tion.

15 “(e) As used in this section ‘area facilities’ means facili-
16 ties needed to provide rehabilitation services for vocational
17 rehabilitation, independent living or evaluation of rehabilita-
18 tion potentials intended to serve areas which include all or
19 parts of two or more States.

20 “FACILITIES ELIGIBLE FOR GRANTS

21 “SEC. 303. (a) Rehabilitation facilities with respect to
22 which grants may be made pursuant to this title, shall in-
23 clude but not be limited to—

24 “(1) nonprofit workshops where any manufacture
25 or handiwork is carried on, and which are operated for

1 the primary purpose of providing one or more of the
2 following:

3 “(A) remunerative employment to severely
4 handicapped individuals as an interim step in the
5 rehabilitation process for those who cannot readily
6 be absorbed in the competitive labor market, or
7 during such time as employment opportunities for
8 them in the competitive labor market do not
9 exist;

10 “(B) an opportunity for evaluating the work
11 potential and developing the work capacity of handi-
12 capped individuals; or

13 “(C) employment for handicapped individuals
14 confined to their homes.

15 “(2) nonprofit rehabilitation facilities operated for
16 the primary purpose of assisting in the rehabilitation of
17 physically and mentally handicapped individuals—

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

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

22 “(ii) vocational training;

23 “(iii) prevocational or conditioning
24 therapy;

1 “ (iv) physical, occupational, or other medi-
2 cally supervised therapy;

3 “ (v) personal adjustment training; or

4 “ (vi) evaluation or control of special disa-
5 bilities; or

6 “ (B) through which is provided an integrated
7 program of medical, psychological, social, and voca-
8 tional evaluation and services under competent pro-
9 fessional supervision: *Provided*, That the major
10 portion of such evaluation and services is furnished
11 within the facility and that all medical and related
12 health services are prescribed by, or are under the
13 formal supervision of, persons licensed to practice
14 medicine or surgery in the State.

15 “ (b) Grants hereunder shall be made only with respect
16 to construction and alteration of buildings and procurement
17 and installation of initial equipment necessary to establish
18 or increase their effectiveness as rehabilitation facilities, and
19 staffing for a period not to exceed three years. Grants shall
20 be subject to such other limitations and conditions as the
21 Secretary of Health, Education, and Welfare shall prescribe
22 to assure minimum standards for facilities and personnel
23 under this Act, including a system of priorities for the ap-
24 proval of projects.

1 “(c) The Federal share of the cost of a rehabilitation
2 facility established under this title, including a regional facil-
3 ity, shall not exceed the Federal share as determined under
4 the formula in (II) (c) of title I applicable to expenditures
5 under such title, by the State where such facility is located.

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

8 “(1) application therefor in such form and con-
9 taining such data and assurances as are required by the
10 Secretary has been transmitted through and approved
11 as feasible and needed for its rehabilitation program by
12 the State agency designated pursuant to section 5 (a)
13 (1) of title I of the State where such workshop or other
14 rehabilitation facility is located or to be located;

15 “(2) the Secretary finds that the facility with re-
16 spect to which such grant is requested is feasible, and
17 will not duplicate the services available from any other
18 rehabilitation facility established or scheduled to be
19 established and financed or partly financed from Federal
20 funds;

21 “(3) the Secretary finds that wages paid handi-
22 capped workers meet the appropriate wage and hour
23 standards administered by the United States Depart-
24 ment of Labor;

1 “(4) the Secretary requires, and the applicant pro-
 2 vides, such assurances, in such form and with such pro-
 3 visions as the Secretary finds necessary to insure that
 4 the purpose of such grant will be carried out and that
 5 its conditions and limitations of such grant will be com-
 6 plied with.

