

88TH CONGRESS
1ST SESSION

H. R. 4027

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1963

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

A BILL

To amend the Vocational Rehabilitation Act to provide services to determine rehabilitation potential, to expand vocational rehabilitation services, to make grants for construction of rehabilitation facilities and workshops, 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 "Vocational Rehabilitation
4 Amendments of 1963".

5 AMENDMENTS RESPECTING AUTHORIZATIONS FOR AND
6 AVAILABILITY OF APPROPRIATIONS

7 SEC. 2. Section 1 of the Vocational Rehabilitation Act
8 is amended as follows:

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1 (a) Paragraph (3) of such section is amended by strik-
2 ing out "including temporary assistance in initiating a sub-
3 stantial nationwide expansion of vocational rehabilitation
4 programs in the States" and inserting in lieu thereof "includ-
5 ing temporary assistance under clause (2) of section 4(a)
6 in initiating expansion of vocational rehabilitation programs
7 in certain States, except that (A) sums so appropriated for
8 any fiscal year beginning after June 30, 1969, shall not be
9 available for grants under clause (2) of section 4(a), and
10 (B) sums so appropriated for any fiscal year ending prior
11 to July 1, 1969, for grants under such clause (2) shall re-
12 main available for such grants until the close of June 30,
13 1970", and is further amended by striking out the period at
14 the end thereof and inserting "; and".

15 (b) After paragraph (3) the following is added:

16 "(4) Grants to States under section 13 to assist
17 them in meeting the costs of evaluating the nature and
18 extent of the disabilities and rehabilitation potentials
19 of individuals of employable age, or below such age if in
20 special circumstances as defined by the Secretary; and

21 "(5) Grants to States and to public and other non-
22 profit organizations and agencies under section 12 to
23 assist in meeting the costs of construction of nonprofit
24 workshops and rehabilitation facilities, and of planning
25 such facilities, and to States to assist in meeting the costs

1 of determining the States needs therefor; *Provided*,
 2 That appropriations authorized for this purpose are
 3 limited to appropriations for the fiscal year ending June
 4 30, 1964, and for each of the four succeeding fiscal
 5 years, and the amounts so authorized are \$5,000,000
 6 for such first fiscal year and \$10,000,000 for each of
 7 such four succeeding fiscal years, but sums so appro-
 8 priated shall remain available until expended with
 9 respect to projects approved under section 12 prior to
 10 July 1, 1969.”

11 EXPANSION OF PROGRAMS FOR VOCATIONAL

12 REHABILITATION SERVICES

13 SEC. 3. Section 4 of the Vocational Rehabilitation Act
 14 is amended as follows:

15 (a) Clause (2) of section 4 (a) is amended to read:

16 “(2) for paying part or all of the cost of projects for plan-
 17 ning, preparing for, and initiating expansion of State vo-
 18 cational rehabilitation programs in those States where, in the
 19 judgment of the Secretary, such action holds promise of
 20 yielding a substantial increase in the number of persons
 21 vocationally rehabilitated, except that no such project may
 22 be eligible for grants under this clause for more than five
 23 years”.

24 (b) Paragraphs (2) and (4) of section 4 (d) are each

1 amended by inserting “(other than subsection (a) (2)”
2 after “under this section” each time this expression appears.

3 FLEXIBILITY IN STATE ADMINISTRATION

4 SEC. 4. Section 5 (a) of the Vocational Rehabilitation
5 Act is amended by striking out paragraphs (1), (2), and
6 (3) and inserting in lieu thereof the following:

7 “(1) designate for its administration, a single State
8 agency meeting the requirements set out in paragraph
9 (2), except that when so authorized by the State law—

10 “(A) the State blind commission or other State
11 agency which provides assistance to the adult blind,
12 under conditions set out in the plan may be so desig-
13 nated with respect to the part of the plan under
14 which rehabilitation is provided the blind; and

15 “(B) agencies of political subdivisions of States,
16 under the effective supervision of such designated
17 State agency (or agencies) and under conditions
18 set out in such State plan, may administer all or
19 part thereof in such subdivisions;

20 “(2) provide that the State agency (or each of the
21 two agencies) designated pursuant to paragraph (1)
22 shall be the sole agency (or agencies) to administer the
23 State plan (or in the case of administration by subdivi-
24 sions as provided in paragraph (1) that it shall be the
25 sole agency to supervise such administration), and that

