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Texas Rehabilitation Commission

COMMISSIONER FOR REHABILITATION Jess M. Irwin, Jr.

November 23, 1977

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TO: Addressees Listed in Attachment A

FROM: Milton H. Werner

SUBJECT: NOTES - VOCATIONAL REHABILITATION CONSULTATION COMMITTEE MEETING ON NOVEMBER 21, 1977

Transmitted herewith, as Attachment B, is a copy of the Notes taken at the Vocational Rehabilitation Consultation Committee Meeting held in the TRC Central Office in Austin on November 21, 1977.

These Notes are provided for your information and review. Should there be any questions, additions or deletions, please let the Recorder know at the next Committee Meeting which is scheduled to be held December 15, 1977 at 9:00 a.m. in Room 302 of the Central Office.

MHW:sm
Attachments

Attachment A

DISTRIBUTION OF NOTES

VRCC

Members Present:

Sam Millsap, Chairman
Bob Blase
Shirley Camfield
Don Culwell
Betty Ellis
Stuart Fisher
Lex Frieden
Wyatt Hall
Shelly Liss, M.D.
Tom Morrison
Jim Payne, Ph.D.
Barbara Trusler

Members Absent:

Bill Bain
Bob Boudreaux
Bob Dickson
Jim Grey
Michael Moore, Ph.D.
Jack Northrup
Merle Springer

Others:

Jess M. Irwin, Jr.
Vernon M. Arrell
Doyle Wheeler
Marvin C. Schlecte, M.D.
Edward A. Austin, J.D.
M. L. McDonald
Alex Underhill, Legislative Budget Board
John Fenoglio
James L. Jackson
H.B. Simmons, RSA, Dallas
Charles D. Travis, Office of the Governor
Helen Goodman
Milton Werner

NOTES
VOCATIONAL REHABILITATION CONSULTATION COMMITTEE MEETING
NOVEMBER 21, 1977

This second meeting of the Vocational Rehabilitation Consultation Committee was called by Mr. Sam Millsap, the committee chairman, for the purpose of receiving a progress report and overview of the activities of the Texas Rehabilitation Commission since the Committee's last meeting.

The chairman asked the members to introduce themselves to the group and tell what they are looking for as members of this Committee. They expressed an interest in better coordination and openness among human service agencies and the people associated with such agencies and associations; more progress in helping mentally restored individuals into the mainstream of society and employment; less Federal "red tape." Fewer forms to fill out and fewer rules, regulations and guidelines and more freedom for using agencies and institutions in the administration of government-supported programs.

Mr. Millsap asked Commissioner Irwin for his comments and a report on the Commission's activities. The Commissioner thanked Mr. Millsap and the members of the Committee for taking time out from their busy schedules to meet with the Commission's staff and participate in discussions of VR programs for the benefit of handicapped individuals. The Commissioner stated that there are lots of ways to administer and do things, but for various reasons they are not always done in the best way. The Commission is looking for the right way to administer its VR programs as mandated by law and as expected by the people of the State. This Committee can help the administration of the Commission in making the best possible choices which will be of maximum benefit to our handicapped citizens in Texas. This will be our continuing objective until the day when the handicapped will have no more problems in our State. The Commissioner requested all members of the

Committee to let him know what they feel is their role as a member of this Committee and that they be frank with each other in discussing issues of mutual concern with the handicapped.

Following is the Commissioner's report of activities and changes which occurred this past fiscal year.

-- The Commission renegotiated its contract with the Texas Education Agency Divisions of Special Education and Vocational Education in order to incorporate funding changes resulting from recent legislation which placed additional financial responsibility upon the TEA Divisions. These contractual changes, the Commission feels, will strengthen vocational rehabilitation and other educational programs for the handicapped in the Texas Independent School Districts in the years to come.

-- In July of 1976 the Commission staff implemented a renewed philosophy in the administration of the vocational rehabilitation programs of the Commission. This renewed philosophy was intended to strengthen the rehabilitation programs and improve the quality of services to eligible handicapped individuals. Marginal cases would be reduced or eliminated from VR caseloads. Severely disabled cases would receive more attention, and Counselor/client relationships would be strengthened.

-- In this past year the Commission has experienced a reduction in numbers of handicapped individuals successfully rehabilitated. The staff in reviewing the programs feels that this reduction was inevitable after implementation of the new philosophy but that the clients comprising the Commission's VR caseload meet all the eligibility criteria required of a VR client and that present clients

are receiving better quality services and attention. It was pointed out that part of this reduction can be attributed to the development of "similar benefit" resources such as those provided by CETA, Welfare, United Cerebral Palsy Association, and others. Many other funding sources have become available for services to handicapped individuals which precludes some handicapped persons from seeking the services of the Commission's Vocational Rehabilitation Division. It was also pointed out that the incidence of birth defects has decreased. Of particular note, in the past 18 years the incidence of severe cerebral palsy has decreased from 30,000 to 15,000 annual live births.

-- Recent experience in the Commission's field operations indicated a need for defining and documenting what is expected of Vocational Rehabilitation Counselors in the way of case load. It has always been, and still is, the Commission's policy that employees of this Commission are expected to work an 8-hour day effectively. The Commission established two ad hoc committees, one composed predominantly of Counselors and the other committee composed of Supervisors and a Program Officer. The two committees met separately to consider levels of expectation for VR Counselors. The committees were asked to come up with recommendations for referrals, acceptances, plans initiated, and active caseload levels. The two committees reported separately to the Commission administration and ironically their recommendations were quite similar, with the Counselor committee being more demanding than the Supervisor committee. From the two sets of committee recommendations, the Commission staff adopted a level of expectations, with upper and lower limits, which were to be negotiated between each Counselor and his/her Supervisor.

Expectations have been negotiated for the Counselors, and the expectations appear on the monthly Supervisor Composite Report. This report provides the Supervisors with a monitoring device for following the Counselor's progress in line with what is expected of the Counselor.

-- The Commission continues to receive conflicting priorities from RSA, namely, the constant pressure from the "Feds" for serving an increased number of severely disabled individuals and at the same time pressuring the State rehabilitation agencies to seek out other funding sources such as CETA, Welfare, etc. When such other funds are generated for VR use, the clientele eligible for such funds are predominantly of the nonseverely disabled individuals. The Commission has lived with these conflicting priorities for the past several years because the Commission tries to run its VR program for the maximum benefit to the maximum number of eligible handicapped people that can benefit from available services. The Commission has always had a sincere interest in the severely handicapped. As early as 1973, the Commission preempted the "Feds" by setting aside separate funds for the catastrophically disabled, recognizing that the severely disabled need special emphasis and attention. This was established prior to the "Feds" establishing the severely disabled as a priority service category. In the seven years the Commission has been in existence, the Commission has had several occasions to curtail VR services to handicapped individuals, but continued such services to severely disabled individuals continuously, except for about one month in FY 76.

-- The complexity of administering the vocational rehabilitation programs in the Commission has necessitated a slight reorganization in the management of the

Commission's VR field operations. This was deemed advisable in order to permit the Deputy Commissioners to devote more time to planning, program development and communications, and the implementation of the VR programs was assigned to the Assistant Deputy Commissioners of General and Special Program Administration.

-- The Commission implemented the ERS program earlier this year and has seven projects in operation with three planned and in various stages of development. The Committee had an opportunity to view and hear a videotape presentation of the ERS program. The Commissioner called the Committee's attention to the fact that the Extended Rehabilitation Services Program is separate from VR and should in no way be construed as being a VR program. ERS is totally State-funded. He further stated that ERS could develop into a program equally as large or larger than VR, depending upon State funding in future years.

-- The Commission staff feels that it would be helpful and timely to increase public information efforts. It is planned to do this through releases to local newspapers and through radio and TV media. The first TV talk show is scheduled in the very near future in Houston. It is planned to tie in with the local TRC offices for follow-up contacts and assistance. Members of this Committee are encouraged to help spread the word of the availability of services offered by the Commission.

-- A Committee member raised the question, "How does the TRC measure quality services?" A Program Audit Section consisting of six Program Evaluators

reports directly to the Commissioner. This Section reviews client case records, checks directly with selected clients, and with employers of TRC clients for verification of the integrity of records and reported services. In the conduct of these audits, the Evaluators also verify compliance with civil rights, EEOC, and architectural barrier standards. In these audits, the Evaluators check compliance with published Commission policies. Formal reports are made directly to the Commissioner and other appropriate management levels. In cases where policy is violated or in instances of gross negligence, appropriate disciplinary actions are taken, and in extreme situations--if the situation warrants--the Commission will disassociate itself from individuals who are not serving clients properly.

* * * * * *

Special VR Programs. Next, the Deputy Commissioners of General and Special Programs reported on the status of their programs. Attached is a copy of the FY 1976 Status Report for General and Special Programs which provides an overview and list of accomplishments and future program developments for each of the VR programs. Mr. Max Arrell, Deputy Commissioner of Special VR Programs, reviewed the activities of the Special Programs Division.

-- The clients served in the Special Programs Division are normally the primary responsibility of another State agency such as MHMR for the mentally ill and mentally retarded, TEA for education, TDHR for welfare, etc. The Commission VR programs are a secondary resource for these type handicapped individuals.

-- The Cooperative School Program, which the Commissioner mentioned earlier, was instituted in a 1959 to 1962 grant from HEW involving the Dallas Independent

School District. Upon termination of the grant in 1962, the Cooperative School Program had proven so successful that it was implemented in 56 independent school districts in the year following the grant termination. This program continued until 1976 in which year the Commission served 13,000 ISD students of which more than 7,000 were classified as severely disabled. A major problem with clients in this program, as well as with most of the other VR programs, is lack of adequate transportation.

-- Most of the early years of the Cooperative School Program, VR served only the mentally retarded; however, in recent years all handicapped students have entered this program and now individuals with all types of disabilities are benefiting by this program.

-- In 1957 and 1958, VR became involved in the State Schools for the Mentally Retarded. This involvement grew and matured through the years until about two years ago when the Commission moved TRC personnel and resources out of the institutions into the community. Evaluation centers were retained in the State Schools. This was brought about because, through the years, VR had identified most all of the State School students that were eligible for VR services. At the same time, MHMR was placing emphasis upon moving MR's out of the State Schools into the communities primarily with the advent of the community MHMR centers. Presently there are 28 MHMR centers, with a 29th center in process of establishment.

-- TRC programs for serving the mentally ill, the alcoholic and the drug addict were in association with the various State mental hospitals. As with the State Schools, our VR staff and resources that were in the mental hospitals have

been relocated into the communities. Our field staff works closely with the community MHMR centers for referral of the mentally ill to TRC. It was pointed out TRC cannot pay for treatment, as treatment for the MR and the mentally ill is a responsibility of MHMR. In conjunction with serving this clientele, the Commission has many occasions to purchase halfway house services from private facilities and from other agencies. The Committee was infomed of the TRC policy of not owning or operating rehabilitation facilities but to purchase the services as needed. It was noted that the community MHMR centers do not always make referrals to TRC or to other halfway houses in the local area. This is probably caused by the lack of communities backing their MHMR centers. Several Committee members attested to this situation.

-- The Commission has an excellent working arrangement with the Texas Department of Human Resources, and at present 20 VR/Welfare programs are in operation in the State. In addition, there are ten special youth projects jointly operated in the State. This joint venture with TDHR provides about 2.5 million dollars in Federal Title XX money to supplement VR funding.

-- The TRC Correctional Program receives referrals from the county judges, courts, parole and probation officers, etc. In addition, the Texas Department of Corrections refers adult cases, and facilities of the Texas Youth Council--primarily Brownwood Reception Center--provides referral of juvenile clients for VR services.

General VR Programs. Next, Mr. Doyle Wheeler, Deputy Commissioner of General VR Programs, reviewed the activities of the General Programs Division.

-- General Programs provides services to all disability groups and categories not identified as being in a special program. The severely physically disabled

are provided VR services by the General Programs Division. This group has been receiving priority services since 1972, which emphasis has since been renewed in 1976 as previously mentioned in the new philosophy. The severely physically disabled program is coordinated by a Central Office Program Specialist with specialty Counselors in the field. In addition to the regular VR services, emphasis is placed upon removal of architectural barriers, removal of transportation barriers, establishing special transportation, coordinating attendant care such as pushers, interpreters, etc. This group also maintains close liaison with major educational and medical facilities.

-- In recent years the Commission has established and operates two projects for the homebound, one in the San Antonio metropolitan area and the other in the San Angelo rural area. These projects provide the opportunity for handicapped individuals confined to their home to work at projects and produce products for sale. Some of the clients are employed as piece workers on larger projects. Thus far these two projects have been very encouraging and fulfill a definite need for this handicap group. However, there are several obstacles in this program, the largest being the Fair Labor Standards Act of 1938 which places excessive restrictions on employee/employer relations, which results in a grave disadvantage to the handicapped. Mr. Wheeler asked the Committee members for assistance in seeking relief from this archaic law. Another problem with this program is the disincentives associated with loss of ancillary benefits such as SSI, food stamps, Medicare, Medicaid, homemaker services, chore services, and in some cases eligibility for Sec. VIII HUD housing. Mr. Tom Morrison of the United Cerebral Palsy Association stated that these ancillary

benefits have been estimated to be equivalent to a monthly income of $1,200 to $1,500. The Commission at various times has informed the "Feds" of the problem with these disincentives. Only recently a letter was addressed to U.S. Senator Dole which included information on this subject (copy attached).

-- The Commission continues to work with the various colleges and universities throughout the State. Mr. Wheeler provided the Committee with a list of grants made by this agency to the colleges and universities. In this list are brief descriptions of the purposes and amount of the respective grants.

-- For the past several years the Commission has been working closely with the National Epilepsy Association, especially in the Houston area. This close working relationship has resulted in an excellent program for epileptics in this State. Last year the Texas Rehabilitation Commission received a national award from the National Epileptic Association for meritorious service to epileptics. During this same period the Commission has led the nation in rehabilitation of epileptics.

-- The Commission continues to operate a very viable program for the deaf and hearing impaired. This program is monitored by Mr. Ralph White, a Program Specialist who is also a deaf person. One of the Commission's prime projects in the State is associated with Lee College in Baytown, Texas. This project graduates about 50 deaf TRC clients per year. The Commission also provides ancillary services for the deaf in other institutions in the State such as interpreter services and tutoring services. The Commission is also active in developing halfway houses to provide those type services to the deaf community.

Summary. Shirley Camfield, a Committee member, asked the Commission staff what she and other members of the Committee could do in the way of changing or modifying or proposing legislation, either on the State or national level which would be beneficial to the handicapped and the agencies that serve the handicapped. She stated that she is a member of a national association committee and was sure that there are other Consultation Committee members that are representatives on other national and State association committees, thereby giving them an avenue for pursuing legislation. Following is a list of areas suggested by the Commission staff.

-- Adequate funding for the rehabilitation agencies.

-- Reduce and minimize Federal "red tape" such as forms, rules, regulations, etc.

-- Communicate the existence of conflicting priorities.

-- Assist in public relations efforts by helping to spread the word of the services available from the Texas Rehabilitation Commission and what type persons are eligible for such services.

-- Elimination of disincentives which prevent many handicapped from seeking vocational rehabilitation services due to threat or reality of losing life-sustaining ancillary benefits.

-- Modification of the Fair Labor Standards Act of 1938 so as not to be a barrier to rehabilitation of severely disabled individuals, especially those in the self-employment and homebound type programs.

Milton H. Werner

Milton H. Werner - Recorder
Director of Planning and
Technical Programs

Texas Rehabilitation Commission

COMMISSIONER FOR REHABILITATION Jess M. Irwin, Jr.

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J. E. Miller, M.D.

September 29, 1977

The Honorable Bob Dole
United States Senate
Washington, D. C. 20510

Dear Senator Dole:

Thank you very much for your letter inviting my comments on new legislative proposals which could improve conditions for the handicapped.

May I begin my letter with a negative suggestion. I believe it would be in the interest of improving services to handicapped people if, in some manner, we could pause and assess the programs currently authorized and their effectiveness.

I am convinced that handicapped people are suffering as much from the failure on the part of the authorized and financed delivery programs as they are from the absence of programs. It is my observation that good administrative and adequate financing of the existing programs would meet most of the needs of the handicapped citizens of this country.

One of the present day tendencies which is intended to improve service delivery systems but which, in instances are counter productive, is the inclination of the Congress to write into legislation administrative requirements which are the brainchild of some theorist and which result in no contribution to the client. To the contrary, in some instances these requirements are a burden on the counselor and the agency and, of course, therefore diminish the agency and counselor's ability to serve the client. The Government through Rehabilitation Services Administration has done surveys in several instances to determine whether or not requirements such as those referred to above were implemented but has not made an effort to determine the value of such changes. It would seem to me that when new legislative requirements are mandated that the impact should be of interest to those who have mandated them.

One of the most serious problems preventing the rehabilitation of many catastrophically disabled individuals who have vocational potential is what we commonly refer to as "disincentives". For example, an individual who has received a high spinal cord injury resulting in quadraplegia requires extensive supportive services through his or her lifetime in order to hold a job. Some examples of the services needed on an ongoing basis are attendant care, special transportation, architectural barrier free housing, and continual medical care due to urinary tract infections, decubitus ulcers, etc. If a severely handicapped individual does not attempt to work, they are generally eligible for Supplemental Security

Income, Medicaid or Medicare benefits, low cost housing through a Housing Urban Development program, food stamps and homemaker and chore services and prescription drugs through welfare agencies. The problem centers around the fact that if an individual begins working, the vast majority of supportive services such as Medicare, Medicaid, food stamps, and homemaker services are terminated. Obviously, the cost of the necessary supportive services is generally more than the vast majority of individuals can earn at entry-level wages. We believe it would be helpful if a catastrophically handicapped individual could continue to receive medical benefits through Medicaid or Medicare for at least two years after returning to work and until their earnings reached a level that would allow the handicapped person to pay for their medical needs.

Another concern is the outdated regulations based on the Fair Labor Standards Act of 1938 which govern the employment of homebound workers. We have tried to develop a rehabilitation program for those people who are so severely disabled they are unable to transport themselves from home to a place of employment each day. This type of rehabilitation program necessitates obtaining contracts with industries and governmental agencies to allow handicapped individuals to assemble or disassemble products in their home. When a handicapped individual works on a contract for an employer, the Fair Labor Standards Act and subsequent regulations define this as an employee-employer relationship instead of an independent contractor. If there is an employee-employer

relationship, the requirements become so entangled in red tape that most employers refuse to become involved. We realize that the Fair Labor Standards Act of 1938 was needed in order to minimize the exploitation of individuals by unscrupulous industries, but we think it is time to revise some of these outdated laws and regulations. A solution to this problem would be to incorporate in the Vocational Rehabilitation Act Amendments a statement that certain elements of the Fair Labor Standards Act would not apply if it involved a handicapped individual under an approved vocational rehabilitation program.

Another concern of this Commission relates to a group of individuals who are vocationally handicapped and are recipients of public assistance benefits. The 1973 Amendments to the Vocational Rehabilitation Act and Congressional testimony stress the importance of providing rehabilitation services to the severely disabled. Many public assistance beneficiaries do not have severe physical or mental disabilities, but they do have substantial vocational handicaps due to a lack of marketable vocational, social and educational skills. Although we have always had a high priority to provide services for the severely disabled, we also believe Vocational Rehabilitation Agencies have the type of program that can be effective in removing people from the welfare rolls and placing them in gainful employment. In the last few years, however, appropriations have not increased at the level of inflation and it has been necessary to reduce the number of employees in most Vocational Rehabilitation Agencies and the number of individuals

who receive service. As we regress, it is generally the welfare recipient and other individuals who have nonsevere physical or mental disabilities who do not receive rehabilitation services.

In closing, may I again express my appreciation for your interest in handicapped people and my opportunity to call to your attention what I consider to be important matters that need attention. Should you be interested in further information, we would be most happy to furnish any details.

Sincerely,

Jess M. Irwin, Jr.
Commissioner

P.S. Your letter was circularized among our program people and their detailed responses are enclosed, however, we believe that the above letter summarizes the subjects covered in their letters.

Grants to Colleges and Universities

Region I

1) South Plains College - Levelland

Was awarded an Innovation and Expansion Grant in 1975 to expand services to the handicapped by initiating transportation services. Funds were expended on a bus to transport students.

Total $ 13,500.00

2) Texas Tech - Lubbock

In FY - 75 Tech was awarded a State Funded grant for the purpose of removal of architectural barriers. Funds were expended to provide curb cuts and ramps.

Total $ 16,500.00

Region II

3) University of Texas at Arlington

In FY '74 a State Funded grant was awarded for the purpose of removal of architectural barriers.

Total $ 34,000.00

In FY '76 an Innovation and Expansion grant was awarded to develop support services for handicapped students. Funds were expended for staff, equipment, and supplies for a support services office. Services have included tutors, wheelchair pushers, note takers, and special programs.

Total $ 32,273.00

4) North Texas State University - Denton

In FY '75 was awarded an Innovation and Expansion Grant to establish a comprehensive vocational evaluation center to provide client services and train facility personnel. Funds were expended for staff and equipment.

Total $120,708.00

In FY '76 the above project was continued with funds to support staff and purchase supplies.

Total $ 50,000.00

The final continuation is scheduled to be awarded this month.

Total $ 54,945.00

5) Tarrant County Junior College - Fort Worth

In FY '74 a State Funded grant was awarded to establish an office for support services. This has since been called the Service Center for Opportuntiies to Overcome Problems (SCOOP). Funds were expended for staff, travel, supplies, equipment and miscellaneous operating costs.

Total $ 55,355.00

In FY '74 an additional State Funded grant was awarded to purchase a van to transport handicapped students.

Total $ 7,555.00

In FY '75 an Innovation and Expansion grant was awarded to expand services of the SCOOP program. Funds were expended for staff, equipment and supplies.

Total $ 65,000.00

In FY '76 the above project was continued.

Total $ 71,000.00

A State Funded grant is pending to continue the 3rd year of the above project.

Total $ 71,000.00

6) Texas Womens University - Denton

In FY '76 was awarded a Services to Groups grant for removal of architectural barriers.

Total $ 60,000.00
TRC ($ 30,000.00)

Region III

7) University of Texas - Austin

In FY '76 an Innovation and Expansion grant was awarded to provide biomedical and mechanical engineering services in solving problems for the severely physically handicapped.

Total $ 30,060.00

8) McLennan County Community College - Waco

In FY '75 was awarded an Innovation and Expansion grant to expand support services for the handicapped. Funds were expended for equipment

Total $ 22,000.00

9) Texas State Technical Institute - Waco

In FY '75 an Innovation and Expansion Grant was awarded to expand services to the handicapped through purchase of a modified van for transportation services and removal of architectural barriers.

Total $ 30,000.00

Region IV

10) University of Houston - Houston

In FY '75 an Innovation and Expansion grant was awarded to provide support services for handicapped students. Funds were expended for staff, equipment, supplies and consultive expenses.

Total $ 67,700.00

In FY '76 the above project was continued.

Total $ 46,801.00

The third year of the project is scheduled for funding this month.

Total $ 35,000.00

Region V

11) San Antonio Junior College - San Antonio

In FY '75 an Innovation and Expansion grant was awarded to provide support services for handicapped students. Funds were expended for staff, equipment, supplies and travel.

Total $ 61,000.00

In FY '76 the above project was continued.

Total $ 45,150.00

The third year of this project is scheduled for funding this month.

Total $ 45,150.00

Region VI

12) Paris Junior College - Paris

In FY '74 a State Funded grant was awarded to construct barrier free housing for handicapped students.

Total $903,901.00

Cont'd. Paris Jr. College

In FY '75 a State Funded grant was awarded to purchase equipment for a nurses aide training program.

Total $ 3,515.00

In FY '76 an Innovation and Expansion grant was awarded to provide support services for handicapped students. Funds were expended for staff and supplies.

Total $ 15,300.00

The 2nd year of the project is scheduled for funding this month.

Total $ 15,300.00

13) Navarro College - Corsicana

In FY '76 an Innovation and Expansion grant was awarded to develop a bakery training program. Funds were for staff and supplies.

Total $ 27,178.00

14) Dallas Co. Community College District (El Centro) - Dallas

In FY '75 an Innovation and Expansion grant was awarded to provide training and support services for handicapped students. Funds were expended for staff, travel, supplies and other designated expenses.

Total $ 40,000.00

The above project was continued in FY '76.

Total $ 43,100.00

The third year of the project is scheduled for funding this month.

Total $ 40,000.00

Region VII

15) Alvin Jr. College - Alvin

In FY '75 an Innovation and Expansion grant was awarded to provide transportation for handicapped students. Funds were expended for an equipped van.

Total $ 7,600.00

In FY '75 a State Funded grant was awarded to establish a welding course. Funds were expended for equipment.

Total $ 19,645.00

16) Lee College - Baytown

In FY '70 an Innovation grant was awarded to establish a vocational training project for the deaf. Funds were expended for staff and equipment.

Total $166,220.00

In FY '71 the project for the deaf was continued.

Total $176,132.00

In FY '72 the final continuation of the deaf project was funded.

Total $176,132.00

In FY '72 an Establishment grant was awarded to remodel a facility to provide vocational training for the hearing impaired.

Total $ 50,000.00

In FY '75 an Innovation and Expansion grant was awarded to provide nurses aide training and small engine repair training for the severely disabled. Funds were expended for equipment and supplies.

Total $ 12,670.00

17) Lamar University - Beaumont

In FY '75 a State Funded grant was awarded to purchase equipment for an office machines skills training course.

Total $ 7,000.00

In FY '75 an Innovation and Expansion grant was awarded to expand an Office Careers Skills Training Program. Funds were expended for equipment and supplies.

Total $ 14,526.00

In FY '76 an Innovation and Expansion grant was awarded to provide personal/social adjustment training for a youth services project. Funds were expended for staff and travel.

Total $ 16,622.00

A State Funded grant is pending for continuation of the Office Careers Project.

Total $ 9,000.00

18) Galveston College - Galveston

In FY '75 an Innovation and Expansion grant was awarded to provide Office Occupational Skills Training for severely disabled students. Funds were expended for staff, equipment and supplies.

Total $ 37,907.00

Cont'd. Galveston College

In FY '76 the above project was continued.

Total $ 18,333.00

19) San Jacinto College - Pasadena

In FY '75 an Innovation and Expansion grant was awarded to provide Office Careers Training for severely disabled students. Funds were expended for staff, equipment and supplies.

Total $ 59,317.00

In FY '76 the above project was continued.

Total $ 48,000.00

The final continuation of this project is scheduled for funding this month.

Total $ 49,000.00

Comptroller's Form 3A06-1.01 (Rev. 9-77)

STATE OF TEXAS PURCHASE VOUCHER

e. Agency Voucher No.

a. Trans Code (1–3) | b. Batch No. (4–6) | c. Agency No. (7–9): 330 | d.

f. Comptroller's Voucher No. (10–15) | H (16)

g. Agency Name (16–36): TEXAS REHABILITATION COMMISSION | h. Order Date (37–42) | i. Requisition No.

j. Invoice Date (43–48) | k. Voucher Amount (49–59): $130.00 | l. Payee Reference No. (60–73) | m. Board of Control No. (74–80)

D (16) | n. PM (23–24)

o. Comptroller's Vendor I.D. No. (47–60) | p. Agency Voucher No. (61–67)

x. Pay to: (Name, Address, City, State, Zip) (16–22 / 47–73)

Mr. Lex Frieden
9667 Meadow Vale
Houston, TX 77713

Client Name (Last, First, M.I.)

Client Number

TRC Requisition Number: 89000028

Payment Number | Payee Federal Tax Number or Soc. Sec. Number

Final Payment ☐ YES ☐ NO

q. Fund No.	r. FY (25–26)	s. Cost Center (27–31)	t. Comp. Object (32–35)	u. Agency Object	v. Amount (36–46)	w. Vendor Invoice No. (68–74)
061			2048			
061			2048			
y. TOTAL						

Is this a new address for this vendor that you have not previously reported to the Central Office?

☐ YES

z. Beginning Date of Service	z. Ending Date of Service	aa. DESCRIPTION OF ARTICLES OR SERVICES	bb. QUANTITY	cc. UNIT PRICE	dd. AMOUNT
11-21-77	11-21-77	For services rendered as a Consultant to the Texas Rehabilitation Commission on the development of policies and procedures required in the rehabilitation of the physically & mentally impaired in compliance with Chapter 525 of the Federal RSM. Office No. 900 Program No. 9078 Type Service No. 58		PAY THIS AMOUNT →	$130.00

VENDOR CERTIFICATION - ee.

I, Mr. Lex Frieden do hereby certify that I am Mr. Lex Frieden (Title of person certifying) and that I am duly authorized to make this certification for and on behalf of Mr. Lex Frieden

I further certify that the attached invoice is correct and that it corresponds in every particular with the supplies and services contracted for and does not exceed my usual customary fee. I further certify that the account is true, correct, and unpaid. As vendor I certify there has been no discrimination on the grounds of race, color, national origin or handicap in the performance of this contract.

(Signature)

Agency Certification - ff.

I certify that the above services were rendered, or goods received; and that they correspond in every particular with the contract under which they were procured and that the invoice is true, and unpaid.

