

89<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 6971

---

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 1965

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 assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, 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 Act Amendments of 1965".

1 DETERMINATION OF VOCATIONAL REHABILITATION  
2 POTENTIAL

3 SEC. 2. (a) Section 12 of the Vocational Rehabilita-  
4 tion Act (29 U.S.C. 42) is amended to read as follows:

5 "GRANTS TO STATES FOR VOCATIONAL REHABILITATION  
6 SERVICES TO DETERMINE REHABILITATION POTENTIAL

7 "SEC. 12. (a) (1) (A) From the sums available for  
8 any fiscal year for grants to States to assist them in meeting  
9 the costs of providing vocational rehabilitation evaluation  
10 services, each State shall be entitled to an allotment of an  
11 amount which bears the same ratio to such sums as the prod-  
12 uct of (i) the population of the State and (ii) its allotment  
13 percentage (as defined in section 11 (h) ) bears to the sum of  
14 the corresponding products for all the States.

15 "(B) The allotment to any State under paragraph (1)  
16 of this subsection for any fiscal year which is less than \$5,000  
17 (or such other amount as may be specified as a minimum  
18 allotment in the Act appropriating such sums for such year)  
19 shall be increased to that amount, the total of the increases  
20 thereby required being derived by proportionately reducing  
21 the allotments to each of the remaining States under that  
22 paragraph, but with such adjustments as may be necessary  
23 to prevent the allotment of any of such remaining States from  
24 being thereby reduced to less than that amount.

25 "(2) Any amount allotted under this subsection to any

1 State for any fiscal year which the Secretary determines will  
2 not be required for such fiscal year for meeting the costs of  
3 providing vocational rehabilitation evaluation services under  
4 such State's plan approved under section 5 shall be available  
5 for reallocation from time to time, on such dates as the Secre-  
6 tary may fix, to other States which the Secretary determines  
7 (A) have need in providing vocational rehabilitation evalua-  
8 tion services under their respective State plans approved  
9 under section 5 for sums in excess of those previously allotted  
10 to them under paragraph (1) of this subsection, and (B)  
11 will be able to use such excess sums for such services during  
12 such fiscal year. Any amount so reallocated to a State shall  
13 be deemed part of its allotment under paragraph (1) of this  
14 subsection.

15 “(b) (1) From each State's allotment under subsection  
16 (a) for any fiscal year, the Secretary shall pay to such State  
17 an amount equal to—

18 “(A) the Federal share (determined as provided  
19 in section 11 (i) ), or

20 “(B) 75 per centum, in the case of any State which  
21 provides assurances satisfactory to the Secretary that its  
22 expenditures from State or local sources under its plan  
23 approved under section 5 (except for expenditures with  
24 respect to which the State is entitled to payments under

1 section 3) will not be less than such expenditures under  
2 such plan for the fiscal year ending June 30, 1964,  
3 of the costs of providing vocational rehabilitation evaluation  
4 services to substantially handicapped individuals under such  
5 plan (including costs of administration).

6 “(2) No payment may be made from an allotment  
7 under subsection (a) with respect to any cost with respect to  
8 which any payment is made under section 2, 3, or 4.

9 “(c) For purposes of this section, the term ‘vocational  
10 rehabilitation evaluation services’ means those services (1)  
11 which are provided to any individual under a physical or  
12 mental disability constituting a substantial handicap to em-  
13 ployment during the period determined, in accordance with  
14 regulations of the Secretary, to be necessary for, and which  
15 are provided for the purpose of, ascertaining whether it may  
16 reasonably be expected that such an individual will be ren-  
17 dered fit to engage in a remunerative occupation through the  
18 provision of vocational rehabilitation services, and (2) which  
19 would constitute vocational rehabilitation services if his dis-  
20 ability were of such a nature that he would be a physically  
21 handicapped individual; except that—

22 “(A) such period shall not exceed eighteen months  
23 in the case of any such individual who is mentally re-  
24 tardated or has a disability designated for this purpose

1 by the Secretary, or six months in the case of any such  
2 individual with any other disability, and

3 “(B) such services shall not include placement  
4 services, management services and supervision for any  
5 business, the acquisition or provision of tools, vending  
6 stands, or other equipment, stocks, or supplies for use in  
7 any business or remunerative occupation, or the estab-  
8 lishment of rehabilitation facilities or workshops.”