1 such State agency, or any successor State agency desig-
2 nated in such State plan or amended plan shall be so
3 designated only while it meets the following require-
4 **ments:**

5 “(A) its principal functions are vocational re-
6 habilitation, or vocational and other rehabilitation,
7 of disabled individuals; or

8 “(B) it has a vocational rehabilitation bureau
9 or other organizational unit with a full time director
10 and staff engaged in and responsible for the per-
11 formance of principal functions described in (A)
12 and, unless such agency is the State agency admin-
13 istering the supervision of education or vocational
14 education of the State and the director of such unit
15 the executive director of such State agency, such
16 unit shall be at an organizational level with other
17 major organizational units of the State agency and
18 such State agency has in addition to such unit and
19 functions, responsibility for administering at least
20 two of the State’s major public health, welfare, or
21 labor programs.

22 “(3) provide for financial participation of the
23 State, which may include the participation of any
24 political subdivision of the State and provide that the
25 plan shall be in effect in all political subdivisions of the

1 State, except for special programs, the limitation on
2 which shall be prescribed by the Secretary.”

3 AMENDMENTS TO SECTION 11, “DEFINITIONS” RESPECTING
4 REHABILITATION SERVICES, REHABILITATION EVALUA-
5 TION SERVICES, AND PRIVATE CONTRIBUTIONS

6 SEC. 5. Section 11 of the Vocational Rehabilitation Act
7 is amended as follows:

8 (a) Subsection (f) (2) is amended by striking out
9 “initial staffing thereof (for a period not exceeding one
10 year)” and inserting in lieu thereof “initial staffing (for a
11 period not exceeding two years) of such facility or of any
12 rehabilitation facility or workshop constructed with the aid
13 of grants under section 12”.

14 (b) Such section is amended by adding at its end the
15 following new subsections:

16 “(1) Contributions of funds made by any private agency,
17 organization, or individual to a State to assist in meeting
18 the costs of establishment of a public or other nonprofit
19 workshop or rehabilitation facility, which would be regarded,
20 for purposes of section 2 or 3, as funds of the State with re-
21 spect to which payments under such section are authorized
22 except for the condition, imposed by the contributor, limiting
23 use of such funds to establishment of such workshop or
24 facility, shall, subject to such limitations and conditions as
25 may be prescribed in regulations of the Secretary, be re-

1 garded as funds of such State for purposes of such section.
2 “(m) The term ‘rehabilitation evaluation services’ (ex-
3 clusive of any diagnostic and related services with respect
4 to which the States receive payments under section 2, 3, or
5 4 of this Act) means services respecting (1) evaluation of
6 the medical, psychological, social, and vocational aspects
7 of an individual’s physical and mental impairment and re-
8 habilitation potential, the determination of rehabilitation
9 services, including transportation, necessary to make such
10 evaluation services available, and (2) provision of any
11 goods or services to an individual who is under a physical
12 or mental disability, which constitutes a substantial handicap
13 to employment, during the period of such disability, but not
14 in excess of six months, except for certain categories of the
15 handicapped, including the mentally retarded, specified in
16 regulations of the Secretary, which shall not be in excess
17 of eighteen months, and is determined (in accordance with
18 regulations of the Secretary) to be necessary for ascertaining
19 the rehabilitation potential of the individual, (3) determi-
20 nation of appropriateness of referral of such individual for
21 rehabilitation services or other needed services to other
22 public or private agencies providing such services, and (4)
23 in the case of individuals found to require financial assistance,
24 during the period their rehabilitation evaluation potential is

1 being determined, such term also includes their maintenance
2 during such period.”

3 REHABILITATION FACILITIES AND WORKSHOPS

4 SEC. 6. Section 12 of the Vocational Rehabilitation Act
5 and the heading thereto “TRANSITION PROVISIONS” are
6 deleted and the following inserted:

7 “GRANTS FOR CONSTRUCTION OF REHABILITATION FACIL-
8 ITIES AND WORKSHOPS

9 “SEC. 12. (a) From the sums made available pursu-
10 ant to section 1 of this Act for grants to assist in meeting
11 the costs of construction of public or other nonprofit work-
12 shops the Secretary shall make grants for projects for which
13 applications are approved by the Secretary under this section.