Commissioner
Name Title

Jess M. Irwin, Jr.
Name Title

Date Approved for Payment _____ 19____

Name

Name

PRICES ABOVE ARE APPROVED

By _____
Board of Control

TRC 201 (Rev August 77)

CASELOAD BREAKDOWN BY DISABILITY AS OF SEPTEMBER 30, 1977

	STATE TOTALS		REGION I		REGION II		REGION III		REGION IV		REGION V		REGION VI		REGION VII	
	TOTAL CASES	% OF CASES	TOTAL CASES	% OF CASES	TOTAL CASES	% OF CASES	TOTAL CASES	% OF CASES	TOTAL CASES	% OF CASES	TOTAL CASES	% OF CASES	TOTAL CASES	% OF CASES	TOTAL CASES	% OF CASES
Hearing Impairments	3,919	3.1	540	3.9	431	2.7	469	3.2	381	2.2	922	3.8	739	3.3	437	2.5
Orthopedic Deformities	29,076	23.1	3,257	23.4	4,305	27.2	3,016	20.6	3,752	22.1	5,522	22.7	5,005	22.2	4,219	24.3
Amputation	1,809	1.4	196	1.4	231	1.5	172	1.2	269	1.6	304	1.2	354	1.6	283	1.6
Mental Disorders	15,776	12.6	1,411	10.1	2,310	14.6	1,751	11.9	2.168	12.7	3,221	13.2	2,825	12.5	2,090	12.1
Alcoholism	5,464	4.3	1,042	7.5	911	5.8	457	3.1	739	4.3	964	4.0	920	4.1	431	2.5
Drug Addiction	2,313	1.8	242	1.7	266	1.7	301	2.1	333	2.0	545	2.2	515	2.3	111	.6
Character Disorders	26,677	21.2	2,688	19.3	2,988	18.9	3,523	24.0	4,142	24.4	4,079	16.8	5,471	24.3	3,786	21.9
Mental Retardation	12,116	9.6	1,309	9.4	1,362	8.6	1,695	11.6	1,625	9.6	2,056	8.4	2,297	10.2	1,772	10.2
Other Disabling Conditions	3,973	3.2	438	3.1	516	3.3	535	3.6	494	2.9	725	3.0	660	2.9	605	3.5
Epilepsy	3,744	3.0	447	3.2	389	2.5	341	2.3	794	4.7	879	3.6	494	2.2	400	2.3
Cardiac	5,125	4.1	616	4.4	549	3.5	591	4.0	726	4.3	951	3.9	827	3.7	865	5.0
Respiratory	1,493	1.2	113	.8	167	1.1	121	.8	192	1.1	312	1.3	296	1.3	292	1.7
Digestive System	3,220	2.6	498	3.6	375	2.4	370	2.5	182	1.1	1,078	4.4	428	1.9	289	1.7
Renal Failure	2,132	1.7	298	2.1	209	1.3	320	2.2	133	.8	729	3.0	242	1.1	201	1.2
Speech Impairments	502	.4	67	.5	65	.4	58	.4	53	.3	95	.4	101	.4	63	.4
Other	8,158	6.5	763	5.5	729	4.6	931	6.3	1,010	5.9	1,933	7.9	1,323	5.9	1,469	8.5
Cases - Severely Disabled	41,893	33.4	4,522	32.4	5,785	36.6	4,488	30.6	5,537	32.6	7,873	32.3	7,896	35.1	5,792	33.4

I. RESPONSIBILITIES OF STATE VOCATIONAL REHABILITATION (VR) AGENCY IN SERVING CONSUMER INVOLVEMENT

1.09.a Has your state VR agency formalized a program for consumer input? Yes No

2.09.a Does their program elicit feedback or input from the following groups?

a. recipients of VR agency

b. providers of RV services

c. other individuals and organizations active in VR

d. If not, what group is excluded? a. b. c.

3.10.B.a. Has the state VR agency a written plan describing how input from these groups will be secured? Yes No

If yes, please enclose a copy

b. Has the plan been widely disseminated among

i. recipients at VR agency

ii. providers of VR services

iii. other individuals and organizations active in VR

iv. other state VR agencies in the region

c. Does the plan describe methods for selecting representatives from these groups to form an advisory group?

d. Does the plan's selection method provide for a well-balanced representation of

i. recipients of VR agency

ii. providers of VR services

iii. other individuals and organizations active in VR

e. Please indicate percentage constituency of each group

i. recipients of VR agency _____%

ii. providers of VR services_____%

f. Does it describe the method of implementation for their suggestions or input? Yes No

4.10.D Has the VR agency provided this representative group with all relevant materials (i.e., VR manuals, State laws, etc.) needed for them to make pragmatic and feasible suggestions? Yes No

5.10.E Does the VR agency provide suitable meeting facilities and support staff as necessitated by the consumer consultant's function? Yes No

6. Which of the following methods of communication exist between the VR agency and the advisory group:

a. ___newsletter

b. ___liaison from VR agency

c. ___direct meetings

d. ___provision of minutes or reports

e. ___other

7.05 What method or mechanism is being used to secure input from

a. recipients of VR agency

b. providers of VR services

c. other individuals or organizations active in VR

i. advisory group

ii. open air meetings

iii. questionnaires

iv. other methods _____

II. RESPONSIBILITY OF STATE VR AGENCY IN IMPLEMENTING CONSUMER INPUT

1.Co Does the VR agency elicit consumer input in the following areas? If yes, please indicate degree of effectiveness

	Yes	No	extremely effective	very effective	effective	neutral	ineffective	very ineffective
1. Evaluation of VR agcy programming								
2. VR agcy's program planning and development								
3. Assistance in developing legislative and budget proposals								
4. Accessibility assessment of all agency facilities								
5. Assistance in client satisfaction surveys								
6. Interpretation og agency programs to general public								
7. Assistance in training agency's personnel								
8. Assistance in activities for White House Conf. + implementation of relevant recommendations								
9. Assistance in pooling resources of other agencies providing for handicapped								
a. assistance in compilation								
b. assistance in x-reference								
10. assistance in affirmative action employmeny of handicapped in state egency								

	yes	no	extremely effective	very effective	effective	neutral	ineffective	ineffective
11. Assistance in establishing special facilities and programs to meet needs of disabled (i.e., CIL's, transportation, counseling, etc.)								
12. Propose & assess research proposals dealing with VR problems of handicapped								

III. RESPONSIBILITIES OF POLICY DEVELOPMENT ADVISORS

1.10 - 11.a Are the selected representatives of (a) recipients on VR agency b. providers of VR services, c. other individuals and organizations active in VR cognizant of the legal mandate and budgetary limits of the state VR agneyc? Yes No

2.11b Do they demonstrate a willingness to work with the agency over a sufficient period to effectuate change? Yes No

3.11c Do they spend enough time to clearly comprehend the policies and procedures of the agency? yes No

4.11d Do they handle problems pragmatically, rather than vindictively? Yes No

5.11c a. Can the consumer advisors deal with the broad spectrum of handicapping conditions? Yes No

b. Is their view limited in some way Yes No

If yes, Comment briefly_____

_____

6.11f a. Does an effective communication system exist between consumer advisors and their constituency. Yes No

b. What method is used by the advisors to secure input from their constituents?

a. open air meetings

b. questionnaires

c. meetings with various consumer group leaders

d. other _____

IV. Benefits (.04 - .05)

1. VR question only

To what degree has the formal establishment of consumer involvement increased your awareness of your clients needs

_____ _____ _____

Comments _____

Consumer question only

a. Has your interaction with the VR agency provided a more realistic insight into how it functions? Yes No

b. Has this prog ram fostered a better understanding and working relationship between the state VR agency and

i. recipients of VR agency

ii. providers of VR services

iii. Other individuals or organizations active in VR

Yes No Comments _____

MISCellaneous Questions for VR Agency

1.07 Did you make a concerted effort to have representation of all interests and groups to insure the broadest spectrum? Yes No

2.07 Are you using an existing Advisory Committee or Board to fulfill the Regulations of Chapter 25? Yes No

If yes, was its structure reviewed for appropriate representation by

i. recipients of VR agency

ii. providers of VR service

iii. other individuals or organizations active in VR

FOR EITHER VR AGENCY OR CONSUMERS

1. Were the representatives of a) b) c) chosen from their peers or from VR personnel?

(.07 - .08) a. peers b. VR c. other_____

VR - Same question alluding to their use or non-use of federal reimbursement plan

2. If either an advisory commission or open air meeting are the primary source of consumer input, how often will meetings be held?

a. 1/mo b. every other mo. c. 4x/yr d. 2x/yr c. other_____

3. If questionnaire is the primary source

1. do a) b) c) receive them

2. Who compiles the results? (C or VR?)

Texas Rehabilitation Commission

COMMISSIONER FOR REHABILITATION Jess M. Irwin, Jr.

June 22, 1977

BOARD MEMBERS

John D. Simpson, Jr.
CHAIRMAN

Mrs. Marjorie C. Kastman
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TO: MEMBERS, VOCATIONAL REHABILITATION CONSULTATION COMMITTEE

FROM: Jess M. Irwin, Jr., Commissioner

It was my hope that we could have a meeting of the Vocational Rehabilitation Consultation Committee soon after the conclusion of the White House Conference, however, immediately after the conclusion of the Conference the Chairman, Mr. Sam Millsap, became indisposed to the extent that a somewhat lengthy recovery period was required.

Sam is doing well and I am sure that he has your best wishes for a speedy and complete recovery. Until that time we will forego a committee meeting.

In the meantime, should you as an individual have any suggestions or questions which you would like to convey to me, please feel free to contact me by telephone collect or by mail.

SINCERELY,

Jess M. Irwin, Jr.

7745 CHEVY CHASE DRIVE (512) 452-8192 AUSTIN, TEXAS 78752
An Equal Opportunity Employer

Amendments to Rule 398.01.00.007 are proposed under the authority of Article 5221a-6, Texas Civil Statutes.

.007. Licenses.

(l) Temporary employment agencies or help service agencies are defined in Article 5221a-6, Texas Civil Statutes, as "any person conducting a business which consists of employing individuals directly for the purpose of furnishing part-time or temporary help to others." To meet this definition, there must exist an employer/employee relationship including, among other things, compliance with all federal and state laws concerning minimum wage, overtime hours and pay, tax withholdings, unemployment taxes, workmen's compensation insurance, etc.; maintenance of adequate employee personnel records; direct payment of compensation to the employee; and the employer's exclusive right to discharge. There can be no fee charged to the employer for such employment."

Doc. No. 771554

398.01.00.011

The Texas Private Employment Agency Regulatory Board is proposing to amend Rule 398.01.00.011 by adding Section (f), which seeks to prevent a licensed private employment agency from retaining any remuneration that may be given to them by an employer for transfer of an applicant.

The amendment is proposed by the regulatory board by certain members of the industry which recognized this as a problem.

Public comment on the proposed amendment to Rule 398.01.00.011 is invited. Persons should submit their comments in writing to Larry E. Kosta, Director, Employment Agency Division, P.O. Box 12157, Austin, Texas 78711.

Amendments to Rule 398.01.00.011 are proposed under the authority of Article 5221a-6, Texas Civil Statutes.

.011. Fees to Applicants.

(f) If a licensed private employment agency collects from an employer remuneration which represents an applicant's salary and/or expenses, the agency shall remit to the applicant, within five working days, after proof of collection, the applicant's agreed upon salary and/or expenses.

Doc No 771555

398.01.00.015

The Texas Private Employment Agency Regulatory Board is proposing to adopt Rule 398.01.00.015, which lays out the method by which the examination for operators of Texas Private Employment Agencies will be graded.

The regulatory board feels that the public should be aware of the method used in the grading of the operators licensing examination as well as recording it in a permanent record.

Public comment on proposed Rule 398.01.00.015 is invited. Persons should submit their comments in writing to Larry E. Kosta, Director, Employment Agency Division, P.O. Box 12157, Austin, Texas 78711.

This rule is proposed under the authority of Article 5221a-6, Texas Civil Statutes.

.015. Instructions for Grading the Licensing Examination for Operators of Texas Private Employment Agencies.

(a) There are four separate tests: "C," "D," "E," and "F."

(b) Tests will be given on the first Tuesday of each month, except when the first Tuesday falls on a recognized state holiday, then the test will be given on the following day.

(c) Tests will be given at 9 a.m.

(d) Tests need not be given in any particular order; therefore, Test "D" does not have to follow Test "C." However, when the tests are printed the same number of each test is printed and approximately a two-year supply is printed at one time.

(e) Each test consists of 250 questions.

(f) The value of each test is: 100 percent (100 percent divided by 250 questions equals .4); therefore, each question has the same value; .4, the number of incorrect answers is multiplied by .4, and this number is subtracted from 100 percent.

(h) A test can be graded at 100 percent only when there are 0 or 1 incorrect answers.

Doc No. 771557

Texas Rehabilitation Commission

The Texas Rehabilitation Commission is proposing to adopt Rules 328.09 through 328.13 relating to the Extended Rehabilitation Services Program for handicapped individuals.

The Federal Rehabilitation Act of 1973 limits eligibility for vocational services to an individual who (A) has a physical or mental disability which results in a substantial handicap to employment and (B) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services. Experience has shown

that many individuals are so severely handicapped that the requirement for reasonable expectation of employment cannot be met. On the other hand, many of these individuals can be assisted toward a more meaningful life by work activities in sheltered workshops, or elsewhere, and by group living arrangements in a community residence.

The authorization for such extended rehabilitation services was provided by the State Legislature in Subchapter D, Chapter 30, Education Code, Vernon's Texas Codes Annotated. Unlike the federal vocational rehabilitation program contained in the Rehabilitation Act of 1973, the Extended Rehabilitation Services Program is entirely a state program financed with state funds.

Public comment is invited on the proposed rules. Persons should submit their comments in writing to Jess M. Irwin, Jr., Commissioner, Texas Rehabilitation Commission, 7745 Chevy Chase Drive, Austin, Texas 78752.

Comments will be accepted by the commission for 30 days after publication of this notice in the *Texas Register*.

General Rules 328.09.00

The following rules are proposed under the authority of Chapter 30, Education Code, Vernon's Texas Codes Annotated.

.001. Legal Basis. The legal basis for the provision of extended rehabilitation services is Subchapter D, Chapter 30, Education Code, Vernon's Texas Codes Annotated.

.002. Purpose. The purpose of extended rehabilitation services is to provide rehabilitation services to mentally or physically handicapped individuals who are ineligible for vocational rehabilitation services under the Rehabilitation Act of 1973.

.003. Definitions.

(a) "Handicapped individual" means any individual, except one whose disability is of a visual nature, who has a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment and who is determined ineligible by the commission for vocational rehabilitation services under the Rehabilitation Act of 1973, or after 18 months of extended evaluation services have been provided, and who can benefit from extended rehabilitation services.

(b) "Extended rehabilitation services" means any goods and services necessary to render a handicapped individual fit to engage in work activity.

(c) "Extended sheltered workshop employment" means employment in a sheltered workshop of persons with mental or physical handicaps of such a nature that by reason of such handicap such persons are rendered incapable of competing in the open or customary labor market.

(d) "Extended community residence" means a group living arrangement providing the essentials of community living, such as room, board, clothing, evening and nighttime supervision, recreational activities, and transportation to and from work for persons living therein who are in extended sheltered workshop employment as that term is defined herein, or who, while physically or mentally handicapped, are employed in the open or customary labor market.

(e) "Sheltered workshop" means an occupation-oriented facility operated by a not-for-profit agency, public or private, which, except for its staff, employs only mentally or physically handicapped persons.

(f) "Regular vocational rehabilitation program" means services authorized under the Rehabilitation Act of 1973.

.004. Organization for Extended Rehabilitation Services.

(a) The commissioner shall, with approval of the Board of the Texas Rehabilitation Commission, establish plans for the scope and development of the extended rehabilitation services program and make decisions regarding the administration and allocation of resources in effective implementation of the program.

(b) The Extended Rehabilitation Services Section is established for the implementation of these rules under the direction of the deputy commissioners for General and Special Programs.

.005. Nondiscrimination in the Provision of Services. Extended rehabilitation services will be provided in such a manner that no person in the United States will be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the ground of race, color, national origin, sex, religion, age, political affiliation, or physical or mental handicap if otherwise eligible.

.006. Availability of Services. All extended rehabilitation services are provided subject to the availability of funds and contractual agreements with the providers of such services. Extended rehabilitation services may not, therefore, be available to all applicants, or on a statewide basis.

Doc. No. 771561

Eligibility and Ineligibility 328.10.00

The following rules are proposed under the authority of Chapter 30, Education Code, Vernon's Texas Codes Annotated.

.001. *Basic Requirement for Eligibility.* An individual meets the basic requirements for eligibility if he or she is a "handicapped individual" as defined in Rule 328.09.00.003(a).

.002. *Ineligibility.* An individual is or becomes ineligible for extended rehabilitation services when: (1) the individual is determined unable to benefit from extended employment in a sheltered workshop or in the open or customary labor market; (2) the individual is determined eligible for vocational rehabilitation services under the Rehabilitation Act of 1973.

Doc. No. 771562

Client Participation 328.11.00

The following rules are proposed under the authority of Chapter 30, Education Code, Vernon's Texas Codes Annotated.

.001. *Basic Criteria.* The economic need of an individual may be considered as a requirement for eligibility for extended rehabilitation services.

.002. *Client Contributions.* An individual living in an extended community residence facility may be required to contribute to his or her group living arrangements from money earned from employment in a sheltered workshop or in the open or customary labor market.

Doc. No. 771563

Services Provided 328.12.00

The following rules are proposed under the authority of Chapter 30, Education Code, Vernon's Texas Codes Annotated.

.001. *Authority.* The commission is authorized to take necessary and appropriate action to plan, institute, support, and maintain the Extended Rehabilitation Services Program.

.002. *Basic Criteria.* All services are provided subject to the availability provisions of Rule 328.09.00.006.

.003. *Services Provided.*

(a) The provision of extended rehabilitation services includes:

(1) group living arrangements for room, board, clothing, evening and nighttime supervision, recreational activities, and transportation to and from work;

(2) contractual arrangements for employment in sheltered workshops;

(3) assistance in obtaining employment in the open or customary labor market within the client's capabilities when the client is ineligible for vocational rehabilitation services. (See Rule 328.10.00.002)

(b) In providing extended rehabilitation services, the commission must consider benefits from other programs or sources available to the client.

Doc. No. 771564

General Administration 328.13.00

The following rules are proposed under the authority of Chapter 30, Education Code, Vernon's Texas Codes Annotated.

.001. *Basic Criteria.*

(a) The commission may contract for the provision of any authorized extended rehabilitation service.

(b) Pursuant to such contractual arrangements, the commission pays not less than

(1) $3 per six-hour working day per client to a sheltered workshop and/or

(2) $85 per client per month to an extended community residence.

(c) Any contract entered into by the commission for the provision of extended rehabilitation services shall provide that the contract is subject to cancellation by the commission for cause at any time by the issuance of a written notice of cancellation by the commission to the contracting party at least 30 days in advance of the date of cancellation.

(d) Any not-for-profit agency or facility operating an extended community residence under these rules shall file annually its budget showing salaries and expenditures with the Office of the State Auditor.

.002. *Standards for Facilities Providing Extended Rehabilitation Services.*

(a) Facilities used by the commission in providing extended rehabilitation services are required to satisfy the following minimum standards:

(1) The organizational and administrative structure of the facility shall contribute effectively to the achievement of its goals.

(2) The staff of the facility shall be competent, professionally ethical, and qualified for position held. Qualifications of the staff shall meet all requirements established by recognized professional groups and/or state certification regulations. The governing body shall develop minimum qualifications for all staff positions not covered by licensure or certification requirements.

(3) The program of services shall be planned and operated in relation to present and future needs of its clientele. These services shall be of such a quality and so applied that they constitute an effective program which achieves the objectives of extended rehabilitation for the individual client.

(4) The facility shall observe client personnel policies and practices which focus on the needs and goals of the individual.

(5) The facility shall maintain accurate and complete records and prepare and distribute reports necessary to the achievement of its goals.

(6) The facility shall endeavor to gain community understanding, approval, and continued support of its goals, services, and needs through a consciously structured community public relations program designed to sharpen and enhance public understanding of the agency's purposes and achievements.

(7) The physical plant of the facility and its environment shall be such that the safety and health of the staff and clients are protected.

(b) Any additional standards the commission publishes for facilities will be made available to the public.

.003. Confidentiality of Records.

(a) All information as to personal facts given or made available to commission employees, in the course of the administration of the extended rehabilitation program, including lists of names and addresses and records of agency evaluation, is confidential.

(b) The use of such information and records is limited to purposes directly connected with the administration of the regular vocational rehabilitation or extended rehabilitation programs.

(c) Information is not to be disclosed directly or indirectly, other than in the administration of the regular vocational rehabilitation or extended rehabilitation programs, unless the consent of the client has been obtained in writing.

(d) Upon written request, information shall be released to a client or, as appropriate, to his or her parent, guardian, or other representative, except when such release would have an adverse effect, in which event the client shall be notified that there is information in the case file that can only be released to a representative designated in writing by the client.

(e) The commission may release information, including medical and psychological data, without written consent of the client, to other agencies or persons whose objectives are a service to the client and who can give adequate assurance that:

(1) the confidential character of the information shall be preserved.

(2) the information shall be used for the purposes for which it is made available; and

(3) the purposes are reasonably related to the purpose of regular vocational rehabilitation or extended rehabilitation and the functions of the agency to which it is given.

(f) The commission releases information to an organization or individual engaged in research only for purposes directly connected with the administration of the state regular vocational rehabilitation or extended rehabilitation programs and only if the organization or individual furnishes satisfactory assurance that the information shall be used only for the purpose for which it is provided, that it shall not be released to persons not connected with the study under consideration, and that the final product of the research shall not reveal any information that may serve to identify any person about whom information has been obtained through the commission without written consent of such person and the commission.

(g) Reports, surveys, case studies, research projects, and other releases to outside persons and agencies by counselors or other employees may contain essential statistical information and data appropriate to advancement of the program, but no information identifiable with any individual shall be included without written permission of the client.

(h) All client information is the property of the commission.

.004. Administrative Review and Hearing.

(a) Any applicant or client who is dissatisfied with any decision of the commission with regard to the furnishing or denial of services shall first notify his or her counselor of the complaint. If the applicant or client remains dissatisfied, request may be filed for administrative review of the counselor's decision by the director of Extended Rehabilitation Services, and then to a deputy commissioner.

(b) If the applicant or client pursues the appeal to a deputy commissioner and a deputy commissioner concurs in the initial decision, he shall notify the applicant or client by letter of the following:

(1) The right to a fair hearing in accordance with the provisions of Sections 13 and 14 of the Administrative Procedure and Texas Register Act.

(2) Time, place, and nature of the hearing.

(3) A statement that the hearing will be held under the authority of Chapter 30, Education Code, Vernon's Texas Codes Annotated and jurisdiction of the Texas Rehabilitation Commission.

(4) A summary of the facts which were considered in making the decision concerning his case.

(5) An explanation of the hearing process.

(6) A statement that the applicant or client has the right to bring witnesses, to present his or her own case, to be represented by friends, relatives, or legal counsel, and to examine all the evidence to be used during the hearing.

(7) A statement that the applicant or client has the opportunity to respond and present evidence and arguments on all issues involved. The deputy commissioner shall enclose with the letter any form that the applicant or client is required to submit for a hearing with instructions on its use.

(c) When the applicant or client requests a hearing from the decision of the deputy commissioner, the commissioner appoints a hearing officer who is responsible for conducting a fair hearing and for making the

final administrative decisions in accordance with Sections 14, 16, and 17 of the Administrative Procedure and Texas Register Act.

(d) The applicant or client has 30 days after receipt of the deputy commissioner's decision to petition the hearing officer in writing for an administrative hearing. For reasonable cause made known to the hearing officer, the hearing officer may extend this time. Upon receipt of the petition to appeal, the hearing officer arranges for a hearing not less than 10 days after reasonable notice.

(e) If a hearing is requested, the applicant or client is entitled to have the hearing held at a convenient time and place. If for any reason the applicant or client is unable to attend the hearing at the time and place set by the hearing officer or needs additional time to prepare his case, the hearing officer may be requested to set a more convenient time or location.

(f) The applicant or client and/or his legal representative are entitled to examine, prior to the hearing, the material that will be introduced as evidence and to examine all documentary evidence used during the hearing, to bring witnesses, to establish all pertinent facts and circumstances, to advance any argument, and to question or refute any testimony or evidence.

(g) The hearing officer shall assist the appellant to present in an orderly fashion any information he or she cares to present which could have any bearing upon his situation. The appellant is entitled to have shared with him any and all information which is considered by the hearing officer in making his decision.

(h) The appellant has the right to be represented by legal counsel, but the commission does not pay the attorney's fee.

(i) The hearing officer prepares a report of the hearing which is available to the appellant at a place accessible to him or his representative at any reasonable time.

(j) The hearing officer notifies the appellant in writing of his final decision within 60 days of the completion of the hearing.

Issued in Austin, Texas, on March 16, 1977.

Doc. No. 771565

Vernon H. Newman
Office of the General Counsel
Texas Rehabilitation
Commission

Proposed Date of Adoption: May 5, 1977

For further information, please call (512) 452-8192.

COMPTROLLER'S VOUCHER NO.	FUND NUMBER	DEPT. NUMBER	APPROPRIATION NUMBER
	061	330	
	061	330	

Form 3A06-1.01
(Rev. 11/75)
Art. 4344b R.C.S.

STATE OF TEXAS

PURCHASE VOUCHER

(For Purchases and Services other than Personal)

AMOUNT

EXPENDITURE ACCOUNT NUMBER			
COMPTROLLER'S		DEPARTMENTAL	
ACCOUNT NUMBER	AMOUNT	ACCOUNT NUMBER	AMOUNT
48			
60			
95			

PAY TO: Mr. Lex Friedman
Please Print or Type

ADDRESS 9667 Meadow Vale

ADDRESS Houston, Texas 77713

PAYEES REFERENCES _____ DATE 12-16-76

STATE AGENCY TEXAS REHABILITATION COMMISSION

Board of Control Order No.	Date of Order	B/C Requisition Number

Departmental Voucher No.

Beginning Date of Service	Ending Date of Service	DESCRIPTION OF ARTICLES OR SERVICE	QUANTITY	UNIT PRICE	AMOUNT
12-16-76	12-17-76	For services rendered as a Consultant to the Texas Rehabilitation Commission on the development of policies and procedures required in the rehabilitation of the physically & mentally impaired in compliance with Chapter 525 of the Federal RSM. Office No. 900 Program No. 9000			

CASH DISCOUNT _____ %

PAY THIS AMOUNT → 221.04

Client Number	TRC Requisition Number	Payment Number	Payee Federal Tax Number or Social Security Number
	79000031		443-48-1857

Client Name (Last, First, Middle)	Final Payment	Is The Vendor Address Different From The TRC Microfiche?
	☐ YES ☐ NO	☐ YES ☐ NO

VENDOR CERTIFICATION OR AFFIDAVIT WHEN REQUIRED BY LAW CERTIFICATION

I, Mr. Lex Friedman do hereby certify that I am Mr. Lex Friedman
(Title of person certifying)

and that I am duly authorized to make this certification for and on behalf of Mr. Lex Friedman
(Name of payee company/claimant)

I further certify that the attached invoice is correct and that it corresponds in every particular with the supplies and services contracted for and does not exceed my usual customary fee. I further certify that the account is true, correct, and unpaid. As vendor I certify there has been no discrimination on the grounds of race, color, national origin or handicap in the performance of this contract.

_____
(Signature)

Agency Certification —
I certify that the above services were rendered, or goods received; and that they correspond in every particular with the contract under which they were procured and that the invoice is true, and unpaid.

_____ Commissioner
Name Title

Jess M. Irwin, Jr.
Name Title

Date Approved for Payment _____ 19 ____

_____
Name

_____
Name

PRICES ABOVE ARE APPROVED

By _____
Board of Control

TRC-201 (Rev. October 76)

COMPTROLLER'S VOUCHER NO.	FUND NUMBER	DEPT. NUMBER	APPROPRIATION NUMBER
	061	330	
	061	330	

Form 3A06-1.01
(Rev. 11/75)
Art. 4344b R.C.S.

STATE OF TEXAS

PURCHASE VOUCHER

(For Purchases and Services other than Personal)

AMOUNT

EXPENDITURE ACCOUNT NUMBER			
COMPTROLLER'S		DEPARTMENTAL	
ACCOUNT NUMBER	AMOUNT	ACCOUNT NUMBER	AMOUNT
48			
60			
95			

PAY TO: Lex Frieden
Please Print or Type

ADDRESS 9667 Meadowvale

ADDRESS Houston, Texas 77063

PAYEES REFERENCES _____ DATE 3/24/77

STATE AGENCY TEXAS REHABILITATION COMMISSION

Board of Control Order No.	Date of Order	B/C Requisition Number

Departmental Voucher No.

Beginning Date of Service	Ending Date of Service	DESCRIPTION OF ARTICLES OR SERVICE	QUANTITY	UNIT PRICE	AMOUNT
3/24/77		Professional consultant services to the Staff Development Section of Texas Rehabilitation Commission as faculty at the College and University Workshop conducted March 22-24, 1977 and attended by 39 TRC Counselors. Charge to Staff Development Program 9447 Activity Code 2263712 Office 930 Type Service 58			$ 85.00

CASH DISCOUNT _____ %

PAY THIS AMOUNT →

Client Number	TRC Requisition Number	Payment Number	Payee Federal Tax Number or Social Security Number
	79300095		443-48-8527
Client Name (Last, First, Middle)	Final Payment ☐ YES ☐ NO		Is The Vendor Address Different From The TRC Microfiche? ☐ YES ☐ NO

VENDOR CERTIFICATION OR AFFIDAVIT WHEN REQUIRED BY LAW CERTIFICATION

I, _____ do

hereby certify that I am _____
(Title of person certifying)

and that I am duly authorized to make this certification for and on behalf of ___

_____
(Name of payee company/claimant)

I further certify that the attached invoice is correct and that it corresponds in every particular with the supplies and services contracted for and does not exceed my usual customary fee. I further certify that the account is true, correct, and unpaid. As vendor I certify there has been no discrimination on the grounds of race, color, national origin or handicap in the performance of this contract.