9 (b) Section 1 of such Act (29 U.S.C. 31) is amended  
10 by striking out “and” at the end of paragraph (2), by  
11 striking out the period at the end of paragraph (3) and  
12 inserting in lieu thereof “; and”, by striking out, in the  
13 last sentence, “three types of grants” and inserting in lieu  
14 thereof “four types of grants”, and by inserting the follow-  
15 ing new paragraph after paragraph (3):

16 “(4) grants to States under section 12 to assist  
17 them in meeting the costs of vocational rehabilitation  
18 evaluation services.”

19 (c) That portion of section 5 (c) of such Act (29  
20 U.S.C. 35 (c) ) which follows paragraph (2), and that por-  
21 tion of section 6 of such Act (29 U.S.C. 36) which precedes  
22 paragraph (1), are each amended by striking out “section  
23 2 or 3” wherever it appears therein and inserting in lieu  
24 thereof “section 2, 3, or 12”.

1 (d) The amendments made by the preceding subsec-  
 2 tions of this section shall be effective for fiscal years beginning  
 3 after June 30, 1966.

4 CONSTRUCTION OF REHABILITATION FACILITIES; WORK-  
 5 SHOP IMPROVEMENT; EXPERIMENTAL PROJECTS; RE-  
 6 MOVAL OF ARCHITECTURAL BARRIERS

7 SEC. 3. The Vocational Rehabilitation Act is further  
 8 amended by redesignating section 13 as section 17, and by  
 9 inserting after section 12 the following new sections:

10 "GRANTS FOR CONSTRUCTION OF REHABILITATION  
 11 FACILITIES AND WORKSHOPS

12 "SEC. 13. (a) Effective for fiscal years beginning after  
 13 June 30, 1965, the Secretary is authorized to make grants  
 14 to assist in meeting the costs of construction of public or  
 15 other nonprofit workshops and rehabilitation facilities. Such  
 16 grants may be made only for projects for which applications  
 17 are approved by the Secretary under this section.

18 "(b) To be approved, an application for a grant for a  
 19 construction project under this section must—

20 "(1) contain or be supported by reasonable assur-  
 21 ances that (A) for a period of not less than ten years  
 22 after completion of construction of the project it will be  
 23 used as a public or other nonprofit workshop or rehabili-  
 24 tation facility, (B) sufficient funds will be available to  
 25 meet the non-Federal share of the cost of construction

1 of the project, and (C) sufficient funds will be available,  
2 when construction of the project is completed, for its  
3 effective use as a workshop or rehabilitation facility, as  
4 the case may be;

5 “(2) be accompanied or supplemented by plans and  
6 specifications which comply with regulations of the Sec-  
7 retary relating to minimum standards of construction  
8 and equipment;

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

12 “(4) contain or be supported by reasonable assur-  
13 ance that any laborer or mechanic employed by any con-  
14 tractor or subcontractor in the performance of work on  
15 any construction aided by payments pursuant to any  
16 grant under this section will be paid wages at rates not  
17 less than those prevailing on similar construction in the  
18 locality as determined by the Secretary of Labor in ac-  
19 cordance with the Davis-Bacon Act, as amended (40  
20 U.S.C. 276a—276a-5) ; and the Secretary of Labor shall  
21 have, with respect to the labor standards specified in this  
22 paragraph, the authority and functions set forth in Reor-  
23 ganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5  
24 U.S.C. 133z-15) and section 2 of the Act of June 13,  
25 1934, as amended (40 U.S.C. 276c) .

1       “(c) The amount of a grant under this section with re-  
2 spect to any construction project in any State shall be equal  
3 to the same percentage of the cost of such project as the  
4 Federal share which is applicable in the case of rehabilitation  
5 facilities (as defined in section 625 (g) of the Public Health  
6 Service Act, 42 U.S.C. 291o (g) ) in such State, except that  
7 if the Federal share with respect to rehabilitation facilities in  
8 such State is determined under subparagraph (A) of section  
9 625 (b) (1) of such Act (42 U.S.C. 291o (b) (1) ), the per-  
10 centage of the cost for purposes of this section shall be deter-  
11 mined in accordance with regulations of the Secretary de-  
12 signed to achieve as nearly as practicable results comparable  
13 to the results obtained under such subparagraph.