7 “TITLE IV—REHABILITATION EVALUATION
 8 SERVICES

9 “AUTHORIZATION FOR APPROPRIATIONS

10 “SEC. 401. For the purpose of assisting the States in
 11 evaluating the nature and extent of the disabilities and the
 12 rehabilitation potentials of individuals of employable age, or
 13 below such age if in special circumstances as defined in regu-
 14 lations of the Secretary, where such application therefor
 15 shows that they are under a substantial physical or mental
 16 handicap which may be overcome or substantially reduced by
 17 vocational rehabilitation services available under title I
 18 of this Act or otherwise available, or whose dependency may
 19 be overcome or substantially reduced by independent liv-
 20 ing rehabilitation services available under title II hereof,
 21 or otherwise available, there is hereby authorized to be
 22 appropriated for the fiscal year ending June 30, 1959, and
 23 for each fiscal year thereafter, such sums as are necessary
 24 for grants to States to carry out the purpose of this title.

1 "PAYMENTS TO STATES

2 "SEC. 402. (a) From the sums appropriated therefor,
3 the Secretary of the Treasury shall pay to each State which
4 has an approved plan for vocational rehabilitation (under
5 title I of this Act) and for independent living rehabilitation
6 services (under title II of this Act), for each fiscal year an
7 amount equal to three-fourths of the total of the sums ex-
8 pended by the State agency or agencies administering such
9 plans during such year, for purchase of rehabilitation evalua-
10 tion services, or the provision by such agency of such
11 services, as found necessary by the Secretary for the proper
12 and efficient evaluation of their disabilities and rehabilitation
13 potentials referred to in section 401.

14 "(b) The Secretary of Health, Education, and Welfare
15 shall, prior to the beginning of each quarter, or such other
16 period as he shall prescribe as appropriate, estimate the
17 amount to be paid with respect to such expenditures for such
18 evaluations in such period, such estimate to be based on
19 (1) a report filed by such State agency or agencies con-
20 taining the estimates of such expenditures, and stating the
21 amount appropriated or made available by the State and
22 its political subdivisions for such expenditures in such period,
23 and if such amount is less than the State's proportionate
24 sum of such estimated expenditures, the sources from which
25 the difference is expected to be derived, (2) records of

1 the number of applicants for rehabilitation evaluation, and
2 (3) such other records and reports as the Secretary may
3 find necessary.

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

14 “The Secretary of the Treasury shall thereupon, through
15 the fiscal service of the Treasury Department and prior to
16 audit or settlement by the General Accounting Office, pay
17 to the State, at the time or times fixed by the Secretary of
18 Health, Education, and Welfare, the amount so certified.

19 “(d) Payments hereunder shall not be made to a State
20 with respect to any period for which the Secretary refuses
21 payment of grants to such State under title I or II hereof
22 pursuant to the provisions of such titles.

23 “DEFINITION OF REHABILITATION EVALUATION SERVICES

24 “SEC. 403. The term ‘rehabilitation evaluation services’
25 means (1) evaluation of the medical, psychological, social,

1 and vocational aspects of an individual's physical and mental
2 impairment and rehabilitation potential, the determination of
3 rehabilitation services required to realize these potentials, and
4 related services, including transportation necessary to make
5 such evaluation services available, (2) the determination of
6 appropriate referral of such individual for vocational rehabil-
7 itation services as defined in title I of this Act, independent
8 living rehabilitation services as defined in title II of this Act,
9 or other needed services provided by public or private agen-
10 cies. In the case of individuals found to require financial
11 assistance with respect thereto such term also includes main-
12 tenance during any period he is required to be away from
13 home during the period rehabilitation evaluation services are
14 being provided."

87TH CONGRESS
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A BILL

To encourage needed evaluation of rehabilitation potentials of, and the provision of rehabilitation services to handicapped individuals who may engage in gainful work or achieve substantial ability of independent living, thereby eliminating or reducing their burden on others and contributing to their dignity and self-respect; to assist in the establishment of public and private non-profit evaluation and rehabilitation facilities; and for other purposes.

By Mr. FOGARTY

JANUARY 30, 1961

Referred to the Committee on Education and Labor