Lex Frieden
(Signature)

Agency Certification — 4-8-77
I certify that the above services were rendered, or goods received; and that they correspond in every particular with the contract under which they were procured and that the invoice is true, and unpaid.

Kenneth Hultman
Name Title

Kenneth Hultman - Director of Staff Development
Name Title

Date Approved for Payment April 4 1977

_____
Name

_____
Name

PRICES ABOVE ARE APPROVED

By _____
Board of Control

TRC-201 (Rev. October 76)

Texas Rehabilitation Commission

COMMISSIONER FOR REHABILITATION Jess M. Irwin, Jr.

BOARD MEMBERS

John D. Simpson, Jr.
CHAIRMAN

Mrs. Marjorie C. Kastman
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Jack B. Dale, Jr.
Clifford S. Knape, Ph.D.
Jerry E. Miller, M.D.

December 22, 1976

TO: VOCATIONAL REHABILITATION CONSULTATION COMMITTEE MEMBERS

FROM: Vernon M. Arrell & Doyle Wheeler

SUBJECT: ATTACHED INFORMATION

We are attaching a copy of the minutes taken at the Vocational Rehabilitation Consultation Committee Meeting held Friday, December 17, 1976. In addition to the minutes, we are also enclosing a copy of a memo to each of the Regional Directors advising them that some of you may contact rehabilitation personnel in the various offices seeking additional information.

Also enclosed are copies of the basic Federal and State statutes governing the Texas Rehabilitation Commission in the administration of the joint Federal/State Vocational Rehabilitation Program, i.e., the Federal Rehabilitation Act of 1973, as amended in 1974, and Chapter 30, Education Code, Vernon's Texas Codes Annotated (the State statute creating the Commission). Your particular attention is directed to Subchapter D of the State statute authorizing the Extended Rehabilitation Services Program which is to be implemented shortly by the Commission.

You will also note that we have enclosed an organizational chart of the Commission, a map showing the seven regions of the Commission, and copies of pages from the Rehabilitation Services Manual defining a severely disabled individual.

We hope this information will be helpful to you and if further data is needed, please feel free to contact us.

We are in the process of preparing press releases announcing the formation of the Vocational Rehabilitation Consultation Committee and your appointment to this Committee. We hope to have this in the hands of the press by Monday morning.

The next meeting of the Committee will begin at 9:30 AM on February 11, 1977, in the Central Office Conference Room at 7745 Chevy Chase Drive in Austin. If you have any suggestions for the agenda or any items that you would like to discuss or hear discussed, please let us know.

We wish each of you a very Merry Christmas and a Happy New Year.

DW/sah
Enclosures

NOTES
VOCATIONAL REHABILITATION CONSULTATION COMMITTEE
FIRST MEETING - DECEMBER 17, 1976
AUSTIN, TEXAS

This Committee was appointed by Mr. Jess M. Irwin, Jr., Commissioner, and Mr. Sam Millsap of San Antonio was appointed Chairman. Attached is a list of the membership which comprises the Committee. All were in attendance except Marjorie Kirkpatrick, M.D., Tom Morrison, and Bob Dickson.

Doyle Wheeler, Deputy Commissioner for General Programs, presided over this initial Committee meeting. He provided each member present with a packet containing pertinent information relative to rehabilitation and the Texas Rehabilitation Commission. He briefly reviewed the organizational structure of the Commission including the TRC regional geographical areas of the State. He reviewed the General Programs functions and how they are administered. He pointed out that five years ago the Commission initiated a catastrophically disabled program for serving on a priority basis the severely physically disabled. Since that time, HEW has established the severely disabled as a top priority which naturally is a top priority in our Commission. General Programs also administers the VR programs for the deaf and hearing impaired, for migrants, for the homebound and self-employed as well as programs with colleges and with CETA sponsors under the Comprehensive Employment Training Act. The renewed philosophy in the Commission under which the Vocational Rehabilitation Program now operates was explained, i.e., that the substantial handicap criteria of eligibility is receiving greater emphasis. Implementation of this renewed philosophy has caused some reduction in numbers of individuals served but it is helping us to better serve those that are eligible for our services, especially the severely disabled.

Vernon M. Arrell, Deputy Commissioner for Special Programs, reviewed with the Committee the special programs administered by his staff, namely the vocational rehabilitation

programs for the mentally ill, mentally retarded, alcoholic, drug abusers, correctional cases, and the Welfare Program. He pointed out that our involvement in these special programs is mainly through cooperative arrangements with other parties and agencies such as with the Texas Department of Mental Health and Mental Retardation, with the State Department of Public Welfare, with the Texas Education Agency, and with the independent school districts. In these cooperative programs, the service agencies complement each other by providing those services for which the agency is responsible. He also noted that the Texas Rehabilitation Commission is not a treatment agency. Treatment under present statutes is the responsibility of agencies other than the TRC. A question arose concerning the Commission's involvement in the Cooperative School Program. Mr. Arrell explained to the group that TRC is not getting out of the Cooperative School Program, but that the Commission is working with the Texas Education Agency and the local school districts to get the program in proper perspective. Recent legislation has provided funds for public schools and TEA to provide certain services for students in the public schools and that we will provide those services for which the school districts are not funded. In any event, no eligible students will go unserved.

Mr. W.K. Harvey, Jr., Deputy Commissioner, reviewed with the Committee his position and responsibilities regarding interagency coordination with both Federal and State agencies and with the South Texas Cultural Basin. Mr. Harvey represents our Commission in planning and working with these groups. Mr. Harvey's other principal area of responsibility is administering the Social Security Programs of which there are two--to make determination of eligibility on applications for Social Security Disability Insurance and for Supplemental Security Income cash benefits. The Commission has a contract with the Social Security Administration to handle applications for Social Security Disability Insurance and Supplemental Security Income cash payments. Determinations of eligibility or ineligibility

are made on all applications. The applicants that indicate vocational rehabilitation potential are referred to the Vocational Rehabilitation Division for processing as possible clients in the Vocational Rehabilitation Program.

Sam Millsap thanked Mr. Wheeler, Mr. Arrell and Mr. Harvey for their fine orientation of the ongoing program operations in the Commission and stated that this provided a good theme and setting for the initial meeting of this Vocational Rehabilitation Consultation Committee. Consumer involvement has always been practiced but up until this Committee was appointed, it had not been formalized. This Committee will be able to monitor agency operations and help both the handicapped clients and the Commission personnel that are delivering the rehabilitation services. Too often the public hears only of a few bad cases. They never seem to hear or remember of the many, many good, successful cases handled by the state rehabilitation agencies. This is an excellent opportunity for the Committee to communicate the way it is with the public. If this Committee or its members think that something is wrong or can be improved, we will let it be made known to the Commission. We will also let the Commissioner know of the things we think are right and where the Commission and its personnel are doing a good job. Mr. Millsap stated that he was extremely gratified by the effort being made by Mr. Irwin and the TRC to establish this formal involvement of consumers because in the Regional RSA meeting held in Arkansas, Texas was the only state that had established and begun implementing a consumer consultation group to advise and counsel the Commissioner on vocational rehabilitation matters.

Mr. Irwin gave a general overview of the Vocational Rehabilitation Consultation Committee's responsibilities. The Texas Rehabilitation Commission was created in 1969 by State statute and is governed by a six-member Board appointed by the Governor. The Board has the responsibility for establishing Commission policy. The Board also appoints the

Commissioner to administer within established policy all the operations of the Commission. The Commissioner is also authorized to appoint the necessary advisory and/or consultation committees that he considers appropriate. In addition to this Vocational Rehabilitation Consultation Committee, the Commission has in being a Medical Consultation Committee which provides advice and counsel to the Commissioner regarding the medical aspects of the Commission's programs.

The Board will be receptive and welcome counsel and advice on policy matters from this Committee. Committee members are authorized access to any Commission employee, activity, or office in the pursuit of information or resources associated with their Committee responsibilities. At any time that any of you have questions, please let us know and we will help you find the answers. We won't give you our answer, but we will lead you to the source or area where you can procure the answer first-hand. However, I would like to caution you that client records are "confidential" information and not available to the public. There are many reasons for this--the main one being to protect the client.

We know we have deficiencies, and in a 2,000-plus employee organization we probably have some inefficient people, but be assured that as we find them, we will take prompt action to resolve the situation in the best interest of handicapped people. We are always trying to do the best we can with the funds we have. In recent months the Commission has become more and more bogged down by litigations and allegations from disgruntled employees. These administrative processes consume a tremendous amount of time and man hours of administrators and supervisors. Every TRC employee is an ombudsman in the interest of clients and the Commission. Since the Commission became a separate State agency seven years ago, our cost for rehabilitating a handicapped individual has decreased even though inflation, increased salaries, and other costs have increased immeasurably. This reduction in cost per client rehabilitated was brought about by a dedicated group of people who were provided the resources and they got the job done.

You are probably aware of the criteria for eligibility for vocational rehabilitation services; however, I would like to review them with you at this time. The two basic criteria for eligibility that are inherent in the purpose and scope of the vocational rehabilitation program and provided for in state and federal law are (1) the presence of a physical or mental disability which constitutes or results in a substantial handicap to employment, and (2) there must be a reasonable expectation that vocational rehabilitation services will benefit the individual in terms of employability. Oftentimes rehabilitation services are confused with "social services," "treatment," "aid to daily living" and other such services. These services are the responsibility of other State agencies, and they are so funded to provide such services. The Texas Department of Mental Health and Mental Retardation, State Department of Public Welfare, and the State Department of Health Resources are three such type agencies with whom we have written cooperative agreements and with whom we work very closely. Our vocational rehabilitation services complement the services they provide for the mutual benefit of eligible individuals. We are satisfied that all known handicapped individuals that are eligible for VR services are being served. If there are other handicapped individuals that could meet the eligibility criteria for vocational rehabilitation services, this is an area where this Committee could help both those handicapped and this Commission to develop services for such individuals. There is always the criticism of certain handicapped individuals "falling through the cracks" in the human service delivery system. However, I do not agree that people eligible for vocational rehabilitation "fall through the cracks," because this Commission--and to my knowledge the Commission for the Blind--is and has been providing appropriate vocational rehabilitation services to all handicapped individuals in Texas that meet the eligibility criteria. Those handicapped individuals that are not eligible for vocational rehabilitation services are referred to the appropriate state agency which is responsible for and can provide the necessary services for

such individuals. It is quite possible that many such type individuals are not properly informed of the available services in other agencies, and again this might be an area that this Committee can investigate.

Earlier today you heard Mr. Harvey discuss the Commission's Social Security Programs, which are not vocational rehabilitation programs. Recently the Commission was able to implement another nonvocational rehabilitation program, the Extended Rehabilitation Services Program. This program was authorized several years ago by the 61st State Legislature but was never funded. Funds are now available so that early next year we can get this program off the ground. In summary, the program will provide extended rehabilitation services for severely physically and mentally handicapped individuals of Texas who are otherwise ineligible for vocational rehabilitation services. The program will be 100% State funded because the individuals that will be served in this program will not qualify for Federal rehabilitation monies.

I am expecting help from this Committee to run the Commission and improve services and programs for handicapped people. I want to thank each of you for expressing a willingness to serve on this Committee and to take time out from your busy schedules to help this agency improve its services for the benefit of the handicapped people of Texas.

Mr. Wheeler reviewed with the Committee the working paper prepared by the Office of General Counsel which was provided to assist the Committee in its consideration of major aspects of the Committee's operation. The Committee agreed to review the contents of the working paper and be prepared to present its proposals for organization and function of the Committee at the next Committee meeting on February 7, 1977. Mr. Irwin stated that he wanted the Committee to have complete latitude and freedom to organize itself and manage its own mode of operation.

Several Committee members offered comments and suggestions for Committee consideration:

-- Stuart Fisher stated that the Committee may want to involve itself in the Texas Health Resources areas in developing regional plans to insure adequate services for the handicapped in each of the regional areas.

-- In recent years, NASA has done much research in the space program which should be of much benefit to handicapped people because individuals in space are actually in a "handicapped position" and must rely on support and assistance from other sources.

-- The question arose as to who is severely disabled? Who are they? What is the acceptable definition of severely disabled? These as well as other phrases and terms have different definitions in different settings and within different statutes and laws.

-- The Committee will want to inter-relate with other human service agencies such as the Commission for the Deaf, Department of Public Welfare, Department of MH-MR and others.

-- In the interest of handicapped people, the Committee may want to study specific disability groups or programs for specific groups and how TRC and other human service agencies are providing for such groups.

-- Jim Grey made a motion, which was seconded and passed by the Committee, that "individual Committee members put aside their personal problems, feelings and their organizational affiliations in the performance of their Committee responsibilities in order that the Committee as a whole can provide the best service possible for all handicapped people." (This motion was not copied verbatim at the time it was made; it was summarized after the Committee adjourned.)

-- Several members indicated that they were keenly interested in what the concerns of the Commission were. That they are looking forward to the Commission letting them know what its concerns are. These could be agenda items at future meetings of the Committee.

-- Mr. Wheeler informed the Committee that Tom Morrison's absence from this meeting was caused by the tragic loss of his son whose funeral was being held this date. The Committee expressed deep sorrow over the loss of their fellow member's loved one and sent a sympathy card, signed by all members present.

-- Several members expressed a desire that their local areas be informed of their appointment to this Committee and the Committee's purpose. (NOTE: The Commission will prepare and send to each member's local newspaper a prepared news release about the appointees and the Committee.)

-- The members asked that the Commission provide them with background information, such as: copies of the Rehabilitation Act of 1973, and amendments; copies of pertinent laws, both State and Federal; TRC data relative to its creation, its responsibilities, and scope; and pertinent Commission reports like the Annual Report to the Governor.

-- The members requested a TRC contact person for doing business with the Commission and the Commissioner. Helen Goodman in the Office of the Commissioner was designated as the official liaison officer to coordinate Commission/Committee activities.

Edward Austin, Office of General Counsel, reviewed the procedures for compensating the members for their participation on the Committee. An honorarium of $100 per day is authorized for each member plus associated expenses.

The Committee agreed to hold its next meeting on February 7, 1977 at 9:30 AM, in the TRC Conference Room, 2nd Floor, 7745 Chevy Chase Dr., Austin, Texas 78752.

Milton H. Werner
Director
Planning and Technical Programs

NOTE: The above information was developed from informal notes taken during the Committee meeting.

VOCATIONAL REHABILITATION CONSULTATION COMMITTEE

Mr. Sam Millsap, Chairman
1222 N. Main, Suite 711
San Antonio, Texas 78212

Mr. Bill Bain
President, T.R.A.
716 North Wilson
Lancaster, Texas 75146

Mr. Bob Blase, Director
Goodwill Rehabilitation Services
P.O. Box 21340
3822 Pleasanton Road
San Antonio, Texas 78221

Ms. Shirley Camfield
President, Texas Association
for Mental Health
2475 Ridgmar Plaza
Ft. Worth, Texas 76116

Mr. Don Culwell
2502 Waterford
San Antonio, Texas 78217

Mr. Bob Dickson
3701 N. Big Spring
Midland, Texas 79701

Ms. Betty Ellis
5104 Woodmoor Dr.
Austin, Texas 78721

Mr. Stuart Fisher
Director, Office of Planning
Coordination
Department of MH-MR
P.O. Box 12668, Cap. Sta.
Austin, Texas 78711

Mr. Lex Frieden
9667 Meadow Vale
Houston, Texas 77713

Mr. Jim Grey
3400 Hulen
Ft. Worth, Texas 76107

Mr. Wyatt Hall
Career and Guidance, Inc.
3000 University Ave.
Austin, Texas 78705

Mrs. Gene Karaffa
President, Texas Association
for Retarded Citizens
3021 North 43rd St.
Waco, Texas 76710

Margie Kirkpatrick, M.D.
723 S. Water Street
Rockport, Texas 78382

Michael Moore, Ph.D.
3310 Hudnall, Apt. 116-H
Dallas, Texas 75235

Mr. Tom Morrison, Executive Director
United Cerebral Palsy
7505 Parwelk
Dallas, Texas 75235

Mr. Jack Northrup
P.O. Box 582
Olney, Texas 76374

Mr. Merle Springer
Deputy Commissioner for Financial
and Social Programs
Dept. of Public Welfare
John H. Reagan Bldg.
Austin, Texas 78701

Ms. Barbara Trusler
3917 Brook Hollow
Abilene, Texas 79605

Mr. Joe Villareal
3519 Link Valley, Apt. 55
Houston, Texas 77025

Texas Rehabilitation Commission

COMMISSIONER FOR REHABILITATION Jess M. Irwin, Jr.

December 21, 1976

BOARD MEMBERS

John D. Simpson, Jr.
CHAIRMAN

Mrs. Marjorie C. Kastman
VICE CHAIRMAN

John T. Bean
SECRETARY

Jack B. Dale, Jr.
Clifford S. Knape, Ph.D.
Jerry E. Miller, M.D.

TO: Regional Directors

FROM: Vernon M. Arrell and Doyle Wheeler

SUBJECT: ORGANIZATIONAL CHANGES

The purpose of this memorandum is to inform you of the recent organizational changes, namely, the establishment of a Vocational Rehabilitation Consultation Committee in the Office of the Commissioner, and the implementation of the Extended Rehabilitation Services Program.

The Vocational Rehabilitation Consultation Committee has been appointed and a list of its members is attached. Mr. Sam Millsap of San Antonio is designated as chairman of this committee. The purpose of the committee will be to advise and counsel the Commissioner on vocational rehabilitation matters involving policy and procedure for administration of the vocational rehabilitation program in Texas.

As you can see, the membership of this committee is comprised of representation from consumer groups, providers of VR services and others active in the field of vocational rehabilitation. They all have a genuine desire to help the handicapped and all are interested in learning more of our Commission's day-to-day operations and activities. Therefore, you can expect them to be contacting you and members of your staff and also visit the local TRC offices in an effort to gain first-hand knowledge of our program. Please inform your personnel about this committee and the possibility that some of its members may contact them. Your cooperation and assistance in providing them with appropriate information will be very much appreciated.

The Extended Rehabilitation Services Program was authorized by H.B. 287, 61st State Legislature, and gave the Commission the responsibility of providing extended rehabilitation services to the severely physically and mentally handicapped of Texas who are ineligible for vocational rehabilitation services. Funds are available to implement this program early next year, possibly on February 1, 1977. This program will be administered jointly by the Deputy Commissioners for General and Special Programs. Mr. Charles Schnabel has been hired as Program Director for the program. Procedures for the conduct of the Extended Rehabilitation Services Program are in process of development and they will be disseminated when available.

VMA/DW:sm
Attachment
cc: A, B and C

VOCATIONAL REHABILITATION CONSULTATION COMMITTEE

Mr. Sam Millsap, Chairman
1222 N. Main, Suite 711
San Antonio, Texas 78212

Mr. Bill Bain
President, T.R.A.
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Abilene, Texas 79605

Mr. Joe Villareal
3519 Link Valley, Apt. 55
Houston, Texas 77025

NOTE: The statutory provisions below were introduced as House Bill No. 287, 61st Legislature, Regular Session, and passed effective April 2, 1969; published in the General and Special Laws of Texas, Chapter 49, page 44 ff; and codified in Subchapter D, Chapter 30, Vernon's Texas Codes Annotated. The Extended Rehabilitation Services Program will be implemented by the Texas Rehabilitation Commission.

Edward W. Austin
General Counsel

VERNON'S TEXAS CODES ANNOTATED

SUBCHAPTER D. EXTENDED REHABILITATION SERVICES

§ 30.71. Definitions

As used in this subchapter:

(1) "Extended rehabilitation services" means supplying rehabilitation services to (A) a mentally or physically handicapped person beyond a period of 18 months from the initial date that eligibility to receive vocational rehabilitation services was determined, or (B) mentally or physically handicapped persons who were not eligible for vocational rehabilitation services under laws and regulations in effect before April 2, 1969, and who could benefit from the provisions of this subchapter.

(2) "Extended sheltered workshop employment" means employment in a sheltered workshop of persons with mental or physical handicaps of such a nature that by reason of such handicap such persons are rendered incapable of competing in the open or customary labor market.

(3) "Extended community residence" means a group living arrangement providing the essentials of community living, such as room, board, clothing, evening and nighttime supervision, recreational activities, and transportation to and from work for persons living therein who are in extended sheltered workshop employment as that term is defined herein, or who, while physically or mentally handicapped, are employed in the open or customary labor market.

(4) "Sheltered workshop" means an occupation-oriented facility operated by a not-for-profit agency, public or private, which except for its staff, employs only mentally or physically handicapped persons.

§ 30.72. Authority

The commission is granted the additional authority to plan, institute, support, and maintain the programs of extended rehabilitation, including extended employment in a sheltered workshop and extended community residence, provided for in this subchapter.

§ 30.73. Administration

The commission may contract with any not-for-profit agency, public or private, for the provision of any extended rehabilitation services, including extended sheltered workshop employment or extended community residence for persons participating in vocational rehabilitation, and pay for such services purchased for the state.

§ 30.74. Participant Contributions

Any handicapped person in vocational rehabilitation and living in an extended community residence facility operated by a not-for-profit agency having a contract under this subchapter shall contribute to such not-for-profit agency from his personal earnings, if any, such portions of his earnings, after deductions for personal use, as he may be able to contribute and as may be required by rules and regulations of the commission. The earnings contributions made under this section by individuals' participation in vocational rehabilitation shall be credited to the state, in arriving at the net sums due to the not-for-profit agency contracting with the state to furnish services.

§ 30.75. Standards

The commission shall establish standards of staffing, physical plant, and services required for the operation of facilities of not-for-profit agencies furnishing services under this subchapter by contract with the state. Any contract entered into by the state under this subchapter shall be subject to cancellation by the state for cause at any time by the issuance of written notice of cancellation by the state to the contracting agency at least 30 days in advance of the date of cancellation.

§ 30.76. Quarterly Payments

The commission shall pay, from funds available to it for this program, on a quarterly basis to a not-for-profit agency an amount equal to not less than (a) $3 per six-hour working day per client to a sheltered workshop and/or (b) $85 per client per month to an extended community residence.

§ 30.77. Funds, Rules, and Regulations

The commission may receive and expend funds from any source, public or private, for the purposes set forth in this subchapter, and shall establish rules and regulations for the conduct and control of the programs authorized by this subchapter. Any not-for-profit agency operating an extended community residence facility under this subchapter shall file annually its budget showing salaries paid and expenditures with the office of the state auditor.

VOCATIONAL REHABILITATION CONSULTATION COMMITTEE*

The Texas Rehabilitation Commission recognizes that citizen involvement in the administration of the vocational rehabilitation program is needed. A lack of citizen involvement hampers the Commission's administration in at least two ways:

1. By screening citizens out of the decision making process the Commission creates the impression that it is unresponsive to the will of the people whose tax dollars support its operations and is also unresponsive to those handicapped citizens whose mission it is to serve.
2. By depriving itself of the special insights of citizens who must live with the results of the Commission's decisions, the Commission fails to take advantage of a potentially enormous resource - the combined wisdom and experience of the public.

The Commission in its effort to involve clients and others in policy formulation and program operations has established the Vocational Rehabilitation Consultation Committee. The membership of the Committee is comprised of individuals who are:

1. Recipients of vocational rehabilitation services, or as appropriate, their parents, guardians, or other representatives;
2. Providers of vocational rehabilitation services; and
3. Others active in the field of vocational rehabilitation.

While the Commission has in the past involved professional groups, service providers, clients and their organizations, civic groups and concerned individuals and agencies in policy formulation, program planning, statewide surveys, public information and in related program activities, the formulation of the Vocational Rehabilitation Consultation Committee will extend the breadth and depth of the participation of those interested in the vocational rehabilitation program.

Prior to the formulation of the Committee, the Commission assessed the adequacy of its present practices in this area of activity; structured a program which in scope, degree and continuity of client, provider and other person participation will achieve the objectives of the Commission; and a description of the program which will be made available to the public is being prepared.

The Commission has great expectations from the participation of the Committee in policy consultation development and other related activities. The Commission wants to provide a means to insure that interested citizens, particularly the direct beneficiaries of the vocational rehabilitation program, have a meaningful voice in determining the way in which the vocational rehabilitation program in structured and administered. It is the intent of the Commission to give the people for whom the vocational rehabilitation program is designed full opportunity to participate in policy formulation and initial planning to assure that its program is relevant to their needs and responsive to their priorities.

It is felt that the following advantages can result from involvement of clients, providers, and others in policy formulation and administration:

1. Increased awareness of client needs;
2. Realistic insights as to how various aspects of the State vocational rehabilitation program are functioning and how they might be improved;
3. Establishment of better working relationships between the agency and client, providers and other individuals, and organizations active in rehabilitation in the State;

4. Better information sharing and clearer understanding of the State agency's mission, goals, and objectives;

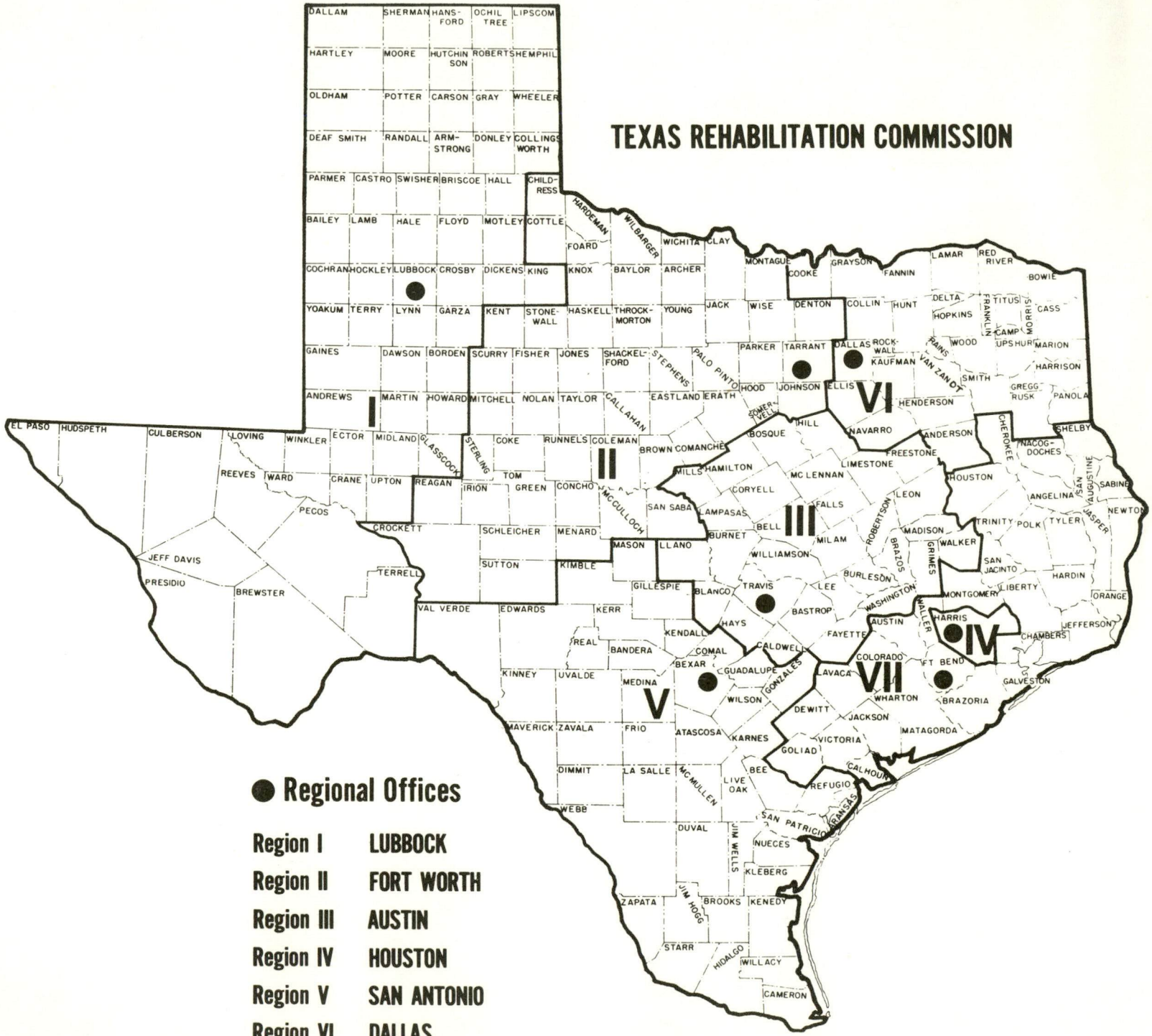
5. Increased and more effective advocacy for the State agency's programs and its program needs; and

6. Establishment of a mechanism to permit continuous external feedback from all segments of the population on current and proposed operations and plans.

In keeping with the basic concept of the Committee each member of the Committee was selected because of their individual ability to offer sound advice in the areas for which the Committee is charged and who has demonstrated an active and constructive interest in the disabled person.

* Comments of Edward W. Austin, General Counsel, prepared for first meeting of the Vocational Rehabilitation Consultation Committee in Austin, Texas on December 17, 1976.