14       “(d) Upon approval of any application for a grant for  
15 a construction project under this section, the Secretary shall  
16 reserve, from any appropriation available therefor, the  
17 amount of such grant determined under subsection (c) ; the  
18 amount so reserved may be paid in advance or by way of  
19 reimbursement, and in such installments consistent with con-  
20 struction progress, as the Secretary may determine. In case  
21 an amendment to an approved application is approved or  
22 the estimated cost of a project is revised upward, any addi-  
23 tional payment with respect thereto may be made from the  
24 applicable allotment of the State for the fiscal year in which  
25 such amendment or revision is approved.



1       “(e) If, within ten years after completion of any con-  
2 struction project for which funds have been paid under this  
3 section, the workshop or rehabilitation facility shall cease  
4 to be a public or other nonprofit workshop or rehabilitation  
5 facility, the United States shall be entitled to recover from  
6 the applicant or other owner of the workshop or facility  
7 the amount bearing the same ratio to the then value (as  
8 determined by agreement of the parties or by action brought  
9 in the United States district court for the district in which  
10 such workshop or facility is situated) of the workshop or  
11 facility, as the amount of the Federal participation bore to  
12 the cost of construction of such workshop or facility.

13       “(f) The Secretary is also authorized to make grants  
14 with respect to any workshop or rehabilitation facility for  
15 which a grant for a construction project has been made under  
16 this section to cover part of the costs (determined in accord-  
17 ance with regulations of the Secretary) of compensation of  
18 professional or technical personnel of such workshop or  
19 facility during the period beginning with the commence-  
20 ment of the operation of such workshop or facility and end-  
21 ing with the close of four years and three months after the  
22 month in which such operation commenced. Such grants  
23 with respect to any workshop or facility may not exceed  
24 75 per centum of such costs for the period ending with the

1 close of the fifteenth month following the month in which  
2 such operation commenced, 60 per centum of such costs for  
3 the first year thereafter, 45 per centum of such costs for the  
4 second year thereafter, and 30 per centum of such costs for  
5 the third year thereafter.

6 “(g) The Secretary is also authorized to make grants  
7 (1) to the State agency or agencies designated as provided  
8 in section 5 (a) (1) to assist in meeting the cost of deter-  
9 mining the State’s needs for workshops and rehabilitation  
10 facilities and (2) upon application approved by the appro-  
11 priate State agency so designated for such State, to public  
12 or other nonprofit agencies, institutions, or organizations to  
13 assist them in meeting the costs of planning workshops and  
14 rehabilitation facilities and the services to be provided  
15 thereby.

16 “(h) Payment of grants under subsection (f) or (g)  
17 may be made (after necessary adjustment on account of  
18 previously made overpayments or underpayments) in ad-  
19 vance or by way of reimbursement, and in such installments  
20 and on such conditions, as the Secretary may determine.

21 “(i) There are authorized to be appropriated for the  
22 fiscal year ending June 30, 1966, and each of the four suc-  
23 ceeding fiscal years such sums as may be necessary for carry-  
24 ing out this section. Sums so appropriated shall remain

1 available for payment with respect to projects approved un-  
2 der this section prior to July 1, 1970.

3 “(j) For purposes of this section—

4 “(1) ‘construction’ includes construction of new  
5 buildings and expansion, remodeling, alteration, and  
6 renovation of existing buildings, and initial equipment  
7 of such new, expanded, remodeled, altered, or renovated  
8 buildings;

9 “(2) the ‘cost’ of construction includes the cost of  
10 architects’ fees in connection with construction, but does  
11 not include the cost of acquisition of land or offsite  
12 improvements;

13 “(3) a project for construction of a workshop may  
14 include such construction as may be necessary to provide  
15 residential accommodations for use in connection with  
16 the rehabilitation of mentally retarded individuals.

17 “WORKSHOP IMPROVEMENT

18 “Grants for Projects for Training Services in Workshops

19 “SEC. 14. (a) (1) The Secretary is authorized, during  
20 the period beginning July 1, 1966, and ending June 30,  
21 1971, to make grants to States and public and other nonprofit  
22 organizations and agencies to pay 75 per centum of the cost  
23 of projects for providing training services to physically handi-  
24 capped individuals in public or other nonprofit workshops.