14 “(b) To be approved, an application for a grant for a
15 construction project under this section must—

16 “(1) contain or be supported by reasonable assur-
17 ances that (A) for a period of not less than ten years
18 after completion of construction of the project it will be
19 used as a public or other nonprofit workshop or rehabili-
20 tation facility, (B) sufficient funds will be available to
21 meet the non-Federal share of the cost of construction of
22 the project, (C) sufficient funds will be available, when
23 construction of the project is completed, for its effective
24 use as a workshop or rehabilitation facility, as the case
25 may be;

1 “(2) be accompanied or supplemented by plans
2 and specifications which comply with regulations of the
3 Secretary, relating to minimum standards of construc-
4 tion and equipment, which permit maximum flexibility
5 to the applicant consistent with such standards;

6 “(3) be approved, in accordance with regulations
7 of the Secretary, by the appropriate State agency desig-
8 nated as provided in section 5 (a) (1) ;

9 “(4) contain or be supported by adequate assurance
10 that any laborer or mechanic employed by any con-
11 tractor or subcontractor in the performance of work on
12 the construction of the project (A) will be paid wages at
13 rates not less than those prevailing on similar construc-
14 tion in the locality as determined by the Secretary of
15 Labor in accordance with the Davis-Bacon Act, as
16 amended (40 U.S.C. 276a-5), and (B) will receive
17 compensation at a rate not less than one and one-half
18 times his basic rate of pay for all hours worked in any
19 workweek in excess of eight hours in any workday or
20 forty hours in the workweek; but in the case of a non-
21 profit private workshop or rehabilitation facility, the
22 Secretary of Health, Education, and Welfare may waive
23 the application of this subsection in cases or classes of
24 cases where laborers and mechanics voluntarily donate

1 their services for the purpose of lowering the cost of
2 construction and he determines that any amounts saved
3 thereby are fully credited to the applicant undertaking
4 the construction. The Secretary of Labor shall have,
5 with respect to the labor standards specified in this para-
6 graph, the authority and functions set forth in Reorgan-
7 ization Plan Numbered 14 of 1950 (15 F.R. 3176; 64
8 Stat. 1267), and section 2 of the Act of June 13, 1934,
9 as amended (40 U.S.C. 276e);

10 “(5) If for a workshop, contain a provision that
11 wages paid handicapped workers will meet appropriate
12 wage and hour standards administered by the United
13 States Department of Labor.

14 “(c) The amount of a grant under this section with
15 respect to any construction project in any State shall be
16 equal to the same percentage of the cost of such project as
17 the Federal share which is applicable in the case of re-
18 habilitation facilities (as defined in section 631 (n) of the
19 Public Health Service Act, 42 U.S.C. 291i (n)) in such
20 State, except that if the Federal share with respect to such
21 facilities in such State is determined under subparagraph
22 (A) of section 631 (k) (1) of such Act (42 U.S.C. 291i
23 (k) (1)), the percentage of the cost for purposes of this
24 section shall be determined in accordance with regulations
25 of the Secretary designed to achieve as nearly as practicable

1 results comparable to the results obtained under such sub-
2 paragraphs.

3 “(d) Upon approval of any application for a grant for
4 a construction project under this section, the Secretary shall
5 reserve, from any appropriation available therefor, the
6 amount of such grant determined under subsection (c); the
7 amount so reserved may be paid in advance or by way of re-
8 imbursement, and in such installments consistent with con-
9 struction progress, as the Secretary may determine. The
10 Secretary’s reservation of any amount under this subsection
11 may be amended by him, either upon approval of an amend-
12 ment of the application or upon revision of the estimated cost
13 of construction.

14 “(e) If, within ten years after completion of any con-
15 struction project for which funds have been paid under this
16 section, the workshop or rehabilitation facility shall cease
17 to be a public or other nonprofit workshop or rehabilita-
18 tion facility, the United States shall be entitled to recover
19 from the applicant or other owner of the workshop or facility
20 the amount bearing the same ratio to the then value (as
21 determined by agreement of the parties or by action brought
22 in the United States district court for the district in which
23 such workshop or facility is situated) of the workshop or
24 facility, as the amount of the Federal participation bore to
25 the cost of construction of such workshop or facility.