TEXAS REHABILITATION COMMISSION



● Regional Offices

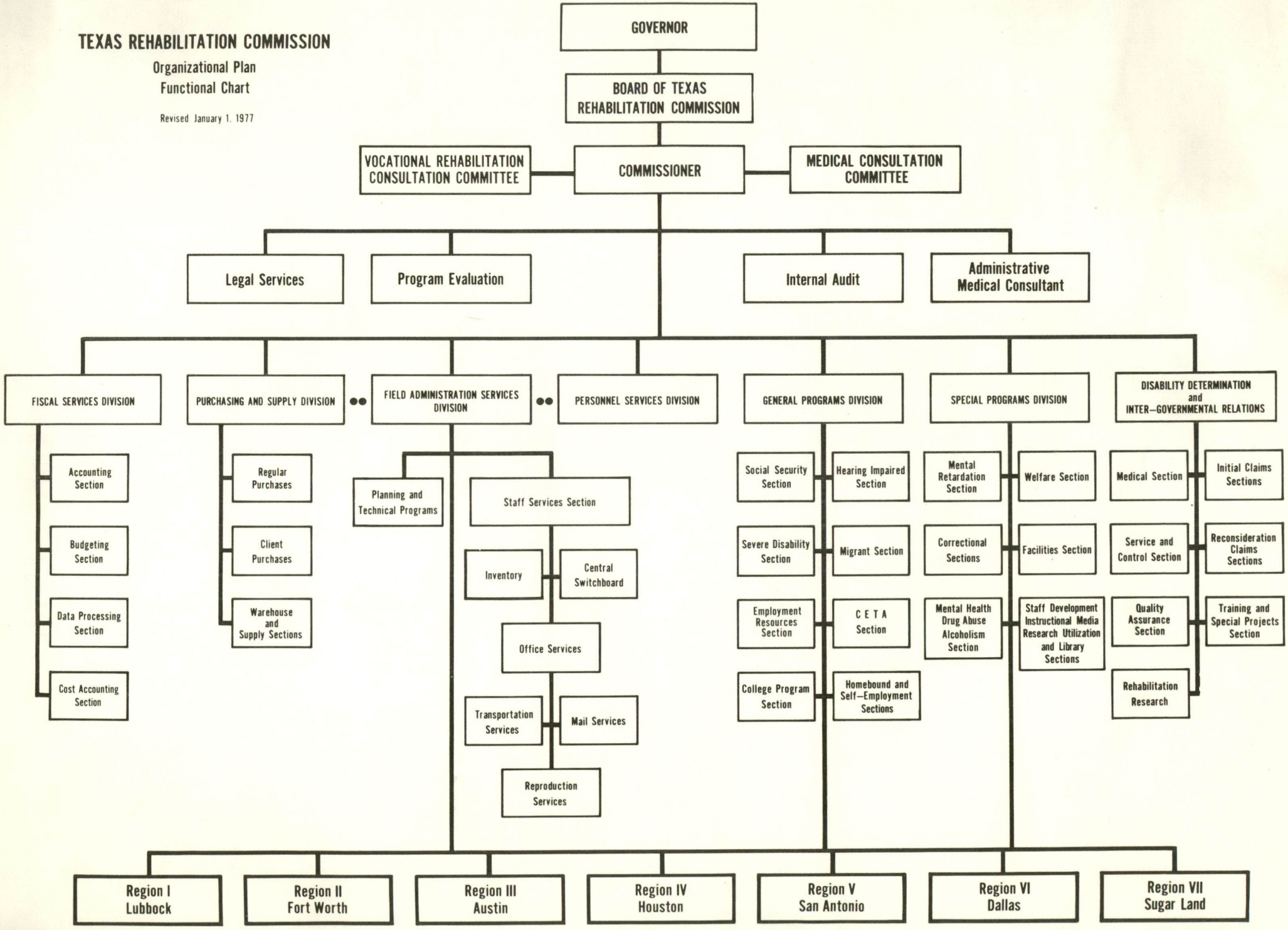
Region I	LUBBOCK
Region II	FORT WORTH
Region III	AUSTIN
Region IV	HOUSTON
Region V	SAN ANTONIO
Region VI	DALLAS
Region VII	SUGAR LAND

October 1, 1976 (Revised)

TEXAS REHABILITATION COMMISSION

Organizational Plan
Functional Chart

Revised January 1, 1977



Prepared by: Office of Planning and Technical Programs

CHAPTER 30. REHABILITATION OF HANDICAPPED AND DISABLED

SUBCHAPTER A. GENERAL PROVISIONS

Section

30.01. Purpose.
30.02. Definitions.

[Sections 30.03 to 30.10 reserved for expansion]

SUBCHAPTER B. COMMISSION FOR REHABILITATION—CREATION; ADMINISTRATIVE PROVISIONS

30.11. Creation of Commission; Composition.
30.12. Members of Board—Appointment, Terms, Etc.
30.13. Meetings.
30.14. Expenses.
30.15. Advisory Committees.
30.16. Commissioner.
30.17. Administrative Regulations.
30.18. Planning.
30.19. Administrative Units; Personnel.
30.20. Reports.
30.21. Disbursement of Funds.
30.22. Other Duties.
30.23. Delegation to Employees.

[Sections 30.24 to 30.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

30.41. Commission as Principal Authority.
30.42. Agency Functions.
30.43. Cooperation With the Federal Government.
30.44. Obtaining Federal Funds.
30.45. Finances.
30.46. Gifts and Donations to the Commission.
30.47. Unlawful Use of Lists of Names.
30.48. Transfer From Central Education Agency.
30.49. Employees Membership in Retirement Systems.

[Sections 30.50 to 30.70 reserved for expansion]

SUBCHAPTER D. EXTENDED REHABILITATION SERVICES

30.71. Definitions.
30.72. Authority.
30.73. Administration.
30.74. Participant Contributions.

Section
30.75. Standards.
30.76. Quarterly Payments.
30.77. Funds, Rules, and Regulations.

Chapter 30 consisting of §§ 30.01 to 30.77 was added to Title 2 of the Education Code by Acts 1971, 62nd Leg., p. 1520, ch. 405, § 52, effective May 26, 1971.

Acts 1971, 62nd Leg., p. 1449, ch. 405, which by sections 1 to 53 incorporated the provisions of certain acts passed during the regular and second called sessions of the 61st Legislature into the Code, and which by section 54 repealed the acts so incorporated, provided in sections 55 and 56:

"Sec. 55. Nothing in this Act is intended to make any change in the substantive law, but this Act is merely intended to be a recodification of the present law.

"Sec. 56. If any other Act passed at the same session of the Legislature conflicts with any provision of this Act, the other Act prevails."

SUBCHAPTER A. GENERAL PROVISIONS

Section 30.01. Purpose

It shall be the policy of the State of Texas to provide rehabilitation and related services to eligible handicapped individuals so that they may prepare for and engage in a gainful occupation or achieve maximum personal independence.

§ 30.02. Definitions

In this chapter:

(1) "Agency" or "commission" means the Commission for Rehabilitation.

(2) "Commissioner" means the chief administrative officer of the agency.

(3) "Handicapped individual" means any individual, except one whose disability is of a visual nature, who has a disability which constitutes a substantial handicap to employment, or to achieving maximum personal independence, but which is of such a nature that rehabilitation services may reasonably be expected to render him fit to engage in a gainful occupation, including a gainful occupation which is more consistent with his capacities and abilities or render him fit for self-care and independent living; and "handicapped individual" includes such an individual

for whom rehabilitation services are necessary for the purposes of the determination of rehabilitation potential. "Handicapped individual" shall include individuals disadvantaged by reason of their youth or advanced age, low educational attainments, ethnic or cultural factors, prison or delinquency records, or other conditions which constitute a barrier to employment, as well as members of their families when the provision of rehabilitation services to family members is necessary for the rehabilitation of a handicapped individual.

(4) "Disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. It includes behavioral disorders characterized by deviant social behavior or impaired ability to carry out normal relationships with family and community which may result from vocational, educational, cultural, social, environmental, or other factors. "Disability" includes the disadvantageous condition resulting from low educational attainment, ethnic or cultural factors, youth or advanced age, or other factors which constitute a barrier to employment or self-care and independent living.

(5) "Substantial handicap to employment" means a disability that impedes an individual's occupational performance by preventing his obtaining, retaining, or preparing for a gainful occupation consistent with his capacities and abilities.

(6) "Rehabilitation services" means any goods and services necessary to render a handicapped individual fit to engage in a gainful occupation, or independent living, or to determine his rehabilitation potential, and to provide work adjustment training or adult social services. To render a handicapped individual fit to engage in a gainful occupation or independent living, may require the agency to engage in or contract for some or all of such activities as outreach, diagnosis and appraisal, treatment, training, job placement or self-employment, guidance, and counseling. Services may include maintenance, transportation, and training allowances, not exceeding the estimated cost of subsistence during rehabilitation, for the handicapped individual as well as members of his family when necessary for the rehabilitation of the handicapped individual.

(7) "Gainful occupation" includes employment in the competitive labor market; practice of a profession; self-employment; homemaking, farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; and home industries or other gainful homebound work.

(8) "Establishment of a rehabilitation facility" means (1) the expansion, remodeling, or alteration of existing buildings, neces-

sary to adopt [1] or to increase the effectiveness of such buildings for rehabilitation facility purposes; (2) the acquisition of initial equipment for such purposes; or (3) the initial staffing of a rehabilitation facility.

(9) "Establishment of a workshop" means the expansion, remodeling, or alteration of existing buildings necessary to adapt such buildings to workshop purposes or to increase the employment opportunities in workshops, and the acquisition of initial equipment necessary for new workshops or to increase the employment opportunities in workshops.

(10) "Construct" includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings.

[1] So in enrolled bill.

[Sections 30.03 to 30.10 reserved for expansion]

SUBCHAPTER B. COMMISSION FOR REHABILITATION—CREATION; ADMINISTRATIVE PROVISIONS

§ 30.11. Creation of Commission; Composition

There is hereby created a Commission for Rehabilitation which shall consist of the board of the Commission for Rehabilitation, a commissioner, and such other officers and employees as may be required to efficiently carry out the purposes of this chapter.

§ 30.12. Members of Board—Appointment, Terms, Etc.

(a) The board of the Commission for Rehabilitation shall consist of six members appointed by the governor.

(b) With the advice and consent of the senate, the governor shall biennially appoint two members to serve a term of six years, except that when the six initial appointments are made, the governor shall designate two members to serve for two years, two for four years, and two for six years.

(c) The governor shall also fill by appointment for the unexpired term any vacancy on the board caused by death, resignation, or inability to serve for any reason.

(d) Members shall serve until a successor is appointed and has qualified by taking the oath of office.

(e) Appointees shall be outstanding citizens of the state who have demonstrated a constructive interest in rehabilitation services. No

paid employee of any agency carrying on work for the commission shall be eligible for appointment, nor shall any person who owns or is employed by an organization providing rehabilitation services or related services through the commission.

(f) The governor shall designate one board member as chairman.

§ 30.13. Meetings

The board shall meet quarterly in regular session and on call by the chairman when necessary for the transaction of agency business.

§ 30.14. Expenses

Board members shall serve without pay but they shall be compensated for actual and necessary expenses incurred in the discharge of their official duties.

§ 30.15. Advisory Committees

(a) The board is authorized to appoint an advisory committee which shall make recommendations for consideration of the board concerning any matter which the advisory committee believes to be pertinent to the purposes of this chapter.

(b) The advisory committee shall have nine members appointed by the board, each of whom shall serve for three years and until a successor is appointed. However, when the initial appointments are made, the board shall designate three members who will be appointed for terms of one year, three members who will be appointed for terms of two years, and three members who will be appointed for terms of three years.

(c) The advisory committee shall meet at least once in each calendar quarter and may meet on call of the board.

(d) The members of the advisory committee shall serve without pay except that they are entitled to be reimbursed for actual and necessary expenses incurred in attending the official meetings of the advisory committee.

(e) The membership of the advisory committee shall be composed of citizens who have demonstrated an active and constructive interest in the rehabilitation of handicapped people.

(f) The board shall also fill, by appointment for the unexpired term, any vacancy on the advisory committee.

(g) The board is also authorized to create from time to time such additional technical advisory committees as it may deem necessary to the purposes of this chapter, the members of which shall serve

without compensation unless such is specifically provided for by appropriation.

§ 30.16 Commissioner

This chapter shall be administered by the commissioner under operational policies established by the board. The commissioner shall be appointed by the board on the basis of his education, training, experience, and demonstrated ability. He shall serve at the pleasure of the board. He shall be secretary to the board, as well as chief administrative officer of the agency.

§ 30.17. Administrative Regulations

In carrying out his duties under this chapter, the commissioner shall, with the approval of the board, make regulations governing personnel standards; the protection of records and confidential information; the manner and form of filing applications, eligibility, investigation, and determination therefor for rehabilitation and other services; procedures for hearings; and such other regulations as he finds necessary to carry out the purposes of this chapter.

§ 30.18. Planning

The commissioner shall, with the approval of the board, make long-range and intermediate plans for the scope and development of the program and make decisions regarding the allocation of resources in carrying out such plans.

§ 30.19. Administrative Units; Personnel

(a) The commissioner shall, with the approval of the board, establish appropriate subordinate administrative units.

(b) The commissioner shall, under personnel policies adopted by the board, appoint such personnel as he deems necessary for the efficient performance of the functions of the agency.

§ 30.20. Reports

The commissioner shall prepare and submit to the board annual reports of activities and expenditures and, prior to each regular session of the legislature, estimates of sums required for carrying out the purposes of this chapter; and, with the approval of the board, submit such reports to the governor and the legislature.

§ 30.21. Disbursement of Funds

The commissioner shall make certification for disbursement, in accordance with regulations, of funds available for carrying out the purposes of this chapter.

§ 30.22 Other Duties

The commissioner shall take such other action as he deems necessary or appropriate to carry out the purposes of this chapter.

§ 30.23. Delegation to Employees

The commissioner may, with the approval of the board, delegate to any officer or employee of the agency such of his powers and duties, except the making of regulations and the appointment of personnel, as he finds necessary to carry out the purposes of this chapter.

[Sections 30.24 to 30.40 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

§ 30.41. Commission as Principal Authority

The Commission for Rehabilitation is the principal authority in the state on matters relating to rehabilitation of handicapped and disabled individuals, except for those matters relating to individuals whose handicaps or disabilities are of a visual nature. All other state agencies engaged in rehabilitation activities and related services to individuals whose handicaps or disabilities are not of a visual nature shall coordinate those activities and services with the commission.

§ 30.42. Agency Functions

The agency shall, to the extent of resources available and priorities established by the board, provide rehabilitation services directly or through public or private resources to individuals determined by the commissioner to be eligible therefor, and in carrying out the purposes of this chapter, the agency is authorized:

(1) to cooperate with other departments, agencies, political subdivisions, and institutions, both public and private, in providing the services authorized by this chapter to eligible individuals, in studying the problems involved therein, and in planning, establishing, developing, and providing such programs, facilities, and services as may be necessary or desirable, including those jointly administered with state agencies;

(2) to enter into reciprocal agreements with other states;

(3) to establish or construct rehabilitation facilities and workshops; to make grants to public agencies; to make contracts or other arrangements with public and other nonprofit agencies, organizations, or institutions for the establishment of workshops and rehabilitation facilities; and to operate facilities for carrying out the purposes of this chapter;

(4) to conduct research and compile statistics relating to the provisions of services to or the need for services by disabled individuals;

(5) to provide for the establishment, supervision, management, and control of small business enterprises to be operated by severely handicapped individuals where their operation will be improved through the management and supervision of the agency; and

(6) to contract with schools, hospitals, private industrial firms, and other agencies and with doctors, nurses, technicians, and other persons for training, physical restoration, transportation, and other rehabilitation services.

§ 30.43. Cooperation With the Federal Government

The agency shall make agreements, arrangements, or plans to cooperate with the federal government in carrying out the purposes of this chapter or of any federal statutes pertaining to rehabilitation, and to this end may adopt such methods of administration as are found by the federal government to be necessary, and not contrary to existing state laws, for the proper and efficient operation of such agreements, arrangements, or plans for rehabilitation.

§ 30.44. Obtaining Federal Funds

The agency is authorized to comply with such requirements as may be necessary to obtain federal funds in the maximum amount and most advantageous proportion possible.

§ 30.45. Finances

The state treasurer is hereby authorized to receive all monies appropriated by Congress and allotted to Texas for carrying out the purposes of this chapter or agreements, arrangements, or plans authorized thereby; and to make disbursements therefrom upon the certification of the commissioner. All public monies available to the agency shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as provided by law for other public funds in the state treasury. The state auditor shall regularly

audit all accounts established by the commission in local depositories, to assure that nonpublic funds made available to the commission through gift or bequest, by local organizations desiring to participate in projects for the handicapped authorized in Article XVI, Section 6, Subsection (b), of the Texas Constitution, or by endowment or otherwise, are expended in a manner consistent with the purposes of this chapter, and the commission shall comply with such reporting procedures as the state auditor might prescribe for the commission's acceptance, holding, investment, and use of nonpublic funds.

§ 30.46. Gifts and Donations to the Commission

The commission is authorized to receive and use gifts and donations for carrying out the purposes of this chapter. No person shall ever receive any payment for solicitation of any funds.

§ 30.47. Unlawful Use of Lists of Names

It shall be unlawful, except for purposes directly connected with the administration of the rehabilitation program and in accordance with regulations, for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving rehabilitation, directly or indirectly derived from the records.

§ 30.48. Transfer From Central Education Agency

All functions of the division of vocational rehabilitation and the division of disability determination of the Central Education Agency, together with all personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available are hereby transferred to the agency on September 1, 1969. Wherever under existing statutes, duties, obligations, and responsibilities are placed upon the division of vocational rehabilitation or the division of disability determinaton of the Central Education Agency or duties, obligations, and responsibilities relating to vocational rehabilitation of the handicapped individual are imposed upon the State Board for Vocational Education, such duties, obligations, and responsibilities shall hereafter be assumed and carried out by the commission. All contracts and agreements between the Central Education Agency and the Social Security Administration relating to the activities of the division of vocational rehabilitation and the division of disability determination of the Central Education Agency shall be continued for the benefit of the commission.

§ 30.49. Employees Membership in Retirement Systems

Personnel of the division of vocational rehabilitation and the division of disability determination of the Central Education Agency hereby transferred to the commission shall have the option of retaining membership in the Teacher Retirement System of Texas or becoming members of the Employees Retirement System of Texas under the provisions of Chapter 75, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 6228a—2, Vernon's Texas Civil Statutes). Employees hired after the transfer shall be members of the Employees Retirement System of Texas.

[Sections 30.50 to 30.70 reserved for expansion]

SUBCHAPTER D. EXTENDED REHABILITATION SERVICES

§ 30.71. Definitions

As used in this subchapter:

(1) "Extended rehabilitation services" means supplying rehabilitation services to (A) a mentally or physically handicapped person beyond a period of 18 months from the initial date that eligibility to receive vocational rehabilitation services was determined, or (B) mentally or physically handicapped persons who were not eligible for vocational rehabilitation services under laws and regulations in effect before April 2, 1969, and who could benefit from the provisions of this subchapter.

(2) "Extended sheltered workshop employment" means employment in a sheltered workshop of persons with mental or physical handicaps of such a nature that by reason of such handicap such persons are rendered incapable of competing in the open or customary labor market.

(3) "Extended community residence" means a group living arrangement providing the essentials of community living, such as room, board, clothing, evening and nighttime supervision, recreational activities, and transportation to and from work for persons living therein who are in extended sheltered workshop employment as that term is defined herein, or who, while physically or mentally handicapped, are employed in the open or customary labor market.

(4) "Sheltered workshop" means an occupation-oriented facility operated by a not-for-profit agency, public or private, which except for its staff, employs only mentally or physically handicapped persons.

§ 30.72. Authority

The commission is granted the additional authority to plan, institute, support, and maintain the programs of extended rehabilitation, including extended employment in a sheltered workshop and extended community residence, provided for in this subchapter.

§ 30.73. Administration

The commission may contract with any not-for-profit agency, public or private, for the provision of any extended rehabilitation services, including extended sheltered workshop employment or extended community residence for persons participating in vocational rehabilitation, and pay for such services purchased for the state.

§ 30.74. Participant Contributions

Any handicapped person in vocational rehabilitation and living in an extended community residence facility operated by a not-for-profit agency having a contract under this subchapter shall contribute to such not-for-profit agency from his personal earnings, if any, such portions of his earnings, after deductions for personal use, as he may be able to contribute and as may be required by rules and regulations of the commission. The earnings contributions made under this section by individuals' participation in vocational rehabilitation shall be credited to the state, in arriving at the net sums due to the not-for-profit agency contracting with the state to furnish services.

§ 30.75. Standards

The commission shall establish standards of staffing, physical plant, and services required for the operation of facilities of not-for-profit agencies furnishing services under this subchapter by contract with the state. Any contract entered into by the state under this subchapter shall be subject to cancellation by the state for cause at any time by the issuance of written notice of cancellation by the state to the contracting agency at least 30 days in advance of the date of cancellation.

§ 30.76. Quarterly Payments

The commission shall pay, from funds available to it for this program, on a quarterly basis to a not-for-profit agency an amount equal to not less than (a) $8 per six-hour working day per client to a sheltered workshop and/or (b) $85 per client per month to an extended community residence.

§ 30.77 Funds, Rules, and Regulations

The commission may receive and expend funds from any source, public or private, for the purposes set forth in this subchapter, and shall establish rules and regulations for the conduct and control of the programs authorized by this subchapter. Any not-for-profit agency operating an extended community residence facility under this subchapter shall file annually its budget showing salaries paid and expenditures with the office of the state auditor.

U.S. Department of Labor
Wage & Hour Division
434 South Main Ave., Room 403
San Antonio, Texas 78204

Public Law 93-112
93rd Congress, H. R. 8070
September 26, 1973

An Act

To replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational rehabilitation services, with special emphasis on services to those with the most severe handicaps, to expand special Federal responsibilities and research and training programs with respect to handicapped individuals, to establish special responsibilities in the Secretary of Health, Education, and Welfare for coordination of all programs with respect to handicapped individuals within the Department of Health, Education, and Welfare, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Rehabilitation Act of 1973":

Rehabilitation Act of 1973.
87 STAT. 355
87 STAT. 356

TABLE OF CONTENTS

Sec. 2. Declaration of purpose.
Sec. 3. Rehabilitation Services Administration.
Sec. 4. Advance funding.
Sec. 5. Joint funding.
Sec. 6. Consolidated rehabilitation plan.
Sec. 7. Definitions.
Sec. 8. Allotment percentage.
Sec. 9. Audit.
Sec. 10. Nonduplication.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

Sec. 100. Declaration of purpose; authorization of appropriations.
Sec. 101. State plans.
Sec. 102. Individualized written rehabilitation program.
Sec. 103. Scope of vocational rehabilitation services.
Sec. 104. Non-Federal share for construction.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

Sec. 110. State allotments.
Sec. 111. Payments to States.
Sec. 112. Client assistance.

PART C—INNOVATION AND EXPANSION GRANTS

Sec. 120. State allotments.
Sec. 121. Payments to States.

PART D—COMPREHENSIVE SERVICE NEEDS

Sec. 130. Special study.

TITLE II—RESEARCH AND TRAINING

Sec. 200. Declaration of purpose.
Sec. 201. Authorization of appropriations.
Sec. 202. Research.
Sec. 203. Training.
Sec. 204. Reports.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

Sec. 300. Declaration of purpose.
Sec. 301. Grants for construction of rehabilitation facilities.
Sec. 302. Vocational training services for handicapped individuals.
Sec. 303. Mortgage insurance for rehabilitation facilities.
Sec. 304. Special projects and demonstrations.
Sec. 305. National Center for Deaf-Blind Youths and Adults.
Sec. 306. General grant and contract requirements.

21-913 O - 73

TABLE OF CONTENTS—Continued

TITLE IV—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

Sec. 400. Administration.
Sec. 401. Program and project evaluation.
Sec. 402. Obtaining information from Federal agencies.
Sec. 403. Authorization of appropriations.
Sec. 404. Reports.
Sec. 405. Secretarial responsibility.
Sec. 406. Sheltered workshop study.
Sec. 407. State allocation study.

TITLE V—MISCELLANEOUS

Sec. 500. Effect on existing laws.
Sec. 501. Employment of handicapped individuals.
Sec. 502. Architectural and Transportation Barriers Compliance Board.
Sec. 503. Employment under Federal contracts.
Sec. 504. Nondiscrimination under Federal grants.

87 STAT. 356

87 STAT. 357

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to provide a statutory basis for the Rehabilitation Services Administration, and to authorize programs to—

(1) develop and implement comprehensive and continuing State plans for meeting the current and future needs for providing vocational rehabilitation services to handicapped individuals and to provide such services for the benefit of such individuals, serving first those with the most severe handicaps, so that they may prepare for and engage in gainful employment;

(2) evaluate the rehabilitation potential of handicapped individuals;

(3) conduct a study to develop methods of providing rehabilitation services to meet the current and future needs of handicapped individuals for whom a vocational goal is not possible or feasible so that they may improve their ability to live with greater independence and self-sufficiency;

(4) assist in the construction and improvement of rehabilitation facilities;

(5) develop new and innovative methods of applying the most advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems and develop new and innovative methods of providing rehabilitation services to handicapped individuals through research, special projects, and demonstrations;

(6) initiate and expand services to groups of handicapped individuals (including those who are homebound or institutionalized) who have been underserved in the past;

(7) conduct various studies and experiments to focus on long neglected problem areas;

(8) promote and expand employment opportunities in the public and private sectors for handicapped individuals and to place such individuals in employment;

(9) establish client assistance pilot projects;

(10) provide assistance for the purpose of increasing the number of rehabilitation personnel and increasing their skills through training; and

(11) evaluate existing approaches to architectural and transportation barriers confronting handicapped individuals, develop new such approaches, enforce statutory and regulatory standards and requirements regarding barrier-free construction of public facilities and study and develop solutions to existing architectural and transportation barriers impeding handicapped individuals.

REHABILITATION SERVICES ADMINISTRATION

Establishment.
87 STAT. 357
87 STAT. 358

SEC. 3. (a) There is established in the Department of Health, Education, and Welfare a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this Act referred to as the "Commissioner") appointed by the President. Except for titles IV and V and as otherwise specifically provided in this Act, such Administration shall be the principal agency for carrying out this Act. The Secretary shall not approve any delegation of the functions of the Commissioner to any other officer not directly responsible to the Commissioner unless the Secretary shall first submit a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it: *Provided, however*, That within thirty days of such transmittal, the Secretary shall consult with the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives respecting such proposed delegation. For the purposes of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day and sixty-day periods.

Post, pp. 385, 390.

Delegation of functions, submittal of plan to Congress.

(b) The Secretary, through the Commissioner in coordination with other appropriate programs in the Department of Health, Education, and Welfare, in carrying out research under this Act shall establish the expertise and technological competence to, and shall, in consultation with, the National Science Foundation and the National Academy of Sciences develop and support, and stimulate the development and utilization (including production and distribution of new and existing devices) of, innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems, and be responsible for carrying out the activities described in section 202(b)(2).

Research, coordination and consultation.

Post, p. 375.

(c) The Secretary shall take whatever action is necessary to insure that funds appropriated pursuant to this Act, as well as unexpended appropriations for carrying out the Vocational Rehabilitation Act (29 U.S.C. 31–42), are expended only for the programs, personnel, and administration of programs carried out under this Act.

68 Stat. 652.

ADVANCE FUNDING

SEC. 4. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the authority provided by subsection (a) of this section shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

JOINT FUNDING

SEC. 5. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided, and, in such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency. When the principal agency involved is the Rehabilitation Services Administration, it may waive any grant or contract requirement (as defined by such regulations) under or pursuant to any law other than this Act, which requirement is inconsistent with the similar requirements of the administering agency under or pursuant to this Act.

CONSOLIDATED REHABILITATION PLAN

Election by State; agency concurrence.

SEC. 6. (a) In order to secure increased flexibility to respond to the varying needs and local conditions within the State, and in order to permit more effective and interrelated planning and operation of its rehabilitation programs, the State may submit a consolidated rehabilitation plan which includes the State's plan under section 101(a) of this Act and its program for persons with developmental disabilities under the Developmental Disabilities Services and Facilities Construction Amendments of 1970: *Provided*, That the agency administering such State's program under such Act concurs in the submission of such a consolidated rehabilitation plan.

Post, p. 363.

84 Stat. 1316. 42 USC 2670 note.

(b) Such a consolidated rehabilitation plan must comply with, and be administered in accordance with, all the requirements of this Act and the Developmental Disabilities Services and Facilities Construction Amendments of 1970. If the Secretary finds that all such requirements are satisfied, he may approve the plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each of the programs included therein, or he may advise the State to submit separate plans for such programs.

Noncompliance, assistance termination procedures.

(c) Findings of noncompliance in the administration of an approved consolidated rehabilitation plan, and any reductions, suspensions, or terminations of assistance as a result thereof, shall be carried out in accordance with the procedures set forth in subsections (c) and (d) of section 101 of this Act.

DEFINITIONS

SEC. 7. For the purposes of this Act:

(1) The term "construction" means the construction of new buildings, the acquisition, expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such buildings, and the term "cost of construction" includes architects' fees and acquisition of land in connection with construction but does not include the cost of offsite improvements.

(2) The term "criminal act" means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime.

(3) The term "establishment of a rehabilitation facility" means the acquisition, expansion, remodeling, or alteration of existing buildings necessary to adapt them to rehabilitation facility purposes or to increase their effectiveness for such purposes (subject, however, to such limitations as the Secretary may determine, in accordance with regulations he shall prescribe, in order to prevent impairment of the objectives of, or duplication of, other Federal laws providing Federal assistance in the construction of such facilities), and the initial equipment for such buildings, and may include the initial staffing thereof.