1       “(2) (A) Training services, for purposes of this sub-  
2 section, shall include training in occupational skills; related  
3 services, including work evaluation, work testing, provision  
4 of occupational tools and equipment required by the individ-  
5 ual to engage in such training, and job tryouts; and pay-  
6 ment of weekly allowances to individuals receiving such  
7 training and related services.

8       “(B) Such allowances may not be paid to any individ-  
9 ual for any period in excess of two years, and such allow-  
10 ances for any week shall not exceed \$25 plus \$10 for each  
11 of the individual’s dependents, or \$65, whichever is less.  
12 In determining the amount of such allowance for any in-  
13 dividual, consideration shall be given to the individual’s need  
14 for such an allowance, including any expenses reasonably  
15 attributable to receipt of training services, the extent to  
16 which such an allowance will help assure entry into and  
17 satisfactory completion of training, and such other factors,  
18 specified by the Secretary, as will promote such individual’s  
19 fitness to engage in a remunerative occupation.

20       “(3) The Secretary may make a grant for a project  
21 pursuant to this subsection only on his determination that  
22 (A) the purpose of such project is to prepare physically  
23 handicapped individuals for a remunerative occupation, (B)  
24 the individuals to receive training services under such project  
25 will include only individuals who have been determined to

1 be suitable for and in need of such training services by the  
2 State agency or agencies designated as provided in section  
3 5 (a) (1) of the State in which the workshop is located, (C)  
4 the full range of training services will be made available to  
5 each such individual, to the extent of his need for such serv-  
6 ices, and (D) the project, including the participating work-  
7 shop and the training services provided, meet such other  
8 requirements as he may prescribe for carrying out the pur-  
9 poses of this subsection.

10 “(4) Payments under this subsection may be made in  
11 installments, and in advance or by way of reimbursement,  
12 as may be determined by the Secretary, and shall be made  
13 on such conditions as he finds necessary to carry out the  
14 purposes of this subsection.

15 “Workshop Improvement Grants

16 “(b) (1) The Secretary is authorized to make grants  
17 to workshops during the fiscal year ending June 30, 1966,  
18 and each of the four succeeding fiscal years to pay part of  
19 the cost of projects to analyze, improve, and increase their  
20 professional services to handicapped individuals, their busi-  
21 ness management, or any other part of their operations affect-  
22 ing their capacity to provide employment and services for  
23 handicapped individuals.

24 “(2) No part of any grant made pursuant to this sub-

1 section may be used to pay costs of acquiring, constructing,  
2 expanding, remodeling, or altering any building.

3 “(3) Payments under this subsection may be made in  
4 installments, and in advance or by way of reimbursement,  
5 as may be determined by the Secretary, and shall be made  
6 on such conditions as he finds necessary to carry out the  
7 purposes of this subsection.

8 “Technical Assistance to Workshops

9 “(c) (1) The Secretary is authorized, directly or by  
10 contract with experts or consultants or groups thereof, to  
11 provide technical assistance to workshops.

12 “(2) Any such experts or consultants shall, while  
13 serving pursuant to such contracts, be entitled to receive com-  
14 pensation at rates fixed by the Secretary, but not exceeding  
15 \$100 per diem, including travel time, and while so serving  
16 away from their homes or regular places of business they may  
17 be allowed travel expenses, including per diem in lieu of  
18 subsistence, as authorized by section 5 of the Administrative  
19 Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the  
20 Government service employed intermittently.

21 “National Policy and Performance Council

22 “(d) (1) There is hereby established in the Depart-  
23 ment of Health, Education, and Welfare a National Policy  
24 and Performance Council, consisting of twelve members,

1 not otherwise in the employ of the United States, appointed  
2 by the Secretary without regard to the civil service laws.  
3 The Secretary shall from time to time appoint one of the  
4 members to serve as Chairman. The appointed members  
5 shall be selected from among leaders in the vocational  
6 rehabilitation or workshop fields, State or local government,  
7 and business and from among representatives of related  
8 professions, labor leaders, and the general public. Each  
9 appointed member shall hold office for a term of four years,  
10 except that any member appointed to fill a vacancy occurring  
11 prior to the expiration of the term for which his predecessor  
12 was appointed shall be appointed for the remainder of such  
13 term, and except that, of the twelve members first appointed,  
14 three shall hold office for a term of three years, three shall  
15 hold office for a term of two years, and three shall hold  
16 office for a term of one year, as designated by the Secretary  
17 at the time of appointment. None of such twelve members  
18 shall be eligible for reappointment until a year has elapsed  
19 after the end of his preceding term.