1 “(f) The Secretary is also authorized to make grants
2 (1) to the State agency or agencies of a State designated
3 as provided in section 5 (a) (1) to assist in meeting the cost
4 of determining the State’s needs for workshops and rehabili-
5 tation facilities and (2) upon application approved by the
6 appropriate State agency so designated for such State, to
7 public or other nonprofit agencies, institutions, or organiza-
8 tions to assist them in meeting the costs of planning work-
9 shops and rehabilitation facilities and the services to be
10 provided thereby. Payment of such grants may be made in
11 advance or by way of reimbursement, and in such install-
12 ments and on such conditions, as the Secretary may
13 determine.

14 “(g) For purposes of this section, ‘construction’ in-
15 cludes construction of new buildings and expansion, remodel-
16 ing, alteration, and renovation of existing buildings, and
17 initial equipment of such new, expanded, remodeled, altered,
18 or renovated buildings and initial staffing for not to exceed
19 four years; and the ‘cost’ of construction includes the cost
20 of architects’ fees in connection with construction, but does
21 not include the cost of acquisition of land or off-site
22 improvements.”

1 REHABILITATION POTENTIAL EVALUATIONS

2 SEC. 7. Section 13 of the Vocational Rehabilitation Act
3 is renumbered section 14 and the following new section is
4 inserted before the heading "SHORT TITLE" of such renum-
5 bered section:

6 "GRANTS TO STATES FOR EVALUATING REHABILITATION
7 POTENTIALS

8 "SEC. 13. (a) From the sums available for any fiscal
9 year for grants to States to assist them in meeting the cost
10 of purchasing or providing rehabilitation evaluation serv-
11 ices, the Secretary shall certify to the Secretary of the
12 Treasury, and the Secretary of the Treasury shall pay to each
13 State which has an approved plan for vocational rehabilita-
14 tion for each fiscal year an amount equal to three-fourths
15 of the total of the sums expended by the State agency or
16 agencies administering such plans during such year, for pur-
17 chase of rehabilitation evaluation services, or the provision by
18 such agency of such services, as found necessary by the
19 Secretary for the proper and efficient evaluation of their
20 disabilities and rehabilitation potential as defined in section
21 11.

22 "(b) The Secretary of Health, Education, and Welfare

1 shall, prior to the beginning of each quarter, or such other
2 period as he shall prescribe as appropriate, estimate the
3 amount to be paid with respect to such expenditures for
4 such evaluations in such a period, such estimate to be based
5 on (1) a report filed by such State agency or agencies
6 containing the estimates of such expenditures and stating the
7 amount appropriated or made available by the State and its
8 political subdivisions for such expenditures in such period,
9 and if such amount is less than the State's proportionate
10 sum of such estimated expenditures, the sources from which
11 the difference is expected to be derived, (2) records of the
12 number of applicants for rehabilitation evaluation, and (3)
13 such other records and reports as the Secretary may find
14 necessary.

15 “(c) The Secretary shall then certify to the Secretary
16 of the Treasury, such amounts reduced or increased, as the
17 case may be, by any sum by which the Secretary finds that
18 his estimate for any prior period was greater or less than the
19 amount which should have been paid to the State under sub-
20 section (a) for such period; except that such reductions or
21 increases shall not be made to the extent that such sums
22 have been applied to make the amount certified for any prior
23 period greater or less than the amount estimated by the
24 Secretary for such prior period. The Secretary of the Treas-
25 ury shall thereupon, through the fiscal service of the Treas-

1 ury Department and prior to audit or settlement by the
2 General Accounting Office, pay to the State, at the time or
3 times fixed by the Secretary of Health, Education, and
4 Welfare, the amount so certified.”

5 PRESIDENT’S COMMITTEE

6 SEC. 8. The joint resolution entitled “Joint resolution
7 authorizing appropriation for work of the President’s Com-
8 mittee on National Employ the Physically Handicapped
9 Week”, approved July 11, 1949 (63 Stat. 409) is amended
10 by striking out “\$300,000” and inserting in lieu thereof
11 “\$500,000.”

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By Mr. FOGARTY

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Referred to the Committee on Education and Labor