(4) The term "evaluation of rehabilitation potential" means, as appropriate in each case:

(A) a preliminary diagnostic study to determine that the individual has a substantial handicap to employment, and that vocational rehabilitation services are needed;

(B) a diagnostic study consisting of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors which bear on the individual's handicap to employment and rehabilitation potential including, to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustments, employment opportunities, and other pertinent data helpful in determining the nature and scope of services needed;

(C) an appraisal of the individual's patterns of work behavior and ability to acquire occupational skill, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance, including the utilization of work, simulated or real, to assess and develop the individual's capacities to perform adequately in a work environment;

(D) any other goods or services provided for the purpose of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services;

(E) referral;

(F) the administration of these evaluation services; and

(G)(i) the provision of vocational rehabilitation services to any individual for a total period not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual, a handicapped individual for whom a vocational goal is not possible or feasible (as determined in accordance with section 102(c)), or neither such individual; and (ii) an assessment, at least once in every ninety-day period during which such services are provided, of the results of the provision of such services to an individual to ascertain whether any of the determinations described in subclause (i) may be made.

Post, p. 368.

(5) The term "Federal share" means 80 per centum, except that it shall mean 90 per centum for the purposes of part C of title I of this Act and as specifically set forth in section 301(b)(3): *Provided*, That with respect to payments pursuant to part B of title I of this Act to any State which are used to meet the costs of construction of those rehabilitation facilities identified in section 103(b)(2) in such State, the Federal share shall be the percentages determined in accordance with the provisions of section 301(b)(3) applicable with respect to that State and that, for the purpose of determining the non-Federal share with respect to any State, expenditures by a political subdivision thereof or by a local agency shall, subject to such limitations and conditions as the Secretary shall by regulation prescribe, be regarded as expenditures by such State.

Post, pp. 372, 377.
Post, p. 370.
Post, p. 368.

(6) The term "handicapped individual" means any individual who (A) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (B) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services provided pursuant to titles I and III of this Act.

Post, pp. 363, 377.

(7) The term "local agency" means an agency of a unit of general local government or of an Indian tribal organization (or combination of such units or organizations) which has an agreement with the State agency designated pursuant to section 101(a)(1) to conduct a vocational rehabilitation program under the supervision of such State agency in accordance with the State plan approved under section 101. Nothing in the preceding sentence of this paragraph or in section 101 shall be construed to prevent the local agency from utilizing another local public or nonprofit agency to provide vocational rehabilitation services: *Provided*, That such an arrangement is made part of the agreement specified in this paragraph.

Post, p. 363.

(8) The term "nonprofit", when used with respect to a rehabilitation facility, means a rehabilitation facility owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

68A Stat. 163. 26 USC 501.

(9) The term "public safety officer" means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the National Guard or the Armed Forces,

(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees,

(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

(D) firefighting, fire prevention, or emergency rescue missions.

(10) The term "rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (A) vocational rehabilitation services which shall include, under one management, medical, psychological, social, and vocational services, (B) testing, fitting, or training in the use of prosthetic and orthotic devices, (C) prevocational conditioning or recreational therapy, (D) physical and occupational therapy, (E) speech and hearing therapy, (F) psychological and social services, (G) evaluation of rehabilitation potential, (H) personal and work adjustment, (I) vocational training with a view toward career advancement (in combination with other rehabilitation services), (J) evaluation or control of specific disabilities, (K) orientation and mobility services to the blind, and (L) extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market, except that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the State.

(11) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(12) The term "severe handicap" means the disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure, respiratory or pulmonary dysfunction, and any other disability specified by the Secretary in regulations he shall prescribe.

(13) The term "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, and for the purposes of American Samoa and the Trust Territory of the Pacific Islands, the appropriate State agency designated as provided in section 101(a)(1) shall be the Governor of American Samoa or the High Commissioner of the Trust Territory of the Pacific Islands, as the case may be. Post, p. 363.

(14) The term "vocational rehabilitation services" means those services identified in section 103 which are provided to handicapped individuals under this Act. Post, p. 368.

ALLOTMENT PERCENTAGE

SEC. 8. (a)(1) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (B) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum.

(2) The allotment percentages shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning on the July 1 next succeeding such promulgation. Promulgation, computation.

(3) The term "United States" means (but only for purposes of this subsection) the fifty States and the District of Columbia. "United States."

(b) The population of the several States and of the United States shall be determined on the basis of the most recent data available, to be furnished by the Department of Commerce by October 1 of the year preceding the fiscal year for which funds are appropriated pursuant to statutory authorizations. Population determination.

AUDIT

SEC. 9. Each recipient of a grant or contract under this Act shall keep such records as the Secretary may prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is made or funds thereunder used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit. The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any grant or contract under this Act which are pertinent to such grant or contract.

NONDUPLICATION

SEC. 10. In determining the amount of any State's Federal share of expenditures for planning, administration, and services incurred by it under a State plan approved in accordance with section 101, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any other provision of law, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds. No payment may be made from funds provided under one provision of this Act relating to any cost with respect to which any payment is made under any other provision of this Act.

Infra.

Prohibition.

TITLE I—VOCATIONAL REHABILITATION SERVICES

PART A—GENERAL PROVISIONS

DECLARATION OF PURPOSE; AUTHORIZATION OF APPROPRIATIONS

Federal grants.

SEC. 100. (a) The purpose of this title is to authorize grants to assist States to meet the current and future needs of handicapped individuals, so that such individuals may prepare for and engage in gainful employment to the extent of their capabilities.

(b)(1) For the purpose of making grants to States under part B of this title to assist them in meeting costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $650,000,000 for the fiscal year ending June 30, 1974, and $680,000,000 for the fiscal year ending June 30, 1975.

Post, p. 370.

(2) For the purpose of carrying out part C of this title (relating to grants to States and public and nonprofit agencies to assist them in meeting the cost of projects to initiate or expand services to handicapped individuals, especially those with the most severe handicaps) and part D of this title (relating to the study of comprehensive service needs of individuals with the most severe handicaps), there is authorized to be appropriated $37,000,000 for the fiscal year ending June 30, 1974, and $39,000,000 for the fiscal year ending June 30, 1975, and there is further authorized to be appropriated for such purposes for each such year such additional sums as the Congress may determine to be necessary. Of the sums appropriated under this paragraph for each such fiscal year, $1,000,000 in each such year shall be available only for the purpose of carrying out Part D of this title.

Post, p. 372.

Post, p. 374.

STATE PLANS

SEC. 101. (a) For each fiscal year in which a State desires to participate in programs under this title, a State shall submit to the Secretary for his approval an annual plan for vocational rehabilitation services which shall—

State agency for plan administration, designation.

(1)(A) designate a State agency as the sole State agency to administer the plan, or to supervise its administration by a local agency, except that (i) where under the State's law the State agency for the blind or other agency which provides assistance or services to the adult blind, is authorized to provide vocational rehabilitation services to such individuals, such agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind (or to supervise the administration of such part by

a local agency) and a separate State agency may be designated as the sole State agency with respect to the rest of the State plan, and (ii) the Secretary, upon the request of a State, may authorize such agency to share funding and administrative responsibility with another agency of the State or with a local agency in order to permit such agencies to carry out a joint program to provide services to handicapped individuals, and may waive compliance with respect to vocational rehabilitation services furnished under such programs with the requirement of clause (4) of this subsection that the plan be in effect in all political subdivisions of that State;

Waiver authority.

(B) provide that the State agency so designated to administer or supervise the administration of the State plan, or (if there are two State agencies designated under subclause (A) of this clause) to supervise or administer the part of the State plan that does not relate to services for the blind, shall be (i) a State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, (ii) the State agency administering or supervising the administration of education or vocational education in the State, or (iii) a State agency which includes at least two other major organizational units each of which administers one or more of the major public education, public health, public welfare, or labor programs of the State;

(2) provide, except in the case of agencies described in clause (1)(B)(i)—

State rehabilitation bureau, director, staff.

(A) that the State agency designated pursuant to paragraph (1) (or each State agency if two are so designated) shall include a vocational rehabilitation bureau, division, or other organizational unit which (i) is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of handicapped individuals, and is responsible for the vocational rehabilitation program of such State agency, (ii) has a full-time director, and (iii) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work; and

(B)(i) that such unit shall be located at an organizational level and shall have an organizational status within such State agency comparable to that of other major organizational units of such agency, or (ii) in the case of an agency described in clause (1)(B)(ii), either that such unit shall be so located and have such status, or that the director of such unit shall be the executive officer of such State agency; except that, in the case of a State which has designated only one State agency pursuant to clause (1) of this subsection, such State may, if it so desires, assign responsibility for the part of the plan under which vocational rehabilitation services are provided for the blind to one organizational unit of such agency, and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provisions of this clause applying separately to each of such units;

(3) provide for financial participation by the State, or if the State so elects, by the State and local agencies to meet the amount of the non-Federal share;

State financial participation.

(4) provide that the plan shall be in effect in all political subdivisions, except that in the case of any activity which, in the judgment of the Secretary, is likely to assist in promoting the vocational rehabilitation of substantially larger numbers of handi-

Political subdivisions, participation, waiver.

capped individuals or groups of handicapped individuals the Secretary may waive compliance with the requirement herein that the plan be in effect in all political subdivisions of the State to the extent and for such period as may be provided in accordance with regulations prescribed by him, but only if the non-Federal share of the cost of such vocational rehabilitation services is met from funds made available by a local agency (including, to the extent permitted by such regulations, funds contributed to such agency by a private agency, organization, or individual);

(5)(A) contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including a description of the method to be used to expand and improve services to handicapped individuals with the most severe handicaps; and, in the event that vocational rehabilitation services cannot be provided to all eligible handicapped individuals who apply for such services, show (i) the order to be followed in selecting individuals to whom vocational rehabilitation services will be provided, and (ii) the outcomes and service goals, and the time within which they may be achieved, for the rehabilitation of such individuals, which order of selection for the provision of vocational rehabilitation services shall be determined on the basis of serving first those individuals with the most severe handicaps and shall be consistent with priorities in such order of selection so determined, and outcome and service goals for serving handicapped individuals, established in regulations prescribed by the Secretary; and

(B) provide satisfactory assurances to the Secretary that the State has studied and considered a broad variety of means for providing services to individuals with the most severe handicaps;

(6) provide for such methods of administration, other than methods relating to the establishment and maintenance of personnel standards, as are found by the Secretary to be necessary for the proper and efficient administration of the plan;

(7) contain (A) provisions relating to the establishment and maintenance of personnel standards, which are consistent with any State licensure laws and regulations, including provisions relating to the tenure, selection, appointment, and qualifications of personnel, and (B) provisions relating to the establishment and maintenance of minimum standards governing the facilities and personnel utilized in the provision of vocational rehabilitation services, but the Secretary shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with such provision;

(8) provide, at a minimum, for the provision of the vocational rehabilitation services specified in clauses (1) through (3) of subsection (a) of section 103, and the remainder of such services specified in such section after full consideration of eligibility for similar benefits under any other program, except that, in the case of the vocational rehabilitation services specified in clauses (4) and (5) of subsection (a) of such section, such consideration shall not be required where it would delay the provision of such services to any individual;

Individualized written rehabilitation program.

(9) provide that (A) an individualized written rehabilitation program meeting the requirements of section 102 will be developed for each handicapped individual eligible for vocational rehabilitation services under this Act, (B) such services will be

provided under the plan in accordance with such program, and (C) records of the characteristics of each applicant will be kept specifying, as to those individuals who apply for services under this title and are determined not to be eligible therefor, the reasons for such determinations;

Reports, recordkeeping.

(10) provide that the State agency will make such reports in such form, containing such information (including the data described in subclause (C) of clause (9) of this subsection, periodic estimates of the population of handicapped individuals eligible for services under this Act in such State, specifications of the number of such individuals who will be served with funds provided under this Act and the outcomes and service goals to be achieved for such individuals in each priority category specified in accordance with clause (5) of this subsection, and the service costs for each such category), and at such time as the Secretary may require to carry out his functions under this title, and comply with such provisions as he may find necessary to assure the correctness and verification of such reports;

Intergovernmental cooperation.

(11) provide for entering into cooperative arrangements with, and the utilization of the services and facilities of, the State agencies administering the State's public assistance programs, other programs for handicapped individuals, veterans programs, manpower programs, and public employment offices, and the Social Security Administration of the Department of Health, Education, and Welfare, the Veterans' Administration, and other Federal, State, and local public agencies providing services related to the rehabilitation of handicapped individuals;

Community resources, utilization.

(12) provide satisfactory assurances to the Secretary that, in the provision of vocational rehabilitation services, maximum utilization shall be made of public or other vocational or technical training facilities or other appropriate resources in the community;

Disabled Federal employees.

(13) (A) provide that vocational rehabilitation services provided under the State plan shall be available to any civil employee of the United States disabled while in the performance of his duty on the same terms and conditions as apply to other persons, and

Disabled public safety officers.

(B) provide that special consideration will be given to the rehabilitation under this Act of a handicapped individual whose handicapping condition arises from a disability sustained in the line of duty while such individual was performing as a public safety officer and the proximate cause of such disability was a criminal act, apparent criminal act, or a hazardous condition resulting directly from the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities;

Residency requirement, prohibition.

(14) provide that no residence requirement will be imposed which excludes from services under the plan any individual who is present in the State;

Continuing studies.

(15) provide for continuing statewide studies of the needs of handicapped individuals and how these needs may be most effectively met (including the State's needs for rehabilitation facilities) with a view toward the relative need for services to significant segments of the population of handicapped individuals and the need for expansion of services to those individuals with the most severe handicaps;

Employment review and reevaluation.

(16) provide for (A) periodic review and reevaluation of the status of handicapped individuals placed in extended employment in rehabilitation facilities (including workshops) to determine the feasibility of their employment, or training for employment, in the competitive labor market, and (B) maximum efforts to place such individuals in such employment or training, whenever it is determined to be feasible;

State facilities, construction costs, Federal share.

(17) provide that where such State plan includes provisions for the construction of rehabilitation facilities—

(A) the Federal share of the cost of construction thereof for a fiscal year will not exceed an amount equal to 10 per centum of the State's allotment for such year,

Post, p. 384.

(B) the provisions of section 306 shall be applicable to such construction and such provisions shall be deemed to apply to such construction, and

(C) there shall be compliance with regulations the Secretary shall prescribe designed to assure that no State will reduce its efforts in providing other vocational rehabilitation services (other than for the establishment of rehabilitation facilities) because its plan includes such provisions for construction;

Policy planning, trainee participation.

(18) provide satisfactory assurances to the Secretary that the State agency designated pursuant to clause (1) (or each State agency if two are so designated) and any sole local agency administering the plan in a political subdivision of the State will take into account, in connection with matters of general policy arising in the administration of the plan, the views of individuals and groups thereof who are recipients of vocational rehabilitation services (or, in appropriate cases, their parents or guardians), working in the field of vocational rehabilitation, and providers of vocational rehabilitation services; and

(19) provide satisfactory assurances to the Secretary that the continuing studies required under clause (15) of this subsection, as well as an annual evaluation of the effectiveness of the program in meeting the goals and priorities set forth in the plan, will form the basis for the submission, from time to time as the Secretary may require, of appropriate amendments to the plan.

Plan disapproval, hearing opportunity.

(b) The Secretary shall approve any plan which he finds fulfills the conditions specified in subsection (a) of this section, and he shall disapprove any plan which does not fulfill such conditions. Prior to such disapproval, the Secretary shall notify a State of his intention to disapprove its plan, and he shall afford such State reasonable notice and opportunity for hearing.

Noncompliance, payment limitation.

(c) Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of the State plan approved under this section, finds that—

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

(2) in the administration of the plan there is a failure to comply substantially with any provision of such plan,

the Secretary shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that such further payments will be reduced, in accordance with regulations the Secretary shall prescribe, or that further payments will not be made to the State only for the projects under the parts of the State plan affected by such failure), until he is satisfied there is no longer

any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State under this title (or shall limit payments to projects under those parts of the State plan in which there is no such failure).

(d) If any State is dissatisfied with the Secretary's action under subsection (b) or (c) of this section, such State may appeal to the United States district court for the district where the capital of such State is located and judicial review of such action shall be on the record in accordance with the provisions of chapter 7 of title 5, United States Code. Judicial review. 5 USC 701.

INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

SEC. 102. (a) The Secretary shall insure that the individualized written rehabilitation program required by section 101(a)(9) in the case of each handicapped individual is developed jointly by the vocational rehabilitation counselor or coordinator and the handicapped individual (or, in appropriate cases, his parents or guardians), and that such program meets the requirements set forth in subsection (b) of this section. Such written program shall set forth the terms and conditions, as well as the rights and remedies, under which goods and services will be provided to the individual.

(b) Each individualized written rehabilitation program shall be reviewed on an annual basis at which time each such individual (or, in appropriate cases, his parents or guardians) will be afforded an opportunity to review such program and jointly redevelop its terms. Such program shall include, but not be limited to (1) a statement of long-range rehabilitation goals for the individual and intermediate rehabilitation objectives related to the attainment of such goals, (2) a statement of the specific vocational rehabilitation services to be provided, (3) the projected date for the initiation and the anticipated duration of each such service, (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and, (5) where appropriate, a detailed explanation of the availability of a client assistance project established in such area pursuant to section 112. Annual review.

(c) The Secretary shall also insure that (1) in developing and carrying out individualized written rehabilitation program required by section 101 in the case of each handicapped individual primary emphasis is placed upon the determination and achievement of a vocational goal for such individual, (2) a decision that such an individual is not capable of achieving such a goal and thus not eligible for vocational rehabilitation services provided with assistance under this part, is made only in full consultation with such individual (or, in appropriate cases, his parents or guardians), and only upon the certification, as an amendment to such written program, that the evaluation of rehabilitation potential has demonstrated beyond any reasonable doubt that such individual is not then capable of achieving such a goal, and (3) any such decision shall be reviewed at least annually in accordance with the procedure and criteria established in this section. Ineligibility.

SCOPE OF VOCATIONAL REHABILITATION SERVICES

SEC. 103. (a) Vocational rehabilitation services provided under this Act are any goods or services necessary to render a handicapped individual employable, including, but not limited to, the following:

(1) evaluation of rehabilitation potential, including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided, including,

where appropriate, examination by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist in accordance with State laws and regulations, or both;

(2) counseling, guidance, referral, and placement services for handicapped individuals, including followup, follow-along, and other postemployment services necessary to assist such individuals to maintain their employment and services designed to help handicapped individuals secure needed services from other agencies, where such services are not available under this Act;

(3) vocational and other training services for handicapped individuals, which shall include personal and vocational adjustment, books, and other training materials, and services to the families of such individuals as are necessary to the adjustment or rehabilitation of such individuals: *Provided*, That no training services in institutions of higher education shall be paid for with funds under this title unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training;

(4) physical and mental restoration services, including, but not limited to, (A) corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and constitutes a substantial handicap to employment, but is of such nature that such correction or modification may reasonably be expected to eliminate or substantially reduce the handicap within a reasonable length of time, (B) necessary hospitalization in connection with surgery or treatment, (C) prosthetic and orthotic devices, (D) eyeglasses and visual services as prescribed by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, (E) special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the treatment of individuals suffering from end-stage renal disease, and (F) diagnosis and treatment for mental and emotional disorders by a physician or licensed psychologist in accordance with State licensure laws;

(5) maintenance, not exceeding the estimated cost of subsistence, during rehabilitation;

(6) interpreter services for deaf individuals, and reader services for those individuals determined to be blind after an examination by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select;

(7) recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate service employment;

(8) rehabilitation teaching services and orientation and mobility services for the blind;

(9) occupational licenses, tools, equipment, and initial stocks and supplies;

(10) transportation in connection with the rendering of any vocational rehabilitation service; and

(11) telecommunications, sensory, and other technological aids and devices.

(b) Vocational rehabilitation services, when provided for the benefit of groups of individuals, may also include the following:

(1) in the case of any type of small business operated by individuals with the most severe handicaps the operation of which

can be improved by management services and supervision provided by the State agency, the provision of such services and supervision, along or together with the acquisition by the State agency of vending facilities or other equipment and initial stocks and supplies; and

(2) the construction or establishment of public or nonprofit rehabilitation facilities and the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the individualized rehabilitation written program of any one handicapped individual.

NON-FEDERAL SHARE FOR CONSTRUCTION

SEC. 104. For the purpose of determining the amount of payments to States for carrying out part B of this title, the non-Federal share, subject to such limitations and conditions as may be prescribed in regulations by the Secretary, shall include contributions of funds made by any private agency, organization, or individual to a State or local agency to assist in meeting the costs of construction or establishment of a public or nonprofit rehabilitation facility, which would be regarded as State or local funds except for the condition, imposed by the contributor, limiting use of such funds to construction or establishment of such facility.

PART B—BASIC VOCATIONAL REHABILITATION SERVICES

STATE ALLOTMENTS

SEC. 110. (a) For each fiscal year, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under subsection (b)(1) of section 100 for allotment under this section as the product of (1) the population of the State and (2) the square of its allotment percentage bears to the sum of the corresponding products for all the States. The allotment to any State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) under the first sentence of this subsection for any fiscal year which is less than one-quarter of 1 per centum of the amount appropriated under subsection (b)(1) of section 100, or $2,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining such States under the first sentence of this subsection, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

Additional payments.
79 Stat. 1282.
29 USC 32.

(b) If the payment to a State under section 111(a) for a fiscal year is less than the total payments such State received under section 2 of the Vocational Rehabilitation Act for the fiscal year ending June 30, 1973, such State shall be entitled to an additional payment (subject to the same terms and conditions applicable to other payments under this part) equal to the difference between such payment under section 111(a) and the amount so received by it. Payments attributable to the additional payment to a State under this subsection shall be made only from appropriations specifically made to carry out this subsection, and such additional appropriations are hereby authorized.

Unused funds, distribution.

(c) Whenever the Secretary determines, after reasonable opportunity for the submission to him of comments by the State agency administering or supervising the program established under this title, that any payment of an allotment to a State under section 111(a) for

any fiscal year will not be utilized by such State in carrying out the purposes of this title, he shall make such amount available for carrying out the purposes of this title to one or more other States to the extent he determines such other State will be able to use such additional amount during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for the purposes of this part, be regarded as an increase of such State's allotment (as determined under the peceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 111. (a) From each State's allotment under this part for any fiscal year (including any additional payment to it under section 110 (b)), the Secretary shall pay to such State an amount equal to the Federal share of the cost of vocational rehabilitation services under the plan for such State approved under section 101, including expenditures for the administration of the State plan, except that the total of such payments to such State for such fiscal year may not exceed its allotment under subsection (a) (and its additional payment under subsection (b), if any) of section 110 for such year and such payments shall not be made in an amount which would result in a violation of the provisions of the State plan required by clause (17) of section 101(a), and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources during such year under this title are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act.

68 Stat. 652.
29 USC 31 note.

(b) The method of computing and paying amounts pursuant to subsection (a) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State under the provisions of such subsection for such period, such estimate to be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay, from the allotment available therefor, the amount so estimated by him for such period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid the State for any prior period under such subsection was greater or less than the amount which should have been paid to the State for such prior period under such subsection. Such payment shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Secretary may determine.

CLIENT ASSISTANCE

Pilot projects.
Post, p. 381.

SEC. 112. (a) From funds appropriated under section 304 for special projects and demonstrations in excess of an amount equal to the amount obligated for expenditure for carrying out such projects and demonstrations from appropriations under the Vocational Rehabilitation Act in the fiscal year ending June 30, 1973, the Secretary shall set aside up to $1,500,000, but no less than $500,000 for the fiscal year ending June 30, 1974, and up to $2,500,000 but no less than $1,000,000 for the fiscal year ending June 30, 1975, to establish in no less than 7

nor more than 20 geographically dispersed regions client assistance pilot projects (hereinafter in this section referred to as "projects") to provide counselors to inform and advise all clients and client applicants in the project area of all available benefits under this Act and, upon request of such client or client applicant, to assist such clients or applicants in their relationships with projects, programs, and facilities providing services to them under this Act.

(b) The Secretary shall prescribe regulations which shall include the following requirements: Regulations, requirements.

(1) No employees of such projects shall be presently serving as staff or consultants or receiving benefits of any kind directly or indirectly from any rehabilitation project, program, or facility receiving assistance under this Act in the project area.

(2) Each project shall be afforded reasonable access to policymaking and administrative personnel in State and local rehabilitation programs, projects, and facilities.

(3) The project shall submit an annual report, through the State agency designated pursuant to section 101, to the Secretary on the operation of the project during the previous year, including a summary of the work done and a uniform statistical tabulation of all cases handled by such project. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Secretary, together with a summary of such reports and his evaluation of such projects, including appropriate recommendations. Annual reports, submittal to congressional committees. Ante, p. 363.

(4) Each State agency may enter into cooperative arrangements with institutions of higher education to secure the services in such projects of graduate students who are undergoing clinical training activities in related fields. No compensation with funds appropriated under this Act shall be provided to such students. Graduate student services.

(5) Reasonable assurance shall be given by the appropriate State agency that all clients or client applicants within the project area shall have the opportunity to receive adequate service under the project and shall not be pressured against or otherwise discouraged from availing themselves of the services available under such project.

(6) The project shall be funded, administered, and operated directly by and with the concurrence of the State agency designated pursuant to section 101.

PART C—INNOVATION AND EXPANSION GRANTS

STATE ALLOTMENTS

SEC. 120. (a)(1) From the sums available pursuant to section 100 (b)(2) for any fiscal year for grants to States to assist them in meeting the costs described in section 121, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. The allotment to any State under the preceding sentence for any fiscal year which is less than $50,000 shall be increased to that amount, and for the fiscal year ending June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act, except that no such project may receive financial assistance under both the Vocational Rehabilitation Act and this Act for a total period of time in excess of three years. The total of the increase required by the preceding sentence shall be derived by propor- Ante, p. 363. 82 Stat. 299. 29 USC 34.

tionately reducing the allotments to each of the remaining States under the first sentence of this section, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from thereby being reduced to less than $50,000.

Unused funds, redistribution.

(b) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purposes of this section, he shall make such amount available for carrying out the purposes of this section to one or more other States which he determines will be able to use additional amounts during such year for carrying out such purposes. Any amount made available to a State for any fiscal year pursuant to the preceding sentence shall, for purposes of this part, be regarded as an increase of such State's allotment (as determined under the preceding provisions of this section) for such year.

PAYMENTS TO STATES

SEC. 121. (a) From each State's allotment under this part for any fiscal year, the Secretary shall pay to such State or, at the option of the State agency designated pursuant to section 101(a)(1), to a public or nonprofit organization or agency, a portion of the cost of planning, preparing for, and initiating special programs under the State plan approved pursuant to section 101 to expand vocational rehabilitation services, including programs to initiate or expand such services to individuals with the most severe handicaps, or of special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor, and responsibility for whose treatment, education, and rehabilitation is shared by the State agency designated in section 101 with other agencies. The Secretary may require that any portion of a State's allotment under this section, but not more than 50 per centum of such allotment, may be expended in connection with only such projects as have first been approved by the Secretary. Any grant of funds under this section which will be used for direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals must have the prior approval of the appropriate State agency designated pursuant to section 101.

Ante, p. 363.

(b) Payments under this section with respect to any project may be made for a period of not to exceed three years beginning with the commencement of the project as approved, and sums appropriated for grants under this section shall remain available for such grants through the fiscal year ending June 30, 1976. Payments with respect to any project may not exceed 90 per centum of the cost of such project. The non-Federal share of the cost of a project may be in cash or in kind and may include funds spent for project purposes by a cooperating public or nonprofit agency provided that it is not included as a cost in any other federally financed program.

(c) Payments under this section may be made in advance or by way of reimbursement for services performed and purchases made, as may be determined by the Secretary, and shall be made on such conditions as the Secretary finds necessary to carry out the purposes of this section.

PART D—COMPREHENSIVE SERVICE NEEDS

SPECIAL STUDY

SEC. 130. (a) The Secretary shall conduct a comprehensive study, including research and demonstration projects of the feasibility of methods designed (1) to prepare individuals with the most severe handicaps for entry into programs under this Act who would not otherwise be eligible to enter such programs due to the severity of their handicap, and (2) to assist individuals with the most severe handicaps who, due to the severity of their handicaps or other factors such as their age, cannot reasonably be expected to be rehabilitated for employment but for whom a program of rehabilitation could improve their ability to live independently or function normally within their family and community. Such study shall encompass the extent to which other programs administered by the Secretary do or might contribute to the objectives set forth in clauses (1) and (2) of the preceding sentence and the methods by which all such programs can be coordinated at Federal, State, and local levels with those carried out under this Act to the end that individuals with the most severe handicaps are assured of receiving the kinds of assistance necessary for them to achieve such objectives.

(b) The Secretary shall report the findings of the study, research, and demonstrations directed by subsection (a) of this section to the Congress and to the President together with such recommendations for legislative or other action as he may find desirable, not later than February 1, 1975.

Report to Congress and President.

TITLE II—RESEARCH AND TRAINING

DECLARATION OF PURPOSE

SEC. 200. The purpose of this title is to authorize Federal assistance to State and public or nonprofit agencies and organizations to—

(a) plan and conduct research, demonstrations, and related activities in the rehabilitation of handicapped individuals, and

(b) plan and conduct courses of training and related activities designed to provide increased numbers of trained rehabilitation personnel, to increase the levels of skills of such personnel, and to develop improved methods of providing such training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) In order to make grants and contracts to carry out the purposes of this title, there is authorized to be appropriated:

(1) For the purpose of carrying out section 202 of this title, $25,000,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; and there is further authorized to be appropriated for such purpose for each such year such additional sums as the Congress may determine to be necessary. Of the sums appropriated under this paragraph, 20 per centum, and 25 per centum of the amounts appropriated in the first and second such fiscal years, respectively, shall be available only for the purpose of carrying out activities under section 202(b)(2).