20 “(2) The Council shall (A) advise the Secretary with  
21 respect to the policies and criteria to be used by him in  
22 determining whether or not to make grants under sub-  
23 section (a); (B) make recommendations to the Secretary  
24 with respect to workshop improvement and the extent

1 to which this section is effective in accomplishing this pur-  
2 pose; and (C) perform such other services with respect to  
3 workshops as the Secretary may request.

4 “(3) The Secretary shall make available to the Council  
5 such technical, administrative, and other assistance as it may  
6 require to carry out its functions.

7 “(4) Appointed members of the Council, while attend-  
8 ing meetings or conferences thereof or otherwise serving on  
9 business of the Council, shall be entitled to receive compensa-  
10 tion at rates fixed by the Secretary, but not exceeding \$100  
11 per day, including travel time, and while so serving away  
12 from their homes or regular places of business they may be  
13 allowed travel expenses, including per diem in lieu of sub-  
14 sistence, as authorized by section 5 of the Administrative  
15 Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the  
16 Government service employed intermittently.

17 “WAIVER OF STATEWIDENESS REQUIREMENTS FOR LOCALLY

18 FINANCED ACTIVITY

19 “SEC. 15. In the case of any activity which, in the judg-  
20 ment of the Secretary, is likely to assist in promoting the  
21 vocational rehabilitation of substantially larger numbers of  
22 physically handicapped individuals or the vocational reha-  
23 bilitation of individuals with particular types of disabilities in  
24 a State or States, the Secretary may waive compliance, with  
25 respect to vocational rehabilitation services furnished as part



1 of such activity, with the requirement of section 5 (a) (3)  
2 that the plan be in effect in all political subdivisions of the  
3 State to the extent and for such period as may be provided  
4 in accordance with regulations prescribed by him, but only  
5 if the non-Federal share of the cost of such vocational reha-  
6 bilitation services is met from funds made available by a  
7 political subdivision of the State (including, to the extent  
8 permitted by such regulations, funds contributed to such  
9 subdivision by a private agency, organization, or individual).

10 "NATIONAL COMMISSION ON ARCHITECTURAL BARRIERS TO  
11 REHABILITATION OF THE HANDICAPPED

12 "SEC. 16. (a) There is hereby established in the Depart-  
13 ment of Health, Education, and Welfare a National Com-  
14 mission on Architectural Barriers to Rehabilitation of the  
15 Handicapped, consisting of the Secretary, or his designee,  
16 who shall be Chairman, and not more than fifteen members  
17 appointed by the Secretary without regard to the civil serv-  
18 ice laws. The fifteen appointed members shall be repre-  
19 sentative of the general public, and of private and profes-  
20 sional groups having an interest in and able to contribute  
21 to the solution of architectural problems which impede the  
22 rehabilitation of handicapped individuals.

23 "(b) The Commission shall (1) determine how and to  
24 what extent architectural barriers impede access to or use  
25 of facilities in buildings of all types by handicapped persons;

1 (2) determine what is being done, especially by public and  
2 other nonprofit agencies and groups having an interest in  
3 and a capacity to deal with the problem, to eliminate such  
4 barriers from existing buildings and to prevent their in-  
5 corporation into buildings constructed in the future; and (3)  
6 prepare plans and proposals for such further action as may  
7 be necessary to achieve the goal of ready access to and full  
8 use of facilities in buildings of all types by handicapped per-  
9 sons, including proposals for bringing together in a coopera-  
10 tive effort, agencies, organizations, and groups already work-  
11 ing toward that goal or whose cooperation is essential to  
12 effective and comprehensive action.

13 “(c) The Commission is authorized to appoint such  
14 special advisory and technical experts and consultants, and  
15 to establish such committees, as may be useful in carrying out  
16 its functions, to make studies, and to contract for studies or  
17 demonstrations to assist it in performing its functions. The  
18 Secretary shall make available to the Commission such tech-  
19 nical, administrative, and other assistance as it may require to  
20 carry out its functions.