(2) For the purpose of carrying out section 203 of this title, there is authorized to be appropriated $27,700,000 each for the fiscal years ending June 30, 1974, and June 30, 1975; and there is further authorized to be appropriated for such purpose for each such year such additional sums as the Congress may determine to be necessary.

(b) Funds appropriated under this title shall remain available until expended.

RESEARCH

Federal grants.

SEC. 202. (a) The Secretary, through the Commissioner, and in coordination with other appropriate programs in the Department of Health, Education, and Welfare, is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for the purpose of planning and conducting research, demonstrations, and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational rehabilitation services to handicapped individuals, especially those with the most severe handicaps, under this Act. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps.

(b) In addition to carrying out projects under subsection (a) of this section, the Secretary, through the Commissioner, and in coordination with other appropriate programs in the Department of Health, Education, and Welfare, is authorized to make grants to pay part or all of the cost of the following specialized research activities:

Rehabilitation Research and Training Centers, establishment.

(1) Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of providing coordinated and advanced programs of research in rehabilitation and training of rehabilitation research personnel, including, but not limited to, graduate training. Grants may include funds for services rendered by such a center to handicapped individuals in connection with such research and training activities.

Rehabilitation Engineering Research Centers, establishment.

(2) Establishment and support of Rehabilitation Engineering Research Centers to (A) develop innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, equipment, and devices suitable for solving problems in the rehabilitation of handicapped individuals and for reducing environmental barriers, and to (B) cooperate with State agencies designated pursuant to section 101 in developing systems of information exchange and coordination to promote the prompt utilization of engineering and other scientific research to assist in solving problems in the rehabilitation of handicapped individuals.

Ante, p. 363.

Spinal cord injury research.

(3) Conduct of a program for spinal cord injury research, to include support of spinal cord injuries projects and demonstrations established pursuant to section 303(b), which will (A) insure dissemination of research findings among all such centers, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigators.

Post, p. 379.

(4) Conduct a program for end-stage renal disease research, to include support of projects and demonstrations for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals suffering from such disease and which will (A) insure dissemination of research findings, (B) provide encouragement and support for initiatives and new approaches by individual and institutional investigators, and (C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts, in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among investigators in the field of end-stage renal disease. No person shall be selected to participate in such program who is eligible for services for such disease under any other provision of law. End-stage renal disease research.

(5) Conduct of a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of handicapped individuals in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of handicapped individuals, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of handicapped individuals with other nations as a means of increasing the levels of skill of rehabilitation personnel. International rehabilation, research and development.

(c) The provisions of section 306 shall apply to assistance provided under this section, unless the context indicates to the contrary. Post, p. 384.

TRAINING

SEC. 203. (a) The Secretary, through the Commissioner, in coordination with other appropriate programs in the Department of Health, Education, and Welfare, is authorized to make grants to and contracts with States and public or nonprofit agencies and organizations, including institutions of higher education, to pay part of the cost of projects for training, traineeships, and related activities designed to assist in increasing the numbers of personnel trained in providing vocational services to handicapped individuals and in performing other functions necessary to the development of such services. Federal grants.

(b) In making such grants or contracts, funds made available for any year will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include projects in rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, workshop and facility administration, prosthetics and orthotics, specialized personnel in providing services to blind and deaf individuals, recreation for ill and handicapped individuals, and other fields contributing to the rehabilitation of handicapped individuals, including homebound and institutionalized individuals and handicapped individuals with limited English-speaking ability. No grant shall be made under this section for furnishing to an individual any one course of study extending for a period in excess of four years. Limitation.

REPORTS

SEC. 204. There shall be included in the annual report to the Congress required by section 404 a full report on the research and training activities carried out under this title and the extent to which such Research and training activities. Post, p. 387.

87 STAT. 377

research and training has contributed directly to the development of methods, procedures, devices, and trained personnel to assist in the provision of vocational rehabilitation services to handicapped individuals and those with the most severe handicaps under this Act.

TITLE III—SPECIAL FEDERAL RESPONSIBILITIES

DECLARATION OF PURPOSE

SEC. 300. The purpose of this title is to—

(1) authorize grants and contracts to assist in the construction and initial staffing of rehabilitation facilities;

(2) authorize grants and contracts to assist in the provision of vocational training services to handicapped individuals;

(3) authorize grants for special projects and demonstrations which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, including individuals with spinal cord injuries, older blind individuals, and deaf individuals whose maximum vocational potential has not been reached, which experiment with new types of patterns of services or devices for the rehabilitation of handicapped individuals (including opportunities for new careers for handicapped individuals, and for other individuals in programs serving handicapped individuals) and which provide vocational rehabilitation services to handicapped migratory agricultural workers or seasonal farmworkers;

(4) establish and operate a National Center for Deaf-Blind Youths and Adults; and

(5) establish uniform grant and contract requirements for programs assisted under this title and certain other provisions of this Act.

GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

SEC. 301. (a) For the purpose of making grants and contracts under this section for construction of rehabilitation facilities, initial staffing, and planning assistance, there is authorized to be appropriated such sums as may be necessary for the fiscal years ending June 30, 1974, and June 30, 1975. Amounts so appropriated shall remain available for expenditure with respect to construction projects funded or initial staffing grants made under this section prior to July 1, 1977.

(b) (1) The Secretary is authorized to make grants to assist in meeting the costs of construction of public or nonprofit rehabilitation facilities. Such grants may be made to States and public or nonprofit organizations and agencies for projects for which applications are approved by the Secretary under this section.

(2) To be approved, an application for a grant for a construction project under this section must conform to the provisions of section 306.

(3) The amount of a grant under this section with respect to any construction project in any State shall be equal to the same percentage of the cost of such project as the Federal share which is applicable in the case of rehabilitation facilities (as defined in section 645(g) of the Public Health Service Act (42 U.S.C. 291o(a))), in such State, except that if the Federal share with respect to rehabilitation facilities in such State is determined pursuant to subparagraph (b)(2) of section 645 of such Act (42 U.S.C. 291o(b)(2)), the percentage of the cost for

78 Stat. 460; 84 Stat. 344.

84 Stat. 340.

purposes of this section shall be determined in accordance with regulations prescribed by the Secretary designed to achieve as nearly as practicable results comparable to the results obtained under such subparagraph.

Staffing grants.

(c) The Secretary is also authorized to make grants to assist in the initial staffing of any public or nonprofit rehabilitation facility constructed after the date of enactment of this section (whether or not such construction was financed with the aid of a grant under this section) by covering part of the costs (determined in accordance with regulations the Secretary shall prescribe) of compensation of professional or technical personnel of such facility during the period beginning with the commencement of the operation of such facility and ending with the close of four years and three months after the month in which such operation commenced. Such grants with respect to any facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

Planning grants.
Ante, p. 363.

(d) The Secretary is also authorized to make grants upon application approved by the State agency designated under section 101 to administer the State plan, to public or nonprofit agencies, institutions, or organizations to assist them in meeting the cost of planning rehabilitation facilities and the services to be provided by such facilities.

VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

Appropriation.

SEC. 302. (a) For the purpose of making grants and contracts under this section, there is authorized to be appropriated such sums as may be necessary for the fiscal years ending June 30, 1974, and June 30, 1975.

Grants, authority.

(b)(1) The Secretary is authorized to make grants to States and public or nonprofit organizations and agencies to pay up to 90 per centum of the cost of projects for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

(2)(A) Vocational training services for purposes of this subsection shall include training with a view toward career advancement; training in occupational skills; related services, including work evaluation, work testing, provision of occupational tools and equipment required by the individual to engage in such training, and job tryouts; and payment of weekly allowances to individuals receiving such training and related services.

Individual allowances, limitations.

(B) Such allowances may not be paid to any individual for any period in excess of two years, and such allowances for any week shall not exceed $30 plus $10 for each of the individual's dependents, or $70, whichever is less. In determining the amount of such allowances for any individual, consideration shall be given to the individual's need for such an allowance, including any expenses reasonably attributable to receipt of training services, the extent to which such an allowance will help assure entry into and satisfactory completion of training, and such other factors, specified by the Secretary, as will promote such individual's capacity to engage in gainful and suitable employment.

Conditions.

(3) The Secretary may make a grant for a project pursuant to this subsection only on his determination that (A) the purpose of such project is to prepare handicapped individuals, especially those with the most severe handicaps, for gainful and suitable employment; (B) the individuals to receive training services under such project will include only those who have been determined to be suitable for and in

87 STAT. 379

need of such training services by the State agency or agencies designated as provided in section 101(a)(1) of the State in which the rehabilitation facility is located; (C) the full range of training services will be made available to each such individual, to the extent of his need for such services; and (D) the project, including the participating rehabilitation facility and the training services provided, meet such other requirements as he may prescribe in regulations for carrying out the purposes of this subsection.

Ante, p. 363.

Operation grants.

(c)(1) The Secretary is authorized to make grants to public or nonprofit rehabilitation facilities, or to an organization or combination of such facilities, to pay the Federal share of the cost of projects to analyze, improve, and increase their professional services to handicapped individuals, their management effectiveness, or any other part of their operations affecting their capacity to provide employment and services for such individuals.

Prohibition.

(2) No part of any grant made pursuant to this subsection may be used to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

MORTGAGE INSURANCE FOR REHABILITATION FACILITIES

SEC. 303. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for handicapped individuals.

Definitions.
52 Stat. 16; 55 Stat. 62.
12 USC 1713.

(b) For the purpose of this section the terms "mortgagee", "maturity date", and "State" shall have the meanings respectively set forth in section 207 of the National Housing Act.

(c) The Secretary, in consultation with the Secretary of Housing and Urban Development, and subject to the provisions of section 306, is authorized to insure up to 100 per centum of any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon, except that no mortgage of any public agency shall be insured under this section if the interest from such mortgage is exempt from Federal taxation.

Conditions.

(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers construction of a public or nonprofit rehabilitation facility, including equipment to be used in its operation, subject to the following conditions:

(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for handicapped individuals. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock of interest in, such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section), and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

(2) The mortgage shall involve a principal obligation in an amount not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the rehabilitation facility, when the proposed improvements are completed and the equipment is installed, but not including any cost covered by grants in aid under this Act or any other Federal Act.

(3) The mortgage shall—

(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

Premium and appraisal charges.

(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction, but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he shall by regulation prescribe.

52 Stat. 9; 84 Stat. 458. 12 USC 1707.

(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act. The Secretary may, pursuant to a formal delegation agreement containing regulations prescribed by him, delegate to the Secretary of Housing and Urban Development authority to administer this section in accordance with such delegation agreement.

52 Stat. 16. 12 USC 1713.

(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Rehabilitation Facilities Insurance Fund (established by subsection (h) of this section) and all references in such provisions to "Secretary" shall be deemed to refer to the Secretary of Health, Education, and Welfare.

Rehabilitation Facilities Insurance Fund, establishment.

(h)(1) There is hereby created a Rehabilitation Facilities Insurance Fund which shall be used by the Commissioner as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Rehabilitation Facilities Insurance Fund.

87 STAT. 381

(2) The general expenses of the operations of the Rehabilitation Services Administration relating to mortgages insured under this section may be charged to the Rehabilitation Facilities Insurance Fund.

Unused funds.

(3) Moneys in the Rehabilitation Facilities Insurance Fund not needed for the current operations of the Rehabilitation Services Administration with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Commissioner may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Rehabilitation Facilities Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

Debentures, purchase authority.

(4) Premium charges, adjusted premium charges, and appraisals and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Rehabilitation Facilities Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments, and adjustments, and expense incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

Appropriation.

(5) There are authorized to be appropriated to provide initial capital for the Rehabilitation Facilities Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary, except that the total amount of outstanding mortgages insured shall not exceed $200,000,000.

SPECIAL PROJECTS AND DEMONSTRATIONS

Appropriations.

SEC. 304. (a)(1) For the purpose of making grants under this section for special projects and demonstrations (and research and evaluation connected therewith), there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1974, and $17,000,000 for the fiscal year ending June 30, 1975; and there is further authorized to be appropriated for such purposes for each such year such additional sums as the Congress may determine to be necessary.

(2) Of the amounts appropriated pursuant to paragraph (1) of this subsection, 5 per centum in each such fiscal year shall be available only for the purpose of making grants under subsection (c) of this section, and there is authorized to be appropriated in each such fiscal year such additional amount as may be necessary to equal, when added to the amount made available for the purpose of making grants under such subsection an amount of $5,000,000 to be available for each such fiscal year.

(b) The Secretary, subject to the provisions of section 306, shall make grants to States and public or nonprofit agencies and organizations for paying part or all of the cost of special projects and demonstrations (and research and evaluation in connection therewith) (1) for establishing programs and facilities for providing vocational rehabilitation services which hold promise of expanding or otherwise

improving rehabilitation services to handicapped individuals (especially those with the most severe handicaps) including individuals with spinal cord injuries, older blind individuals, and deaf individuals, whose maximum vocational potential has not been reached, and (2) for applying new types or patterns of services or devices (including opportunities for new careers for handicapped individuals for other individuals in programs servicing handicapped individuals). Projects and demonstrations providing services to individuals with spinal cord injuries shall include provisions to—

(A) establish, on an appropriate regional basis, a multidisciplinary system of providing vocational and other rehabilitation services, specifically designed to meet the special needs of individuals with spinal cord injuries, including acute care as well as periodic inpatient or outpatient followup and services;

(B) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost effectiveness of, such a regional system;

(C) demonstrate and evaluate existing, new, and improved methods and equipment essential to the care, management, and rehabilitation of individuals with spinal cord injuries; and

(D) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, and community activities.

Handicapped migratory agricultural workers and seasonal farmworkers.
Ante, p. 363.

(c) The Secretary, subject to the provisions of section 306, is authorized to make grants to any State agency designated pursuant to a State plan approved under section 101, or to any local agency participating in the administration of such a plan, to pay up to 90 per centum of the cost of projects or demonstrations for the provision of vocational rehabilitation services to handicapped individuals, as determined in accordance with rules prescribed by the Secretary of Labor, are migratory agricultural workers or seasonal farmworkers, and to members of their families (whether or not handicapped) who are with them, including maintenance and transportation of such individuals and members of their families where necessary to the rehabilitation of such individuals. Maintenance payments under this section shall be consistent with any maintenance payments made to other handicapped individuals in the State under this Act. Such grants shall be conditioned upon satisfactory assurance that in the provision of such services there will be appropriate cooperation between the grantee and other public or nonprofit agencies and organizations having special skills and experience in the provision of services to migratory agricultural workers, seasonal farmworkers, or their families. This subsection shall be administered in coordination with other programs serving migrant agricultural workers and seasonal farmworkers, including programs under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, the Migrant Health Act, and the Farm Labor Contractor Registration Act of 1963.

64 Stat. 1100.
20 USC 236.
81 Stat. 709.
42 USC 2861.
78 Stat. 920.
7 USC 2041 note.

Employment programs, contract authority.

(d) The Secretary is authorized to make contracts or jointly financed cooperative arrangements with employers and organizations for the establishment of projects designed to prepare handicapped individuals for gainful and suitable employment in the competitive labor market under which handicapped individuals are provided training and employment in a realistic work setting and such other services (determined in accordance with regulations prescribed by the Secretary) as may be necessary for such individuals to continue to engage in such employment.

87 STAT. 383

Technical assistance.

(e)(1) The Secretary is authorized, directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, to provide technical assistance (A) to rehabilitation facilities, and (B) for the purpose of removal of architectural and transportation barriers, to any public or nonprofit agency, institution, organization or facility.

(2) Any such experts or consultants shall, while serving pursuant to such contracts, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the pro rata pay rate for a person employed as a GS-18, under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

5 USC 5332 note.

80 Stat. 499; 83 Stat. 190.

NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

Appropriation.

SEC. 305. (a) For the purpose of establishing and operating a National Center for Deaf-Blind Youths and Adults, there is authorized to be appropriated such sums as may be necessary for construction, which shall remain available until expended, and such sums as may be necessary for operations for the fiscal years ending June 30, 1974, and June 30, 1975.

Establishment, contract authority.

(b) In order—

(1) to demonstrate methods of (A) providing the specialized intensive services, and other services, needed to rehabilitate handicapped individuals who are both deaf and blind, and (B) training the professional and allied personnel needed adequately to staff facilities specifically designed to provide such services and training to such personnel who have been or will be working with deaf-blind individuals;

(2) to conduct research in the problems of, and ways of meeting the problems of rehabilitating, deaf-blind individuals; and

(3) to aid in the conduct of related activities which will expand or improve the services for or help improve public understanding of the problems of deaf-blind individuals;

the Secretary, subject to the provisions of section 306, is authorized to enter into an agreement with any public or nonprofit agency or organization for payment by the United States of all or part of the costs of the establishment and operation, including construction and equipment, of a center for vocational rehabilitation of handicapped individuals who are both deaf and blind, which center shall be known as the National Center for Deaf-Blind Youths and Adults.

(c) Any agency or organization desiring to enter into such agreement shall submit a proposal therefor at such time, in such manner, and containing such information as may be prescribed in regulations by the Secretary. In considering such proposals the Secretary shall give preference to proposals which (1) give promise of maximum effectiveness in the organization and operation of such Center, and (2) give promise of offering the most substantial skill, experience, and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of deaf-blind individuals.

GENERAL GRANT AND CONTRACT REQUIREMENTS

SEC. 306. (a) The provisions of this section shall apply to all projects approved and assisted under this title. The Secretary shall insure compliance with this section prior to making any grant or entering into any contract or agreement under this title, except projects authorized under section 302. Applicability.

(b) To be approved, an application for assistance for a construction project under this title must— Construction project approval, conditions.

(1) contain or be supported by reasonable assurances that (A) for a period of not less than twenty years after completion of construction of the project it will be used as a public or nonprofit facility, (B) sufficient funds will be available to meet the non-Federal share of the cost of construction of the project, and (C) sufficient funds will be available, when construction of the project is completed, for its effective use for its intended purpose;

(2) provide that Federal funds provided to any agency or organization under this title will be used only for the purposes for which provided and in accordance with the applicable provisions of this section and the section under which such funds are provided;

(3) provide that the agency or organization receiving Federal funds under this title will make an annual report to the Secretary, which he shall summarize and comment upon in the annual report to the Congress submitted under section 404; Report, transmittal to Congress. Post, p. 387.

(4) be accompanied or supplemented by plans and specifications in which due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and which comply with regulations prescribed by the Secretary related to minimum standards of construction and equipment (promulgated with particular emphasis on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90-480)), and with regulations of the Secretary of Labor relating to occupational health and safety standards for rehabilitation facilities; and 82 Stat. 718; 84 Stat. 49. 42 USC 4151.

(5) contain or be supported by reasonable assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction aided by payments pursuant to any grant under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c). 49 Stat. 1011; 78 Stat. 238. 64 Stat. 1267; 84 Stat. 235. 5 USC app. 63 Stat. 108.

(c) Upon approval of any application for a grant or contract for a project under this title, the Secretary shall reserve, from any appropriation available therefore, the amount of such grant or contract determined under this title. In case an amendment to an approved application is approved, or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the appropriation from which the original reservation was made or the appropriation for the fiscal year in which such amendment or revision is approved.

(d) If, within twenty years after completion of any construction project for which funds have been paid under this title, the facility shall cease to be a public or nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(e) Payment of assistance or reservation of funds made pursuant to this title may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

Workshops, residential accomodations.

(f) A project for construction of a rehabilitation facility which is primarily a workshop may, where approved by the Secretary as necessary to the effective operation of the facility, include such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of handicapped individuals.

Sectarian activity, funds prohibition.

(g) No funds provided under this title may be used to assist in the construction of any facility which is or will be used for religious worship or any sectarian activity.

(h) When in any State, funds provided under this title will be used for providing direct services to handicapped individuals or for establishing facilities which will provide such services, such services must be carried out in a manner not inconsistent with the State plan approved pursuant to section 101.

Ante, p. 363.

(i) Prior to making any grant or entering into any contract under this title, the Secretary shall afford reasonable opportunity to the appropriate State agency or agencies designated pursuant to section 101 to comment on such grant or contract.

TITLE IV—ADMINISTRATION AND PROGRAM AND PROJECT EVALUATION

ADMINISTRATION

SEC. 400. (a) In carrying out his duties under this Act, the Secretary shall—

Technical assistance to States.

(1) cooperate with, and render technical assistance (directly or by grant or contract) to States in matters relating to the rehabilitation of handicapped individuals;

Short-term traineeships.

(2) provide short-term training and instruction in technical matters relating to vocational rehabilitation services, including the establishment and maintenance of such research fellowships and traineeships, with such stipends and allowances (including travel and subsistence expenses), as he may deem necessary, except that no such training or instruction (or fellowship or scholarship) shall be provided any individual for any one course of study for a period in excess of four years, and such training, instruction, fellowships, and traineeships may be in the fields of rehabilitation medicine, rehabilitation nursing, rehabilitation counseling, rehabilitation social work, rehabilitation psychology, physical therapy, occupational therapy, speech pathology and audiology, prosthetics and orthotics, recreation for ill and handicapped individuals, and other specialized fields contributing to the rehabilitation of handicapped individuals; and

(3) disseminate information relating to vocational rehabilitation services, and otherwise promote the cause of the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment. Information dissemination.

(b) The Secretary is authorized to make rules and regulations governing the administration of this title and titles I through III of this Act, and, except as otherwise provided in this Act, to delegate to any officer or employee of the United States such of his powers and duties under such titles, except the making of rules and regulations, as he finds necessary to carry out the provisions of such titles. Such rules and regulations shall be published in the Federal Register, on at least an interim basis, no later than ninety days after the date of enactment of this Act. Rules and regulations. Ante, pp. 363, 377. Publication in Federal Register.

(c) The Secretary is authorized (directly or by grants or contracts) to conduct studies, investigations, and evaluation of the programs authorized by this Act, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, their utilization in gainful and suitable employment, and with respect to architectural, transportation, and other environmental and attitudinal barriers to their rehabilitation, including the problems of homebound, institutionalized, and older blind individuals. Investigative authority of Secretary.

(d) There is authorized to be included for each fiscal year in the appropriation for the Department of Health, Education, and Welfare such sums as are necessary to administer the provisions of this Act.

(e) In carrying out his duties under this Act, the Secretary shall insure the maximum coordination and consultation, at both national and local levels, with the Administrator of Veterans' Affairs and his designees with respect to programs for and relating to the rehabilitation of disabled veterans carried out under title 38, United States Code. Disabled veterans, program coordination. 72 Stat. 1171. 38 USC 1501 et seq.

PROGRAM AND PROJECT EVALUATION

SEC. 401. (a)(1) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, in order to determine their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

(2) In carrying out his responsibilities under this subsection, the Secretary, in the case of research, demonstrations, and related activities carried out under section 202, shall, after taking into consideration the views of State agencies designated pursuant to section 101, on an annual basis— Ante, p. 375. Ante, p. 363.

(A) reassess priorities to which such activities should be directed; and

(B) review present research, demonstration, and related activities to determine, in terms of the purpose specified for such activities by subsection (a) of section 202, whether and on what basis such activities should be continued, revised, or terminated.

(3) The Secretary shall, within 12 months after the date of enactment of this Act, and on each April 1 thereafter, prepare and furnish to the appropriate committees of the Congress a complete report on the determination and review carried out under paragraph (2) of this subsection, together with such recommendations, including any recommendations for additional legislation, as he deems appropriate. Report to congressional committees.

Evaluation standards, publication.

(b) Effective July 1, 1974, before funds for the programs and projects covered by this Act are released, the Secretary shall develop and publish general standards for evaluation of the programs and project effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding, in accordance with procedures set forth in subsection (b), (c), and (d) of section 101, whether to renew or supplement financial assistance authorized under any section of this Act. Reports submitted pursuant to section 404 shall describe the actions taken as a result of these evaluations.

Ante, p. 363.

Program participants' views.

(c) In carrying out evaluations under this title, the Secretary shall, whenever possible, arrange to obtain the specific views of persons participating in and served by programs and projects assisted under this Act about such programs and projects.

Evaluative research results, publication.

Transmittal to congressional committees.

(d) The Secretary shall publish the results of evaluative research and summaries of evaluations of program and project impact and effectiveness no later than ninety days after the completion thereof. The Secretary shall submit to the appropriate committees of the Congress copies of all such research studies and evaluation summaries.

(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with assistance under this Act shall become the property of the United States.

OBTAINING INFORMATION FROM FEDERAL AGENCIES

SEC. 402. Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this title shall be made available to him, upon request, by the agencies of the executive branch.

AUTHORIZATION OF APPROPRIATIONS

SEC. 403. There is authorized to be appropriated for the fiscal years ending June 30, 1974, and June 30, 1975, such sums as the Secretary may require, but not to exceed an amount equal to one-half of 1 per centum of the funds appropriated under titles I, II, and III of this Act or $1,000,000, whichever is greater, to be available to conduct program and project evaluations as required by this title.

Ante, pp. 363, 374, 377.

REPORTS

Annual submittal to President and Congress.

SEC. 404. Not later than one hundred and twenty days after the close of each fiscal year, the Secretary shall prepare and submit to the President and to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include (1) statistical data reflecting, with the maximum feasible detail vocational rehabilitation services provided handicapped individuals during the preceding fiscal year, (2) specifically distinguish among rehabilitation closures attributable to physical restoration, placement in competitive employment, extended or terminal employment in a sheltered workshop or rehabilitation facility, employment as a homemaker or unpaid family worker, and provision of other services, and (3) include a detailed evaluation of services provided with assistance under title I of this Act, especially services to those with the most severe handicaps.

SECRETARIAL RESPONSIBILITIES

SEC. 405. (a) It shall be the function of the Secretary, with the assistance of agencies within the Department, other departments and agencies within the Federal Government, handicapped individuals, and public and private agencies and organizations, through the Office of the Secretary, to—

(1) prepare for submission to the Congress within eighteen months after the date of enactment of this Act, a long-range projection for the provision of comprehensive services to handicapped individuals and for programs of research, evaluation, and training related to such services and individuals; Services, long-range projection, submittal to Congress.

(2) analyze on a continuing basis and include in his report submitted under section 404, a report on the results of such analysis, program operation to determine consistency with applicable provisions of law, progress toward meeting the goals and priorities set forth in the projection required under clause (1), and the effectiveness of all programs providing services to handicapped individuals, and the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary;

(3) encourage coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs;

(4) develop means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education (including promotion of the development of curriculums stressing barrier free design and the adoption of such curriculums by schools of architecture, design, and engineering), health, employment, rehabilitation, architectural, housing, and transportation barriers, and other areas so as to bring about full integration of handicapped individuals into all aspects of society;

(5) provide a central clearinghouse for information and resource availability for handicapped individuals through (A) the evaluation of systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal Government, public and private agencies and organizations, and other sources, which provide (i) information and data regarding the location, provision, and availability of services and programs for handicapped individuals, regarding research and recent medical and scientific developments bearing on handicapping conditions (and their prevention, amelioration, causes, and cures), and regarding the current numbers of handicapped individuals and their needs, and (ii) any other such relevant information and data which the Secretary deems necessary; and (B) utilizing the results of such evaluation and existing information systems, the development within such Department of a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide general and specific information regarding the information and data referred to in subclause (A) of this clause to the Congress, public and private agencies and organizations, handicapped individuals and their families, professionals in fields serving such individuals, and the general public. Information clearinghouse.

(b) In selecting personnel to assist in the performance of the functions assigned in subsection (a) of this section, the Secretary shall give special emphasis to qualified handicapped individuals. Personnel selection.

Office for the Handicapped, establishment.

(c) The functions assigned to the Secretary by this section shall not be delegated to any persons not assigned to and operating in the Office of the Secretary, except that he may establish an Office for the Handicapped in the office of an appropriate Assistant Secretary of the Department of Health, Education, and Welfare to carry out such functions.

Appropriation.

(d) There are authorized to be appropriated for carrying out this section $500,000 each for the fiscal years ending June 30, 1974, and June 30, 1975.

Funds, availability, notification of congressional committees.

(e) Not later than thirty days after the appropriation Act containing sums for carrying out the provisions of this Act is enacted for each fiscal year, the Secretary shall set aside out of sums available to carry out this section or otherwise available pursuant to any other Act, an amount which he determines is necessary and appropriate to enable him to carry out the provisions of this section and shall notify the appropriate committees of the Congress of the amount so set aside, the number of personnel necessary for such purpose, and the basis for his determination under this subsection and his reasons therefor.

SHELTERED WORKSHOP STUDY

SEC. 406. (a) The Secretary shall conduct an original study of the role of sheltered workshops in the rehabilitation and employment of handicapped individuals, including a study of wage payments in sheltered workshops. The study shall incorporate guidelines which are consistent with criteria provided in resolutions adopted by the Committee on Labor and Public Welfare of the United States Senate or the Committee on Education and Labor of the United States House of Representatives, or both.

(b) The study shall include site visits to sheltered workshops, interviews with handicapped trainees or clients, and consultations with interested individuals and groups and State agencies designated pursuant to section 101.

Ante, p. 363.

(c) Any contracts awarded for the purpose of carrying out all or part of this study shall not be made with individuals or groups with a financial or other direct interest in sheltered workshops.

Report to Congress.

(d) The Secretary shall report to the Congress his findings and recommendations with respect to such study within twenty-four months after the date of enactment of this Act.