21 “(d) Appointed members of the Commission and spe-  
22 cial advisory and technical experts and consultants appointed  
23 pursuant to subsection (c) shall, while attending meetings  
24 or conferences thereof or otherwise serving on business of the

1 Commission, be entitled to receive compensation at rates  
2 fixed by the Secretary, but not exceeding \$100 per day, in-  
3 cluding travel time; and while so serving away from their  
4 homes or regular places of business they may be allowed  
5 travel expenses, including per diem in lieu of subsistence as  
6 authorized by section 5 of the Administrative Expenses Act  
7 of 1946 (5 U.S.C. 73b-2) for persons in the Government  
8 service employed intermittently.

9 “(e) The Commission shall, prior to January 1, 1968,  
10 submit a final report of its activities, together with its recom-  
11 mendations for further carrying out the purposes of this sec-  
12 tion, to the Secretary for transmission by him together with  
13 his recommendations to the President and then to the Con-  
14 gress. The Commission shall also prepare such interim re-  
15 ports as the Secretary may request.

16 “(f) There is hereby authorized to be appropriated for  
17 the fiscal year ending June 30, 1966, and each of the two  
18 succeeding fiscal years, the sum of \$250,000 for carrying out  
19 the purposes of this section.”

20 DURATION OF EXTENSION AND IMPROVEMENT PROJECTS

21 SEC. 4. Section 3 (b) of the Vocational Rehabilitation  
22 Act (29 U.S.C. 33 (b) ) is amended by striking out “three  
23 years” and inserting in lieu thereof “five years”.

1 SPECIAL PROGRAMS AND COMPREHENSIVE PLANNING TO  
2 EXPAND VOCATIONAL REHABILITATION SERVICES

3 SEC. 5. (a) (1) Section 4 (a) of the Vocational Re-  
4 habilitation Act (29 U.S.C. 34 (a) ) is amended by striking  
5 out "(1)" where it first appears therein and inserting it  
6 immediately after "the Secretary shall make grants".

7 (2) Clause (2) of section 4 (a) of such Act is amended  
8 to read: "(2) (A) to States and public and other nonprofit  
9 organizations and agencies for paying part of the cost of  
10 planning, preparing for, and initiating special programs to  
11 expand vocational rehabilitation services in those States  
12 where, in the judgment of the Secretary, such action holds  
13 promise of yielding a substantial increase in the number of  
14 persons vocationally rehabilitated, and (B) to States (but  
15 not to exceed \$50,000 for any State for any fiscal year) to  
16 meet the cost of planning for the development of a compre-  
17 hensive vocational rehabilitation program in each State, with  
18 a view to achieving the orderly development of vocational  
19 rehabilitation services in the State (including vocational re-  
20 habilitation services provided by private nonprofit agencies),  
21 and making vocational rehabilitation services available to  
22 all physically handicapped individuals in the State by July 1,  
23 1975."

24 (3) Paragraph (2) of section 4 (d) of such Act is  
25 amended by inserting "(other than subsection (a) (2))"

1 after "under this section" where it first appears therein,  
2 and by striking out "under this section" where it next  
3 appears therein and inserting in lieu thereof "thereunder".

4 (b) Paragraph (3) of section 1 of such Act (29 U.S.C.  
5 31) is amended to read as follows:

6 "(3) grants (A) under section 4 (a) (1) for research,  
7 demonstrations, training, and traineeships; (B) under clause  
8 2 (A) of section 4 (a) for planning, preparing for, and ini-  
9 tiating special programs to expand State vocational rehabili-  
10 tation services, except that sums so appropriated for any  
11 fiscal year beginning after June 30, 1970, shall not be avail-  
12 able for grants under such clause, and sums so appropriated  
13 for any fiscal year ending prior to July 1, 1970, for grants  
14 under such clause shall remain available for such grants  
15 until the close of June 30, 1971, and (C) under clause 2 (B)  
16 of section 4 (a) to meet the cost of planning for the de-  
17 velopment of a comprehensive vocational rehabilitation pro-  
18 gram in each State, except that sums so appropriated for any  
19 fiscal year beginning prior to July 1, 1965, or ending after  
20 June 30, 1967, shall not be available for grants under such  
21 clause, and sums so appropriated for the period beginning  
22 July 1, 1965, and ending June 30, 1967, for grants under  
23 such clause shall remain available for such grants until the  
24 close of June 30, 1968."

25 (c) The amendments made by subsections (a) and (b)

1 shall be effective with respect to fiscal years beginning after  
2 June 30, 1965.

3 RAISING OF LIMITATIONS ON TRAINING

4 SEC. 6. (a) The second sentence of section 4 (a) of the  
5 Vocational Rehabilitation Act (29 U.S.C. 34 (a)) is  
6 amended by striking out "two years, except that, in the  
7 case of a course of study in physical medicine and rehabili-  
8 tation, such period may not be in excess of three years" and  
9 inserting in lieu thereof "four years".

10 (b) Section 7 (a) (3) of such Act (29 U.S.C. 37 (a)  
11 (3)) is amended by striking out all that follows "any one  
12 course of study" and precedes the semicolon and inserting  
13 in lieu thereof "for a period in excess of four years".

14 RESEARCH AND INFORMATION

15 SEC. 7. (a) Effective July 1, 1965, section 7 (a) of  
16 the Vocational Rehabilitation Act (29 U.S.C. 37 (a)) is  
17 amended by deleting paragraph (1); by redesignating para-  
18 graphs (2), (3), and (4) as paragraphs (1), (2), and  
19 (3), respectively; and by striking out, in the paragraph  
20 herein redesignated as paragraph (3), "as to the studies,  
21 investigations, demonstrations, and reports referred to in  
22 paragraph (1) and other matters".

23 (b) Effective July 1, 1965, section 7 of such Act (20  
24 U.S.C. 37) is amended by adding at the end thereof the  
25 following new subsection:

1       “(c) The Secretary is authorized, directly or by  
2 contract—

3           “(1) to conduct research, studies, investigations,  
4 and demonstrations, and to make reports, with respect  
5 to abilities, aptitudes, and capacities of physically handi-  
6 capped individuals, development of their potentialities,  
7 and their utilization in gainful and suitable employment;  
8 and

9           “(2) to plan, establish, and operate an information  
10 service, to make available to agencies, organizations, and  
11 other groups and persons concerned with vocational re-  
12 habilitation, information on rehabilitation resources use-  
13 ful for various kinds of disability and on research and the  
14 results thereof and on other matters which may be help-  
15 ful in promoting the rehabilitation of physically handi-  
16 capped individuals and their greater utilization in gainful  
17 and suitable employment.

18 There are authorized to be appropriated for the fiscal year  
19 ending June 30, 1966, and each succeeding fiscal year, such  
20 sums as may be necessary for carrying out the purposes  
21 of this subsection.”

22           **FLEXIBILITY IN STATE ADMINISTRATION**

23       **SEC. 8. (a)** Subsection (a) of section 5 of the Voca-  
24 tional Rehabilitation Act (29 U.S.C. 35 (a)) is amended

1 by striking out paragraphs (1) and (2) and inserting in  
2 lieu thereof the following:

3           “(1) (A) designate a State agency as the sole  
4 State agency to administer the plan, or to supervise its  
5 administration in a political subdivision of the State  
6 by a sole local agency of such political subdivision,  
7 except that where under the State’s law the State blind  
8 commission, or other agency which provides assistance  
9 or services to the adult blind, is authorized to provide  
10 them vocational rehabilitation services, such commission  
11 or agency may be designated as the sole State agency to  
12 administer the part of the plan under which vocational  
13 rehabilitation services are provided for the blind (or  
14 to supervise the administration of such part in a polit-  
15 ical subdivision of the State by a sole local agency of  
16 such political subdivision) and a separate State agency  
17 may be designated as the sole State agency with respect  
18 to the rest of the State plan;

19           “(B) provide that the State agency so designated  
20 to administer or supervise the administration of the State  
21 plan, or (if there are two State agencies designated  
22 under subparagraph (A) ) so much of the State plan as  
23 does not relate to services for the blind, shall be (i) a  
24 State agency primarily concerned with vocational reha-  
25 bilitation, or vocational and other rehabilitation, of dis-



1 abled individuals, (ii) the State agency administering  
2 or supervising the administration of education or voca-  
3 tional education in the State, or (iii) a State agency  
4 which includes one or more of the major public health,  
5 public welfare, or labor programs of the State;

6 “(2) provide, except in the case of agencies  
7 described in paragraph (1) (B) (i) —