STATE ALLOCATION STUDY

SEC. 407. (a) The Secretary shall conduct a thorough study of the allotment of funds among the States for grants for basic vocational rehabilitation services authorized under part B of title I of this Act, including a consideration of—

Ante, p. 370.

(1) the needs of individuals requiring vocational rehabilitation services;

(2) the financial capability of the States to furnish vocational rehabilitation assistance including, on a State-by-State basis, per capita income, per capita costs of services rendered, State tax rates, and the ability and willingness of a State to provide the non-Federal share of the costs of rendering such services;

(3) the continuing demand upon the States to furnish vocational rehabilitation services, together with a consideration of the factor that no State would receive less Federal financial assistance under such part than it received under section 2 of the Vocational Rehabilitation Act in the fiscal year immediately prior to the enactment of this Act.

79 Stat. 1282.
29 USC 32.

(b) Not later than June 30, 1974, the Secretary shall report to the Congress his findings and recommendations, including recommendations for additional legislation, with respect to the study required by this section, which report shall include recommendations with respect to allotment of Federal funds among the States and the Federal share of the cost of furnishing vocational rehabilitation services by the States. Report to Congress.

TITLE V—MISCELLANEOUS

EFFECT ON EXISTING LAW

SEC. 500. (a) The Vocational Rehabilitation Act (29 U.S.C. 31 et seq.) is repealed ninety days after the date of enactment of this Act and references to such Vocational Rehabilitation Act in any other provision of law shall, ninety days after such date, be deemed to be references to the Rehabilitation Act of 1973. Unexpended appropriations for carrying out the Vocational Rehabilitation Act may be made available to carry out this Act, as directed by the President. Approved State plans for vocational rehabilitation, approved projects, and contractual arrangements authorized under the Vocational Rehabilitation Act will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority. Repeal. 68 Stat. 652; 79 Stat. 2182; 82 Stat. 297. Unused funds. Savings provision.

(b) The authorizations of appropriations in the Vocational Rehabilitation Act are hereby extended at the level specified for the fiscal year 1972 for the fiscal year 1973. Appropriations, extension.

EMPLOYMENT OF HANDICAPPED INDIVIDUALS

SEC. 501. (a) There is established within the Federal Government an Interagency Committee on Handicapped Employees (hereinafter in this section referred to as the "Committee"), comprised of such members as the President may select, including the following (or their designees whose positions are Executive Level IV or higher): the Chairman of the Civil Service Commission, the Administrator of Veterans' Affairs, and the Secretaries of Labor and Health, Education, and Welfare. The Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission shall serve as co-chairmen of the Committee. The resources of the President's Committees on Employment of the Handicapped and on Mental Retardation shall be made fully available to the Committee. It shall be the purpose and function of the Committee (1) to provide a focus for Federal and other employment of handicapped individuals, and to review, on a periodic basis, in cooperation with the Civil Service Commission, the adequacy of hiring, placement, and advancement practices with respect to handicapped individuals, by each department, agency, and instrumentality in the executive branch of Government, and to insure that the special needs of such individuals are being met; and (2) to consult with the Civil Service Commission to assist the Commission to carry out its responsibilities under subsections (b), (c), and (d) of this section. On the basis of such review and consultation, the Committee shall periodically make to the Civil Service Commission such recommendations for legislative and administrative changes as it deems necessary or desirable. The Civil Service Commission shall timely transmit to the appropriate committees of Congress any such recommendations. Interagency Committee on Handicapped Employees, establishment. 83 Stat. 864. 5 USC 5315 note. Committee functions.

(b) Each department, agency, and instrumentality (including the United States Postal Service and the Postal Rate Commission) in the executive branch shall, within one hundred and eighty days after the date of enactment of this Act, submit to the Civil Service Commission Federal agencies, affirmative action program plans.

and to the Committee an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of handicapped employees are being met. Such plan shall be updated annually, and shall be reviewed annually and approved by the Commission, if the Commission determines, after consultation with the Committee, that such plan provides sufficient assurances, procedures and commitments to provide adequate hiring, placement, and advancement opportunities for handicapped individuals.

Rehabilitated individuals, employment.

(c) The Civil Service Commission, after consultation with the Committee, shall develop and recommend to the Secretary for referral to the appropriate State agencies, policies and procedures which will facilitate the hiring, placement, and advancement in employment of individuals who have received rehabilitation services under State vocational rehabilitation programs, veterans' programs, or any other program for handicapped individuals, including the promotion of job opportunities for such individuals. The Secretary shall encourage such State agencies to adopt and implement such policies and procedures.

Report to congressional committees.

(d) The Civil Service Commission, after consultation with the Committee, shall, on June 30, 1974, and at the end of each subsequent fiscal year, make a complete report to the appropriate committees of the Congress with respect to the practices of and achievements in hiring, placement, and advancement of handicapped individuals by each department, agency, and instrumentality and the effectiveness of the affirmative action programs required by subsection (b) of this section, together with recommendations as to legislation which have been submitted to the Civil Service Commission under subsection (a) of this section, or other appropriate action to insure the adequacy of such practices. Such report shall also include an evaluation by the Committee of the effectiveness of the Civil Service Commission's activities under subsections (b) and (c) of this section.

Unpaid Federal work experience.

(e) An individual who, as a part of his individualized written rehabilitation program under a State plan approved under this Act, participates in a program of unpaid work experience in a Federal agency, shall not, by reason thereof, be considered to be a Federal employee or to be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

Federal agency cooperation.

(f) (1) The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized and directed to cooperate with the President's Committee on Employment of the Handicapped in carrying out its functions.

(2) In selecting personnel to fill all positions on the President's Committee on Employment of the Handicapped, special consideration shall be given to qualified handicapped individuals.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Establishment; membership.

SEC. 502. (a) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the "Board") which shall be composed of the heads of each of the following departments or agencies (or their designees whose positions are Executive Level IV or higher):

83 Stat. 864. 5 USC 5315 note.

(1) Department of Health, Education, and Welfare;
(2) Department of Transportation;
(3) Department of Housing and Urban Development;
(4) Department of Labor;

(5) Department of the Interior;
(6) General Services Administration;
(7) United States Postal Service; and
(8) Veterans' Administration.

(b) It shall be the function of the Board to: (1) insure compliance with the standards prescribed by the General Services Administration, the Department of Defense, and the Department of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968 (Public Law 90-480), as amended by the Act of March 5, 1970 (Public Law 91-205); (2) investigate and examine alternative approaches to the architectural, transportation, and attitudinal barriers confronting handicapped individuals, particularly with respect to public buildings and monuments, parks and parklands, public transportation (including air, water, and surface transportation whether interstate, foreign, intrastate, or local), and residential and institutional housing; (3) determine what measures are being taken by Federal, State, and local governments and by other public or nonprofit agencies to eliminate the barriers described in clause (2) of this subsection; (4) promote the use of the International Accessibility Symbol in all public facilities that are in compliance with the standards prescribed by the Administrator of the General Services Administration, the Secretary of Defense, and the Secretary of Housing and Urban Development pursuant to the Architectural Barriers Act of 1968; (5) make to the President and to Congress reports which shall describe in detail the results to its investigations under clauses (2) and (3) of this subsection; and (6) make to the President and to the Congress such recommendations for legislation and administration as it deems necessary or desirable to eliminate the barriers described in clause (2) of this subsection.

82 Stat. 718; 84 Stat. 49. 42 USC 4151.

International Accessibility Symbol, promotion.

Reports to President and Congress.

(c) The Board shall also (1) (A) determine how and to what extent transportation barriers impede the mobility of handicapped individuals and aged handicapped individuals and consider ways in which travel expenses in connection with transportation to and from work for handicapped individuals can be met or subsidized when such individuals are unable to use mass transit systems or need special equipment in private transportation, and (B) consider the housing needs of handicapped individuals; (2) determine what measures are being taken, especially by public and other nonprofit agencies and groups having an interest in and a capacity to deal with such problems, (A) to eliminate barriers from public transportation systems (including vehicles used in such systems), and to prevent their incorporation in new or expanded transportation systems and (B) to make housing available and accessible to handicapped individuals or to meet sheltered housing needs; and (3) prepare plans and proposals for such further actions as may be necessary to the goals of adequate transportation and housing for handicapped individuals, including proposals for bringing together in a cooperative effort, agencies, organizations, and groups already working toward such goals or whose cooperation is essential to effective and comprehensive action.

Transportation barriers.

(d) In carrying out its functions under this section, the Board shall conduct investigations, hold public hearings, and issue such orders as it deems necessary to insure compliance with the provisions of the Acts cited in subsection (b). The provisions of subchapter II of chapter 5, and chapter 7 of title 5, United States Code, shall apply to procedures under this section, and an order of compliance issued by the Board shall be a final order for purposes of judicial review.

5 USC 551, 701.

87 STAT. 393

(e) The Board is authorized to appoint as many hearing examiners as are necessary for proceedings required to be conducted under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5, United States Code, shall apply to hearing examiners appointed under this subsection.

80 Stat. 415.

Technical assistance.

(f) The departments or agencies specified in subsection (a) of this section shall make available to the Board such technical, administrative, or other assistance as it may require to carry out its functions under this section, and the Board may appoint such other advisers, technical experts, and consultants as it deems necessary to assist it in carrying out its functions under this section. Special advisory and technical experts and consultants appointed pursuant to this subsection shall, while performing their functions under this section, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the daily pay rate, for a person employed as a GS-18 under section 5332 of title 45, United States Code, including traveltime, and while serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

5 USC 5332 note.

80 Stat. 499; 83 Stat. 190.

Report to Congress.

(g) The Board shall, at the end of each fiscal year, report its activities during the preceding fiscal year to the Congress. Such report shall include an assessment of the extent of compliance with the Acts cited in subsection (b) of this section, along with a description and analysis of investigations made and actions taken by the Board, and the reports and recommendations described in clauses (5) and (6) of subsection (b) of this section. The Board shall prepare two final reports of its activities under subsection (c). One such report shall be on its activities in the field of transportation barriers to handicapped individuals, and the other such report shall be on its activities in the field of the housing needs of handicapped individuals. The Board shall, prior to January 1, 1975, submit each such report, together with its recommendations, to the President and the Congress. The Board shall also prepare for such submission an interim report of its activities in each such field within 18 months after the date of enactment of this Act.

Report to the President and Congress.

Appropriation.

(h) There are authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section $1,000,000 each for the fiscal years ending June 30, 1974, and June 30, 1975.

EMPLOYMENT UNDER FEDERAL CONTRACTS

SEC. 503. (a) Any contract in excess of $2,500 entered into by any Federal department or agency for the procurement of personal property and nonpersonal services (including construction) for the United States shall contain a provision requiring that, in employing persons to carry out such contract the party contracting with the United States shall take affirmative action to employ and advance in employment qualified handicapped individuals as defined in section 7(6). The provisions of this section shall apply to any subcontract in excess of $2,500 entered into by a prime contractor in carrying out any contract for the procurement of personal property and nonpersonal services (including construction) for the United States. The President shall implement the provisions of this section by promulgating regulations within ninety days after the date of enactment of this section.

Ante, p. 361.

(b) If any handicapped individual believes any contractor has failed or refuses to comply with the provisions of his contract with the United States, relating to employment of handicapped individuals,

such individual may file a complaint with the Department of Labor. The Department shall promptly investigate such complaint and shall take such action thereon as the facts and circumstances warrant, consistent with the terms of such contract and the laws and regulations applicable thereto.

(c) The requirements of this section may be waived, in whole or in part, by the President with respect to a particular contract or subcontract, in accordance with guidelines set forth in regulations which he shall prescribe, when he determines that special circumstances in the national interest so require and states in writing his reasons for such determination. Waiver authority.

NONDISCRIMINATION UNDER FEDERAL GRANTS

SEC. 504. No otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Ante, p. 361.

Approved September 26, 1973.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-244 (Comm. on Education and Labor) and No. 93-500 (Comm. of Conference).
SENATE REPORTS: No. 93-318 accompanying S. 1875 (Comm. on Labor and Public Welfare) and No. 93-391 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 119 (1973):
June 5, considered and passed House.
July 18, considered and passed Senate, amended, in lieu of S. 1875.
Sept. 13, Senate agreed to conference report.
Sept. 18, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 9, No. 39:
Sept. 26, Presidential statement.

U. S. GOVERNMENT PRINTING OFFICE : 1974 O - 534-063

Public Law 93-516
93rd Congress, H. R. 17503
December 7, 1974

An Act

To extend the authorizations of appropriations in the Rehabilitation Act of 1973 for one year, to transfer the Rehabilitation Services Administration to the Office of the Secretary of Health, Education, and Welfare, to make certain technical and clarifying amendments, and for other purposes; to amend the Randolph-Sheppard Act for the blind; to strengthen the program authorized thereunder; and to provide for the convening of a White House Conference on Handicapped Individuals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Vocational rehabilitation services. Rehabilitation Act Amendments of 1974. 29 USC 701 note.

TITLE I—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SHORT TITLE

SEC. 100. This title shall be known as the "Rehabilitation Act Amendments of 1974".

REHABILITATION SERVICES ADMINISTRATION

SEC. 101. (a) Section 3(a) of the Rehabilitation Act of 1973 is amended to read as follows: 29 USC 702.

"(a) There is established in the Office of the Secretary a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this Act referred to as the 'Commissioner') appointed by the President by and with the advice and consent of the Senate. Except for titles IV and V and as otherwise specifically provided in this Act, such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of such Department for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Secretary or to the Under Secretary or an appropriate Assistant Secretary of such Department, as designated by the Secretary. The functions of the Commissioner shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Commissioner.". 88 STAT. 1617 88 STAT. 1618 29 USC 780, 790.

(b) The amendment made by subsection (a) of this section shall be effective sixty days after the date of enactment of this Act. Effective date. 29 USC 702 note.

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL REHABILITATION SERVICES

SEC. 102. (a) Section 100(b) of such Act is amended by— Federal grants to States. 29 USC 720.

(1) striking out "and" after "1974," in paragraph (1) and inserting before the period at the end of such paragraph a comma and "and $720,000,000 for the fiscal year ending June 30, 1976"; and

(2) striking out "and" after "1974," in the first sentence of paragraph (2) and inserting after "1975," in such sentence "and $42,000,000 for the fiscal year ending June 30, 1976;".

(b) Section 112(a) of such Act is amended by striking out "and" after "1974," and by inserting "and up to $2,500,000 but no less than $1,000,000 for the fiscal year ending June 30, 1976," after "1975,". Pilot projects. 29 USC 732.

(c) Section 121(b) of such Act is amended by striking out "1976" and inserting in lieu thereof "1977". Payments to States. 29 USC 741.

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH AND TRAINING

SEC. 103. Section 201(a) of such Act is amended by— 29 USC 761.

(1) striking out "and" after "1974," in the first sentence of para-

graph (1) and inserting after "1975" in such sentence a comma and "and $32,000,000 for the fiscal year ending June 30, 1976";

(2) striking out the comma after "20 per centum" in the second sentence of paragraph (1) and inserting after "respectively," in such sentence "and 25 per centum of the amounts appropriated in each succeeding fiscal year"; and

(3) striking out "there is authorized to be appropriated" in paragraph (2) and inserting after "1975" in such paragraph a comma and "and $32,000,000 for the fiscal year ending June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

29 USC 771.

SEC. 104. Section 301(a) of such Act is amended by—

(1) striking out "and" after "1974," in the first sentence and inserting before the period at the end of such sentence a comma and "and June 30, 1976"; and

(2) striking out "1977" in the last sentence and inserting in lieu thereof "1978".

88 STAT. 1618

88 STAT. 1619

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

29 USC 772.

SEC. 105. Section 302(a) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS AND DEMONSTRATIONS

29 USC 774.

SEC. 106. Section 304(a)(1) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and $20,000,000 for the fiscal year ending June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

29 USC 775.

SEC. 107. Section 305(a) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM AND PROJECT EVALUATION

29 USC 783.

SEC. 108. Section 403 of such Act is amended by striking out "and" after "1974," and by inserting after "1975," the following: "and June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR SECRETARIAL RESPONSIBILITIES

29 USC 785.

SEC. 109. Section 405(d) of such Act is amended by inserting before the period a comma and "and $600,000 for the fiscal year ending June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

29 USC 792.

SEC. 110. Section 502(h) of such Act is amended by inserting before the period at the end thereof a comma and "and $1,500,000 for the fiscal year ending June 30, 1976".

MISCELLANEOUS AMENDMENTS

SEC. 111. (a) Section 7(6) of such Act is amended by adding at the end thereof the following new sentence: "For the purposes of titles IV and V of this Act, such term means any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment.". Handicapped individual. 29 USC 706. 29 USC 780, 790.

(b) Section 101(a)(6) of such Act is amended by adding at the end thereof before the semicolon "(including a requirement that the State agency and facilities in receipt of assistance under this title shall take affirmative action to employ and advance in employment qualified handicapped individuals covered under, and on the same terms and conditions as set forth in, section 503)". State employment requirement. 29 USC 721. 88 STAT. 1619 88 STAT. 1620 29 USC 793.

(c) Section 101(a)(9)(C) of such Act is amended by adding at the end thereof before the semicolon "in such detail as required by the Secretary in order for him to analyze and evaluate annually the reasons for and numbers of such ineligibility determinations as part of his responsibilities under section 401, and that the State agency will at least annually categorize and analyze such reasons and numbers and report this information to the Secretary and will, not later than 12 months after each such determination, review each such ineligibility determination in accordance with the criteria set forth in section 102". Ineligibility determinations, review. 29 USC 721. 29 USC 761. 29 USC 722.

(d) Section 101(a)(15) of such Act is amended by inserting after "facilities" at the end of the parenthetical "and review of the efficacy of the criteria employed with respect to ineligibility determinations described in subclause (C) of clause (9) of this subsection". Continuing studies. 29 USC 721.

(e) Section 102 of such Act is amended by— Individualized written rehabilitation program. 29 USC 722.

(1) inserting in subsection (a) after "program" where it first appears in the first sentence a comma and "or the specification of reasons for a determination of ineligibility prior to initiation of such program based on preliminary diagnosis,", and inserting at the end of the second sentence of such subsection before the period a comma and "and, as appropriate, such specification of reasons for such an ineligibility determination shall set forth the rights and remedies, including recourse to the process set forth in subsection (b)(5) of this section, available to the individual in question";

(2) striking out in subsection (c) all of clause (1) from "in" the first time it appears through "primary" and inserting in lieu thereof "in making any determination of ineligibility referred to in subsection (a) of this section, or in developing and carrying out the individualized written rehabilitation program required by section 101 in the case of each handicapped individual,";

(3) striking out in clause (2) of subsection (c) "program, that the evaluation of rehabilitation potential" and inserting in lieu thereof "program, or as a part of the specification of reasons for an ineligibility determination, as appropriate, that the preliminary diagnosis or evaluation of rehabilitation potential, as appropriate,"; and

(4) inserting in clause (3) of subsection (c) a comma and "as an amendment to such written program," after "decision".

(f) Section 112(a) is amended by— Ante, p. 1618.

(1) striking out "an amount equal to the amount obligated for expenditure for carrying out such projects and demonstrations for appropriations under the Vocational Rehabilitation Act in

the fiscal year ending June 30, 1973," and inserting in lieu thereof "$11,860,000"; and

(2) adding at the end thereof a new sentence as follows: "In the event that funds so appropriated under section 304 do not exceed $11,860,000 in any fiscal year, the Secretary is authorized to utilize such funds to carry out this section".

Ante, p. 1620.
88 STAT. 1620
88 STAT. 1621

29 USC 750.

(g) Section 130(b) of such Act is amended by striking out "February 1, 1975" and inserting in lieu thereof "June 30, 1975".

29 USC 762.

(h) Section 202(a) of such Act is amended by striking out "and analyses" in the penultimate clause and inserting in lieu thereof a comma and "analyses, and demonstrations".

29 USC 774.

(i) Section 304(b) of such Act is amended by—

(1) striking out "and" before "(2)" in the first sentence, and inserting at the end of such sentence before the period a comma and "and (3) for operating programs (including renovation and construction of facilities, where appropriate) to demonstrate methods of making recreational activities fully accessible to handicapped individuals"; and

(2) striking out "for" the third time it appears in the parenthetical in clause (2) in the first sentence and inserting in lieu thereof "or".

(j) Section 304(c) of such Act is amended by inserting after "Labor," in the first sentence "who".

(k) Section 304(e)(1) of such Act is amended by inserting after "(B)" the following: "with the concurrence of the Board established by section 502,".

Infra.

(l)(1) Section 306(b) of such Act is amended by inserting after "project" a comma and "or for a project which involves construction,".

29 USC 776.

(2) Section 306(b)(4) of such Act is amended by inserting after "specifications" the following: "which have been approved by the Board established by section 502,".

29 USC 785.

(m) Section 405(c) of such Act is amended by—

(1) striking out "the Handicapped" and inserting in lieu thereof "Handicapped Individuals"; and

(2) by adding at the end thereof the following new sentence: "In no event shall any functions under this section be further delegated to any persons with operational responsibilities for carrying out functions authorized under any other section of this Act or under any other provision of law designed to benefit handicapped individuals.".

29 USC 792.

(n)(1) Section 502(a) of such Act is amended by redesignating clauses (6), (7), and (8) thereof as clauses (7), (8), and (9), respectively, and by inserting immediately after clause (5) the following new clause:

"(6) Department of Defense;".

Architectural and Transportation Barriers Compliance Board, Chairman. Consumer Advisory Panel, appointment.

(2) Section 502(a) of such Act is further amended by adding at the end thereof the following new sentence: "The Secretary of Health, Education, and Welfare shall be the Chairman of the Board, and the Board shall appoint, upon recommendation of the Secretary, a Consumer Advisory Panel, a majority of the members of which shall be handicapped individuals, to provide guidance, advice, and recommendations to the Board in carrying out its functions.".

(o)(1) Section 502(d) of such Act is amended by striking out "section, the Board" in the first sentence and inserting in lieu thereof "Act, the Board shall, directly or through grants to or contracts with public or private nonprofit organizations, carry out its functions under subsections (b) and (c) of this section, and".

(2) Section 502(d) of such Act is further amended by adding at the end thereof the following new sentences: "Any such order affecting any Federal department, agency, or instrumentality of the United States shall be final and binding on such department, agency, or instrumentality. An order of compliance may include the withholding or suspension of Federal funds with respect to any building found not to be in compliance with standards prescribed pursuant to the Acts cited in subsection (b) of this section.". Ante, p. 1621. Withholding or suspension of Federal funds.

(p) Section 502(e) of such Act is amended by adding before the first sentence the following new first sentence: "There shall be appointed by the Board an executive director and such other professional and clerical personnel as are necessary to carry out its functions under this Act.". Additional Board appointees.

(q) Section 502(g) of such Act is amended by striking out in the penultimate sentence "prior to January 1" and inserting in lieu thereof "not later than September 30". Report to Congress.

TITLE II—RANDOLPH-SHEPPARD ACT AMENDMENTS

Randolph-Sheppard Act Amendments of 1974.

SHORT TITLE

SEC. 200. This title may be cited as the "Randolph-Sheppard Act Amendments of 1974". 20 USC 107 note.

FINDINGS

SEC. 201. The Congress finds— 20 USC 107 note.

(1) after review of the operation of the blind vending stand program authorized under the Randolph-Sheppard Act of June 20, 1936, that the program has not developed, and has not been sustained, in the manner and spirit in which the Congress intended at the time of its enactment, and that, in fact, the growth of the program has been inhibited by a number of external forces; 20 USC 107.

(2) that the potential exists for doubling the number of blind operators on Federal and other property under the Randolph-Sheppard program within the next five years, provided the obstacles to growth are removed, that legislative and administrative means exist to remove such obstacles, and that Congress should adopt legislation to that end; and

(3) that at a minimum the following actions must be taken to insure the continued vitality and expansion of the Randolph-Sheppard program—

(A) establish uniformity of treatment of blind vendors by all Federal departments, agencies, and instrumentalities,

(B) establish guidelines for the operation of the program by State licensing agencies,

(C) require coordination among the several entities with responsibility for the program,

(D) establish a priority for vending facilities operated by blind vendors on Federal property,

(E) establish administrative and judicial procedures under which fair treatment of blind vendors, State licensing agencies, and the Federal Government is assured,

(F) require stronger administration and oversight functions in the Federal office carrying out the program, and

(G) accomplish other legislative and administrative objectives which will permit the Randolph-Sheppard program to flourish.

OPERATION OF VENDING FACILITIES ON FEDERAL PROPERTY

SEC. 202. The first section of the Act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes" (hereafter referred to in this title as the "Randolph-Sheppard Act"), approved June 20, 1936, as amended (20 U.S.C. 107), is amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"That (a) for the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this Act shall be authorized to operate vending facilities on any Federal property.

"(b) In authorizing the operation of vending facilities on Federal property, priority shall be given to blind persons licensed by a State agency as provided in this Act; and the Secretary, through the Commissioner, shall, after consultation with the Administrator of General Services and other heads of departments, agencies, or instrumentalities of the United States in control of the maintenance, operation, and protection of Federal property, prescribe regulations designed to assure that—

Regulations.

"(1) the priority under this subsection is given to such licensed blind persons (including assignment of vending machine income pursuant to section 7 of this Act to achieve and protect such priority), and

Post, p. 1626, 1627.

"(2) wherever feasible, one or more vending facilities are established on all Federal property to the extent that any such facility or facilities would not adversely affect the interests of the United States.

Any limitation on the placement or operation of a vending facility based on a finding that such placement or operation would adversely affect the interests of the United States shall be fully justified in writing to the Secretary, who shall determine whether such limitation is justified. A determination made by the Secretary pursuant to this provision shall be binding on any department, agency, or instrumentality of the United States affected by such determination. The Secretary shall publish such determination, along with supporting documentation, in the Federal Register.".

Publication in Federal Register.

FEDERAL AND STATE RESPONSIBILITIES

20 USC 107a.

SEC. 203. (a)(1) Section 2(a) of the Randolph-Sheppard Act is amended by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively, and by inserting the following new paragraph (1):

"(1) Insure that the Rehabilitation Services Administration is the principal agency for carrying out this Act; and the Commissioner shall, within one hundred and eighty days after enactment of the Randolph-Sheppard Act Amendments of 1974, establish requirements for the uniform application of this Act by each State agency designated under paragraph (5) of this subsection, including appropriate accounting procedures, policies on the selection and establishment of new vending facilities, distribution of income to blind vendors, and the use and control of set-aside funds under section 3(3) of this Act;"

20 USC 107b. Supra.

(2) Section 2(a)(2) of such Act, as redesignated by paragraph (1) of this subsection, is amended to read as follows:

"(2) Through the Commissioner, make annual surveys of concession vending opportunities for blind persons on Federal and other property in the United States, particularly with respect to Federal property under the control of the General Services Administration, the Department of Defense, and the United States Postal Service;".

Concession vending opportunities, annual surveys.

(3) Section 2(a)(5) of such Act, as redesignated by paragraph (1) of this subsection, is amended—

Ante, p. 1623.

(A) by striking out "commission" each place it appears and inserting in lieu thereof "agency",

(B) by striking out "and at least twenty-one years of age",

(C) by striking out "articles dispensed automatically or in containers or wrapping in which they are placed before receipt by the vending stand, and such other articles as may be approved for each property by the department or agency in control of the maintenance, operation, and protection thereof and the State licensing agency in accordance with the regulations prescribed pursuant to the first section" and inserting in lieu thereof the following: "foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the State licensing agency, and including the vending or exchange of chances for any lottery authorized by State law and conducted by an agency of a State",

(D) by striking out "stands" and "stand" and inserting in lieu thereof "facilities" and "facility", respectively, and

(E) by striking out the colon and all matter following the colon, and inserting in lieu thereof "; and".

(4) Section 2(a)(6) of such Act, as redesignated by paragraph (1) of this subsection, is amended to read as follows:

"(6) Through the Commission, (A) conduct periodic evaluations of the program authorized by this Act, including upward mobility and other training required by section 8, and annually submit to the appropriate committees of Congress a report based on such evaluations, and (B) take such other steps, including the issuance of such rules and regulations, as may be necessary or desirable in carrying out the provisions of this Act."

Evaluations, annual reports to congressional committees.
Post, p. 1628.
Rules and regulations.
20 USC 107a.

(b) Section 2(b) of such Act is amended—

(1) by striking out "stand" the first time it appears in the first sentence and where it appears in the second sentence and inserting in lieu thereof "facility";

(2) by striking out "and have resided for at least one year in the State in which such stand is located"; and

(3) by striking out "but are able, in spite of such infirmity, to operate such stands".

(c) Section 2(c) of such Act is amended by striking out "stand" in each place in which it appears and inserting in lieu thereof "facility".

(d) Section 2 of such Act is further amended by adding at the end thereof the following new subsections:

"(d)(1) After January 1, 1975, no department, agency, or instrumentality of the United States shall undertake to acquire by ownership, rent, lease, or to otherwise occupy, in whole or in part, any building unless, after consultation with the head of such department, agency, or instrumentality and the State licensing agency, it is determined by the Secretary that (A) such building includes a satisfactory site or sites for the location and operation of a vending facility by a blind person, or (B) if a building is to be constructed, substantially altered, or renovated, or in the case of a building that is already occupied on such date by such department, agency, or instrumentality,

Federally occupied buildings, sites for vending facilities.

88 STAT. 1625

is to be substantially altered or renovated for use by such department, agency, or instrumentality, the design for such construction, substantial alteration, or renovation includes a satisfactory site or sites for the location and operation of a vending facility by a blind person. Each such department, agency, or instrumentality shall provide notice to the appropriate State licensing agency of its plans for occupation, acquisition, renovation, or relocation of a building adequate to permit such State agency to determine whether such building includes a satisfactory site or sites for a vending facility.