8 “(A) that the State agency designated pur-  
9 suant to paragraph (1) (or each State agency if  
10 two are so designated) shall include a vocational  
11 rehabilitation bureau, division, or other organiza-  
12 tional unit which (i) is primarily concerned with  
13 vocational rehabilitation, or vocational and other  
14 rehabilitation, of disabled individuals, and is respon-  
15 sible for the vocational rehabilitation program of  
16 such State agency, (ii) has a full-time director, and  
17 (iii) has a staff employed on such rehabilitation  
18 work of such organizational unit all or substantially  
19 all of whom are employed full time on such work;  
20 and

21 “(B) (i) that such unit shall be located at an  
22 organizational level and shall have an organizational  
23 status within such State agency comparable to that  
24 of other major organizational units or such agency  
25 or (ii) in the case of an agency described in para-

1 graph (1) (B) (ii), either that such unit shall be so  
2 located and have such status or that the director of  
3 such unit shall be the executive officer of such State  
4 agency; except that, in the case of a State which  
5 has designated only one State agency pursuant to  
6 paragraph (1), such State may, if it so desires,  
7 assign responsibility for the part of the plan under  
8 which vocational rehabilitation services are provided  
9 for the blind to one organizational unit of such  
10 agency and assign responsibility for the rest of the  
11 plan to another organizational unit of such agency,  
12 with the provisions of this paragraph (2) applying  
13 separately to each of such units.”

14 (b) The amendments made by subsection (a) shall be-  
15 come effective July 1, 1967, except that, in the case of any  
16 State, such amendments shall be effective on such earlier  
17 date (on or after the date of enactment of this Act) as such  
18 State has in effect an approved plan meeting the require-  
19 ments of the Vocational Rehabilitation Act as amended by  
20 subsection (a).

21 **SPECIAL SERVICES FOR THE BLIND AND THE DEAF**

22 **SEC. 9.** So much of subsection (a) of section 11 of the  
23 Vocational Rehabilitation Act (29 U.S.C. 41 (a) ) as pre-  
24 cedes paragraph (1) is amended by inserting after the  
25 second semicolon “provision, in the case of physically handi-

1 capped individuals, of reader services for such individuals  
2 who are blind and of interpreter services in the case of such  
3 individuals who are deaf;”, and by striking out “any such  
4 individual” and inserting in lieu thereof “any physically  
5 handicapped individual”.

6 MANAGEMENT SERVICES AND SUPERVISION OF BUSINESS  
7 ENTERPRISES OF THE DISABLED

8 SEC. 10. Effective July 1, 1966, section 11 (a) (7) of  
9 the Vocational Rehabilitation Act (29 U.S.C. 41 (a) (7) )  
10 is amended to read as follows:

11 “(7) in the case of any type of small business oper-  
12 ated by severely handicapped individuals the operation  
13 of which can be improved by management services and  
14 supervision provided by the State agency, the provision  
15 of such services and supervision, alone or together with  
16 the acquisition by the State agency of vending stands  
17 or other equipment and initial stocks and supplies; and”.

18 TECHNICAL AMENDMENT

19 SEC. 11. Section 4 (d) (3) of the Vocational Rehabilita-  
20 tion Act (29 U.S.C. 34 (d) (3) ) is amended to read as  
21 follows:

22 “(3) Appointed members of the Council, while attend-  
23 ing meetings or conferences thereof or otherwise serving on  
24 business of the Council or at the request of the Secretary,  
25 shall be entitled to receive compensation at rates fixed by the

1 Secretary, but not exceeding \$100 per day, including travel  
 2 time, and while so serving away from their homes or regu-  
 3 lar places of business they may be allowed travel expenses,  
 4 including per diem in lieu of subsistence, as authorized by sec-  
 5 tion 5 of the Administrative Expenses Act of 1946 (5 U.S.C.  
 6 73b-2) for persons in the Government service employed  
 7 intermittently.”

80<sup>TH</sup> CONGRESS  
 1<sup>ST</sup> SESSION

**H. R. 6971**

## **A BILL**

To amend the Vocational Rehabilitation Act to assist in providing more flexibility in the financing and administration of State rehabilitation programs, and to assist in the expansion and improvement of services and facilities provided under such programs, particularly for the mentally retarded and other groups presenting special vocational rehabilitation problems, and for other purposes.

By Mr. FOGARTY

MARCH 31, 1965

Referred to the Committee on Education and Labor