Notice to State licensing agency.

"(2) The provisions of paragraph (1) shall not apply (A) when the Secretary and the State licensing agency determine that the number of people using the property is or will be insufficient to support a vending facility, or (B) to any privately owned building, any part of which is leased by any department, agency, or instrumentality of the United States and in which, (i) prior to the execution of such lease, the lessor or any of his tenants had in operation a restaurant or other food facility in a part of the building not included in such lease, and (ii) the operation of such a vending facility by a blind person would be in proximate and substantial direct competition with such restaurant or other food facility except that each such department, agency, and instrumentality shall make every effort to lease property in privately owned buildings capable of accommodating a vending facility.

"Satisfactory site."

"(3) For the purposes of this subsection, the term 'satisfactory site' means an area determined by the Secretary to have sufficient space, electrical and plumbing outlets, and such other facilities as the Secretary may by regulation prescribe, for the location and operation of a vending facility by a blind person.

"(e) In any State having an approved plan for vocational rehabilitation pursuant to the Vocational Rehabilitation Act or the Rehabilitation Act of 1973 (Public Law 93-112), the State licensing agency designated under paragraph (5) of subsection (a) of this section shall be the State agency designated under section 101(a)(1)(A) of such Rehabilitation Act of 1973.".

29 USC 31 note, 701 note.

29 USC 721.

DUTIES OF STATE LICENSING AGENCIES AND ARBITRATION

20 USC 107b.

SEC. 204. (a) Section 3 of the Randolph-Sheppard Act is amended—

(1) by striking out "commission" and inserting in lieu thereof "agency";

(2) by striking out in paragraphs (2) and (3) "stand" and "stands" wherever such terms appear and inserting in lieu thereof "facility" and "facilities", respectively; and

(3) by striking out in paragraph (6) the word "stand" and inserting in lieu thereof "facility", and, by inserting immediately before the period the following: ", and to agree to submit the grievances of any blind licensee not otherwise resolved by such hearing to arbitration as provided in section 5 of this Act".

Post, p. 1626.

Set aside funds.

(b) Section 3(3) of such Act is further amended by striking out "and" immediately before subparagraph (D) and by inserting immediately before the colon at the end of such subparagraph the following "; and (E) retirement or pension funds, health insurance contributions, and provision for paid sick leave and vacation time, if it is determined by a majority vote of blind licensees licensed by such State agency, after such agency provides to each such licensee full information on all matters relevant to such proposed program, that funds under this paragraph shall be set aside for such purposes".

(c) Section 3(3) of such Act is further amended by inserting before the word "proceeds" in both places it appears, the word "net".

REPEALS

SEC. 205. Sections 4 and 7 of the Randolph-Sheppard Act are repealed. 20 USC 107c, 107e-1.

ARBITRATION; VENDING MACHINE INCOME; PERSONNEL; TRAINING

SEC. 206. The Randolph-Sheppard Act is further amended by redesignating sections 5, 6, and 8, as sections 4, 9, and 10, respectively, and by inserting immediately after section 4, as redesignated, the following new sections: 20 USC 107d, 107e, 107f.

"SEC. 5. (a) Any blind licensee who is dissatisfied with any action arising from the operation or administration of the vending facility program may submit to a State licensing agency a request for a full evidentiary hearing, which shall be provided by such agency in accordance with section 3(6) of this Act. If such blind licensee is dissatisfied with any action taken or decision rendered as a result of such hearing, he may file a complaint with the Secretary who shall convene a panel to arbitrate the dispute pursuant to section 6 of this Act, and the decision of such panel shall be final and binding on the parties except as otherwise provided in this Act. 20 USC 107d-1. Ante, p. 1625. Supra.

"(b) Whenever any State licensing agency determines that any department, agency, or instrumentality of the United States that has control of the maintenance, operation, and protection of Federal property is failing to comply with the provisions of this Act or any regulations issued thereunder (including a limitation on the placement or operation of a vending facility as described in section 1(b) of this Act and the Secretary's determination thereon) such licensing agency may file a complaint with the Secretary who shall convene a panel to arbitrate the dispute pursuant to section 6 of this Act, and the decision of such panel shall be final and binding on the parties except as otherwise provided in this Act. Ante, p. 1623. Infra.

"SEC. 6. (a) Upon receipt of a complaint filed under section 5 of this Act, the Secretary shall convene an ad hoc arbitration panel as provided in subsection (b). Such panel shall, in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, give notice, conduct a hearing, and render its decision which shall be subject to appeal and review as a final agency action for purposes of chapter 7 of such title 5. Arbitration panel, duties. 20 USC 107d-2. 5 USC 551. 5 USC 701.

"(b)(1) The arbitration panel convened by the Secretary to hear grievances of blind licensees shall be composed of three members appointed as follows: Membership.

"(A) one individual designated by the State licensing agency;

"(B) one individual designated by the blind licensee; and

"(C) one individual, not employed by the State licensing agency or, where appropriate, its parent agency, who shall serve as chairman, jointly designated by the members appointed under subparagraphs (A) and (B).

If any party fails to designate a member under subparagraph (1) (A), (B), or (C), the Secretary shall designate such member on behalf of such party.

"(2) The arbitration panel convened by the Secretary to hear complaints filed by a State licensing agency shall be composed of three members appointed as follows:

"(A) one individual, designated by the State licensing agency;

"(B) one individual, designated by the head of the Federal department, agency, or instrumentality controlling the Federal property over which the dispute arose; and

"(C) one individual, not employed by the Federal department, agency, or instrumentality controlling the Federal property over

42-933 O - 74 - 2 (320)

which the dispute arose, who shall serve as chairman, jointly designated by the members appointed under subparagraphs (A) and (B).

If any party fails to designate a member under subparagraph (2) (A), (B), or (C), the Secretary shall designate such member on behalf of such party. If the panel appointed pursuant to paragraph (2) finds that the acts or practices of any such department, agency, or instrumentality are in violation of this Act, or any regulation issued thereunder, the head of any such department, agency, or instrumentality shall cause such acts or practices to be terminated promptly and shall take such other action as may be necessary to carry out the decision of the panel.

Publication in Federal Register.

"(c) The decisions of a panel convened by the Secretary pursuant to this section shall be matters of public record and shall be published in the Federal Register.

Publication in Federal Register.

"(d) The Secretary shall pay all reasonable costs of arbitration under this section in accordance with a schedule of fees and expenses he shall publish in the Federal Register.

Vending machine income accrual.
20 USC 107d-3.

"SEC. 7. (a) In accordance with the provisions of subsection (b) of this section, vending machine income obtained from the operation of vending machines on Federal property shall accrue (1) to the blind licensee operating a vending facility on such property, or (2) in the event there is no blind licensee operating such facility on such property, to the State agency in whose State the Federal property is located, for the uses designated in subsection (c) of this section, except that with respect to income which accrues under clause (1) of this subsection, the Commissioner may prescribe regulations imposing a ceiling on income from such vending machines for an individual blind licensee. In the event such a ceiling is imposed, no blind licensee shall receive less vending machine income under such ceiling than he was receiving on January 1, 1974. No limitation shall be imposed on income from vending machines, combined to create a vending facility, which are maintained, serviced, or operated by a blind licensee. Any amounts received by a blind licensee that are in excess of the amount permitted to accrue to him under any ceiling imposed by the Commissioner shall be disbursed to the appropriate State agency under clause (2) of this subsection and shall be used by such agency in accordance with subsection (c) of this section.

Excess amounts, transferral to State agency.

"Direct competition."

"(b)(1) After January 1, 1975, 100 per centum of all vending machine income from vending machines on Federal property which are in direct competition with a blind vending facility shall accrue as specified in subsection (a) of this section. 'Direct competition' as used in this section means the existence of any vending machines or facilities operated on the same premises as a blind vending facility except that vending machines or facilities operated in areas serving employees the majority of whom normally do not have direct access to the blind vending facility shall not be considered in direct competition with the blind vending facility. After January 1, 1975, 50 per centum of all vending machine income from vending machines on Federal property which are not in direct competition with a blind vending facility shall accrue as specified in subsection (a) of this section, except that with respect to Federal property at which at least 50 per centum of the total hours worked on the premises occurs during periods other than normal working hours, 30 per centum of such income shall so accrue.

"(2) The head of each department, agency, and instrumentality of the United States shall insure compliance with this section with respect to buildings, installations, and facilities under his control, and shall be responsible for collection of, and accounting for, such vending machine income.

"(c) All vending machine income which accrues to a State licensing agency pursuant to subsection (a) of this section shall be used to establish retirement or pension plans, for health insurance contributions, and for provision of paid sick leave and vacation time for blind licensees in such State, subject to a vote of blind licensees as provided under section 3(3)(E) of this Act. Any vending machine income remaining after application of the first sentence of this subsection shall be used for the purposes specified in sections 3(3) (A), (B), (C), and (D) of this Act, and any assessment charged to blind licensees by a State licensing agency shall be reduced pro rata in an amount equal to the total of such remaining vending machine income.

Income accruing to State licensing agency, use.

Ante, p. 1626.

20 USC 107b.

"(d) Subsections (a) and (b)(1) of this section shall not apply to income from vending machines within retail sales outlets under the control of exchange or ships' stores systems authorized by title 10, United States Code, or to income from vending machines operated by the Veterans Canteen Service, or to income from vending machines not in direct competition with a blind vending facility at individual locations, installations, or facilities on Federal property the total of which at such individual locations, installations, or facilities does not exceed $3,000 annually.

Nonapplicability.

10 USC 101 et seq.

"(e) The Secretary, through the Commissioner, shall prescribe regulations to establish a priority for the operation of cafeterias on Federal property by blind licensees when he determines, on an individual basis and after consultation with the head of the appropriate installation, that such operation can be provided at a reasonable cost with food of a high quality comparable to that currently provided to employees, whether by contract or otherwise.

Cafeterias on Federal property, priority for operation, regulations.

"(f) This section shall not operate to preclude preexisting or future arrangements, or regulations of departments, agencies, or instrumentalities of the United States, under which blind licensees (1) receive a greater percentage or amount of vending machine income than that specified in subsection (b)(1) of this section, or (2) receive vending machine income from individual locations, installations, or facilities on Federal property the total of which at such individual locations, installations, or facilities does not exceed $3,000 annually.

Preexisting conditions or future arrangements.

"(g) The Secretary shall take such action and promulgate such regulations as he deems necessary to assure compliance with this section.

Regulations.

"SEC. 8. The Commissioner shall insure, through promulgation of appropriate regulations, that uniform and effective training programs, including on-the-job training, are provided for blind individuals, through services under the Rehabilitation Act of 1973 (Public Law 93-112). He shall further insure that State agencies provide programs for upward mobility (including further education and additional training or retraining for improved work opportunities) for all trainees under this Act, and that follow-along services are provided to such trainees to assure that their maximum vocational potential is achieved.".

Training programs.
20 USC 107d-4.

29 USC 701 note.

DEFINITIONS

SEC. 207. Section 9 of the Randolph-Sheppard Act, as redesignated by section 206 of this title, is amended to read as follows:

Ante, p. 1626.
20 USC 107e.

"SEC. 9. As used in the Act—

"(1) 'blind person' means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the

eye, or by an optometrist, whichever the individual shall select;

"(2) 'Commissioner' means the Commissioner of the Rehabilitation Services Administration;

"(3) 'Federal property' means any building, land, or other real property owned, leased, or occupied by any department, agency, or instrumentality of the United States (including the Department of Defense and the United States Postal Service), or any other instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any territory or possession of the United States;

"(4) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(5) 'State' means a State, territory, possession, Puerto Rico, or the District of Columbia;

"(6) 'United States' includes the several States, territories, and possessions of the United States, Puerto Rico, and the District of Columbia;

"(7) 'vending facility' means automatic vending machines, cafeterias, snack bars, cart services, shelters, counters, and such other appropriate auxiliary equipment as the Secretary may by regulation prescribe as being necessary for the sale of the articles or services described in section 2(a)(5) of this Act and which may be operated by blind licensees; and

Ante, p. 1624.

"(8) 'vending machine income' means receipts (other than those of a blind licensee) from vending machine operations on Federal property, after cost of goods sold (including reasonable service and maintenance costs), where the machines are operated, serviced, or maintained by, or with the approval of, a department, agency, or instrumentality of the United States, or commissions paid (other than to a blind licensee) by a commercial vending concern which operates, services, and maintains vending machines on Federal property for, or with the approval of, a department, agency, or instrumentality of the United States.".

PERSONNEL

29 USC 702 note.

SEC. 208. (a) The Secretary of Health, Education, and Welfare is directed to assign to the Office for the Blind and Visually Handicapped of the Rehabilitation Services Administration of the Department of Health, Education, and Welfare ten additional full-time personnel (or their equivalent), five of whom shall be supportive personnel, to carry out duties related to the administration of the Randolph-Sheppard Act.

20 USC 107.

(b) Section 5108(c) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following new paragraph:

"(12) the Secretary of Health, Education, and Welfare, subject to the standards and procedures prescribed by this chapter, may place one additional position in the Office for the Blind and Visually Handicapped of the Rehabilitation Services Administration in GS–16, GS–17, or GS–18.".

5 USC 5332 note.

29 USC 702 note.

(c) In selecting personnel to fill any position under this section, the Secretary of Health, Education, and Welfare shall give preference to blind individuals.

Ante, p. 1626.

(d) Section 4(b) of the Randolph-Sheppard Act, as redesignated by section 206 of this title, is amended by striking out ", and at least 50 per centum of such additional personnel shall be blind persons".

ADDITIONAL STAFF RESPONSIBILITIES

SEC. 209. In addition to other requirements imposed in this title and in the Randolph-Sheppard Act upon State licensing agencies, such agencies shall— 20 USC 107b-1. 20 USC 107.

(1) provide to each blind licensee access to all relevant financial data, including quarterly and annual financial reports, on the operation of the State vending facility program;

(2) conduct the biennial election of a Committee of Blind Vendors who shall be fully representative of all blind licensees in the State program, and

(3) insure that such committee's responsibilities include (A) participation, with the State agency, in major administrative decisions and policy and program development, (B) receiving grievances of blind licensees and serving as advocates for such licensees, (C) participation, with the State agency, in the development and administration of a transfer and promotion system for blind licensees, (D) participation, with the State agency, in developing training and retraining programs, and (E) sponsorship, with the assistance of the State agency, of meetings and instructional conferences for blind licensees.

STANDARDS, STUDIES, AND REPORTS

SEC. 210. (a) The Secretary, through the Commissioner, after a period of study not to exceed six months following the date of enactment of this title, and after full consultation with, and full consideration of the views of, blind vendors and State licensing agencies, shall promulgate national standards for funds set aside pursuant to section 3(3) of the Randolph-Sheppard Act which include maximum and minimum amounts for such funds, and appropriate contributions, if any, to such funds by blind vendors. National standards for set-aside funds. 20 USC 107b-2. Ante, p. 1625.

(b)(1) The Secretary shall study the feasibility and desirability of establishing a nationally administered retirement, pension, and health insurance system for blind licensees, and such study shall include, but not be limited to, consideration of eligibility standards, amounts and sources of contributions, number of potential participants, total costs, and alternative forms of administration, including trust funds and revolving funds. Nationally administered retirement, pension, and health insurance system, study.

(2) The Secretary shall, within one year following the date of enactment of this title, complete the study required by paragraph (1) of this subsection and report his findings, together with any recommendations, to the President and the Congress. Report to President and Congress.

(c) The Secretary shall, not later than September 30, 1975, complete an evaluation of the method of assigning vending machine income under section 7(b)(1) of the Randolph-Sheppard Act, including its effect on the growth of the program authorized by the Act, and on the operation of nonappropriated fund activities, and within thirty days thereafter he shall report his findings, together with any recommendations, to the appropriate committees of the Congress. Ante, p. 1627. Report to congressional committees.

(d) Each State licensing agency shall, within one year following the date of enactment of this title, submit to the Secretary a report, with appropriate supporting documentation, which shows the actions taken by such agency to meet the requirements of section 2(a)(1) of the Randolph-Sheppard Act. Report to Secretary. Ante, p. 1623.

AUDIT

SEC. 211. The Comptroller General is authorized to conduct regular and periodic audits of all nonappropriated fund activities which receive income from vending machines on Federal property, under 20 USC 107b-3.

88 STAT. 1631

such rules and regulations as he may prescribe. In the conduct of such audits he and his duly authorized representatives shall have access to any relevant books, documents, papers, accounts, and records of such activities as he deems necessary.

White House Conference on Handicapped Individuals Act.

TITLE III—WHITE HOUSE CONFERENCE ON HANDICAPPED INDIVIDUALS

SHORT TITLE

29 USC 701 note.

SEC. 300. This title may be cited as the "White House Conference on Handicapped Individuals Act".

FINDINGS AND POLICY

29 USC 701 note.

SEC. 301. The Congress finds that—

(1) the United States has achieved great and satisfying success in making possible a better quality of life for a large and increasing percentage of our population;

(2) the benefits and fundamental rights of this society are often denied those individuals with mental and physical handicaps;

(3) there are seven million children and at least twenty-eight million adults with mental or physical handicaps;

(4) it is of critical importance to this Nation that equality of opportunity, equal access to all aspects of society and equal rights guaranteed by the Constitution of the United States be provided to all individuals with handicaps;

(5) the primary responsibility for meeting the challenge and problems of individuals with handicaps has often fallen on the individual or his family;

(6) it is essential that recommendations be made to assure that all individuals with handicaps are able to live their lives independently and with dignity, and that the complete integration of all individuals with handicaps into normal community living, working, and service patterns be held as the final objective; and

(7) all levels of Government must necessarily share responsibility for developing opportunities for individuals with handicaps;

and it is therefore the policy of the Congress that the Federal Government work jointly with the States and their citizens to develop recommendations and plans for action in solving the multifold problems facing individuals with handicaps.

AUTHORITY OF PRESIDENT, COUNCIL, AND SECRETARY

29 USC 701 note.

SEC. 302. (a) The President is authorized to call a White House Conference on Handicapped Individuals not later than two years after the date of enactment of this title in order to develop recommendations and stimulate a national assessment of problems, and solutions to such problems, facing individuals with handicaps. Such a conference shall be planned and conducted under the direction of the National Planning and Advisory Council, established pursuant to subsection (b) of this section, and the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") and each Federal department and agency shall provide such cooperation and assistance to the Council, including the assignment of personnel, as may reasonably be required by the Secretary.

National Planning and Advisory Council. Establishment.

(b)(1) There is established a National Planning and Advisory Council (in this title referred to as the "Council"), appointed by the

Secretary, composed of twenty-eight members of whom not less than ten shall be individuals with handicaps appointed to represent all individuals with handicaps, and five shall be parents of individuals with handicaps appointed to represent all such parents and individuals. The Council shall provide guidance and planning for the Conference. Membership.

(2) Any member of the Council who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment.

(3) Members of the Council, other than those referred to in paragraph (1), shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 under section 5332, title 5, United States Code, for each day they are engaged in the performance of their duties (including traveltime); and, while so serving away from their homes or regular places of business, they shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently. Compensation. 5 USC 5332 note. Travel expenses.

(4) Such Council shall cease to exist one-hundred and twenty days after the submission of the final report required by section 302(e). Termination date.

(c) For the purpose of ascertaining facts and making recommendations concerning the utilization of skills, experience, and energies, and the improvement of the conditions of individuals with handicaps, the Conference shall bring together individuals with handicaps and members of their families and representatives of Federal, State, and local governments, professional experts, and members of the general public recognized by individuals with handicaps as being knowledgeable about problems affecting their lives.

(d) Participants in the White House Conference, and in conferences and other activities leading up to the White House Conference at the local and State level are authorized to consider all matters related to the purposes of the Conference set forth in subsection (a), but shall give special consideration to recommendations for: Recommendations.

(1) providing education, health, and diagnostic services for all children early in life so that handicapping conditions may be discovered and treated;

(2) assuring that every individual with a handicap receives appropriately designed benefits of the educational system;

(3) assuring that individuals with handicaps have available to them all special services and assistance which will enable them to live their lives as fully and independently as possible;

(4) enabling individuals with handicaps to have access to usable communication services and devices at costs comparable to other members of the population;

(5) assuring that individuals with handicaps will have maximum mobility to participate in all aspects of society, including access to all publicly-assisted transportation services and, when necessary, alternative means of transportation at comparable cost;

(6) improving utilization and adaptation of modern engineering and other technology to ameliorate the impact of handicapping conditions on the lives of individuals and especially on their access to housing and other structures;

(7) assuring individuals with handicaps of equal opportunity with others to engage in gainful employment;

(8) enabling individuals with handicaps to have incomes sufficient for health and for participation in family and community life as self-respecting citizens;

(9) increasing research relating to all aspects of handicapping conditions, stressing the elimination of causes of handicapping conditions and the amelioration of the effects of such conditions;

(10) assuring close attention and assessment of all aspects of diagnosis and evaluation of individuals with handicaps;

(11) assuring review and evaluation of all governmental programs in areas affecting individuals with handicaps, and a close examination of the public role in order to plan for the future;

(12) resolving the special problems of veterans with handicaps;

(13) resolving the problems of public awareness and attitudes that restrict individuals with handicaps from participating in society to their fullest extent;

(14) resolving the special problems of individuals with handicaps who are homebound or institutionalized;

(15) resolving the special problems of individuals with handicaps who have limited English-speaking ability;

(16) alloting funds for basic vocational rehabilitation services under part B of title I of the Rehabilitation Act of 1973 in a fair and equitable manner in consideration of the factors set forth in section 407(a) of such Act; and

29 USC 730.

29 USC 787.

(17) promoting other related matters for individuals with handicaps.

Report to President.

(e) A final report of the White House Conference on Handicapped Individuals shall be submitted by the Council to the President not later than one hundred and twenty days following the date on which the conference is called, and the findings and recommendations included therein shall be immediately made available to the public. The Council and the Secretary shall, within ninety days after the submission of such final report, transmit to the President and the Congress their recommendations for administrative action and legislation necessary to implement the recommendations contained in such report.

Availability to public.

Recommendations, transmittal to President and Congress.

RESPONSIBILITIES OF COUNCIL AND SECRETARY

29 USC 701 note.

SEC. 303. (a) In carrying out the provisions of this title, the Council and the Secretary shall—

(1) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate, including Federal advisory bodies having responsibilities in areas affecting individuals with handicaps;

(2) render all reasonable assistance, including financial assistance, to the States in enabling them to organize and conduct conferences on handicapped individuals prior to the White House Conference on Handicapped Individuals;

(3) prepare and make available necessary background materials for the use of delegates to the White House Conference on Handicapped Individuals;

(4) prepare and distribute such interim reports of the White House Conference on Handicapped Individuals as may be appropriate; and

(5) engage such individuals with handicaps and additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates of pay not to exceed the rate prescribed for GS-18 under section 5332 of such title.

5 USC 101 et seq.

5 USC 5701, 5331.

5 USC 5332 note.

(b) In carrying out the provisions of this title, the Secretary shall employ individuals with handicaps.

DEFINITION

SEC. 304. For the purpose of this title, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. 29 USC 701 note.

STATE PARTICIPATION

SEC. 305. (a) From the sums appropriated pursuant to section 306 the Secretary is authorized to make a grant to each State, upon application of the chief executive thereof, in order to assist in meeting the costs of that State's participation in the Conference program, including the conduct of at least one conference within each such State. 29 USC 701 note. Infra.

(b) Grants made pursuant to subsection (a) shall be made only with the approval of the Council.

(c) Funds appropriated for the purposes of this subsection shall be apportioned among the States by the Secretary in accordance with their respective needs for assistance under this subsection, except that no State shall be apportioned more than $25,000 nor less than $10,000. State apportionment.

AUTHORIZATION OF APPROPRIATIONS

SEC. 306. There are authorized to be appropriated, without fiscal year limitations, $2,000,000 to carry out the provisions of this title and such additional sums as may be necessary to carry out section 305. Sums so appropriated shall remain available for expenditure until June 30, 1977. 29 USC 701 note. Supra.

Approved December 7, 1974.

LEGISLATIVE HISTORY:

SENATE REPORT No. 93-1297 accompanying S. 4194 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 120 (1974):
Nov. 26, considered and passed House and Senate.

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TEXAS REHABILITATION
COMMISSION

REHABILITATION
SERVICES MANUAL
No. 18-1
Exhibit B
July 1, 1976 (Rev.)

CLASSIFICATION OF DISABLING CONDITIONS
GENERAL DIRECTIONS

The disabling condition coding structure combines disability with cause in a five-digit code. All RSA codes from 100.02 through 449.01 pertain to disabling conditions which affect specific parts of the body and their related etiologies. For these codes, the first three digits indicate the nature of disability. The fourth digit, in some cases, differentiates between disabilities involving one extremity or two extremities. The fifth digit delineates the degree of disability (._1 not severe, ._2 severe, ._3 catastrophic).

Codes from 500.01 through 699.11 pertain to disabling conditions where specific body sites are not involved and etiology is not usually appropriate. These codes are not to be used if the disabling condition is a visual, hearing or orthopedic impairment or an amputation (codes 100.02 through 499.01). For example, if diabetes has led to an amputation of both legs, the proper code would be 434.23 rather than 614.01. The code for diabetes (614.01) would be used only when the disability is not significantly associated with the eyes, ears, limbs, digits, or trunk, and the diabetes itself is the condition that contributes primarily toward the work limitation.

Cases may occasionally involve two codes in the 500.01 through 699.11 series such as benign neoplasm (code 609.01) leading to a cardiac condition (643.01). In this case use code 643.01 , since the rule of thumb is this: make a distinction between condition and cause and use the code related to the condition. A condition would be more directly associated with the work limitation than would a cause.

NOTE: The last digit identifies degree of disability (._1 not severe, ._2 severe, ._3 catastrophic). ~~Code ._1 (not severe) will be changed to ._2 (severe) if the disability meets either of the exceptions noted below~~. Codes ending in ._2 or ._3 will not be altered. A case once coded severely disabled or catastrophically disabled will retain that code through closure.

EXCEPTIONS TO NON-SEVERE DISABILITY CODE

1. All allowed SSDI and SSI cases coded ._1 in RSM 18-1, Exhibit B, will be designated as severely disabled by changing the last digit to ._2.

2. Other cases will be coded as severely disabled if there exists substantial loss of functional capacity and restriction of activity attributable to medical factors, such as that the client will normally require multiple vocational rehabilitation services over an extended period of time and:

    a. Is unable to make use of public bus or train, or

    b. Is unable to perform sustained work activity for six hours or more, or

c. Has disfigurement or deformity so pronounced as to cause social rejection, or

d. Speech is unintelligible to nonfamily members, or

e. Is unable to climb one flight of stairs or walk 100 yards on the level without pause, or

f. Has loss of manual dexterity or coordination sufficient that he is unable to button buttons, wind a watch or write intelligibly.

* When the disability is identified as being severe due to one or more of the above functional restrictions, the capital letter F will be placed to the right of the customary disability code (Ex. - 340.11 + requirements of Item 2, RSM 18-1, Exhibit B = 340.11F). This coding may occur on the appropriate part of the Form TRC-300 or on Form TRC-212, Turn-Around Document. The case file should be documented to reflect the basis for the decision.

I. CLASSIFICATION OF DISABLING CONDITIONS

Code	VISUAL IMPAIRMENTS
	Blindness, both eyes, no light perception, due to:
100.03	cataract
101.03	glaucoma
102.03	general infectious, degenerative, and other specified diseases, including ocular and local infections
106.03	congenital malformations
107.03	accident, poisoning, exposure or injury
109.03	ill-defined and unspecified causes
	Blindness, both eyes (with correction, better eye has not more than 20/200 vision or limitation in visual field within 20 degrees, but not code 10), due to:
110.03	cataract
111.03	glaucoma
112.03	general infectious, degenerative, and other specified diseases including ocular and local infections
116.03	congenital malformations
117.03	accident, poisoning, exposure or injury
119.03	ill-defined and unspecified causes
	Blindness, one eye, other eye defective (better eye with correction has less than 20/60 vision, but better than 20/200 vision, or corresponding loss in visual field), due to:

Code	
120.02	cataract
121.02	glaucoma
122.02	general infectious, degenerative, and other specified diseases, including ocular and local infections
126.02	congenital malformations
127.02	accident, poisoning, exposure or injury
129.02	ill-defined and unspecified causes
	Blindness in one eye, other eye good, due to:
130.01	cataract
131.01	glaucoma
132.01	general infectious, degenerative, and other specified diseases, including ocular and local infections
136.01	congenital malformation
137.01	accident, poisoning, exposure or injury
139.01	ill-defined and unspecified causes
	Other visual impairments due to the following causes that, with correction, do not preclude obtaining a driver's license:
140.01	cataract
141.01	glaucoma
142.01	general infectious, degenerative, and other specified diseases, including ocular and local infections
146.01	congenital malformations
147.01	accident, poisoning, exposure or injury
149.01	ill-defined and unspecified causes
	Other visual impairments due to the following causes that, with correction, prevent obtaining a driver's license:
140.02	cataract
141.02	glaucoma
142.02	general infectious, degenerative, and other specified diseases including ocular and local infections
146.02	congenital malformations
147.02	accident, poisoning, exposure or injury
149.02	ill-defined and unspecified causes
	HEARING IMPAIRMENTS
	Deafness, unable to talk, due to:
200.03	degenerative and other noninfectious and specified diseases of the ear
202.03	upper respiratory infections and other infectious diseases

Code	
206.03	congenital malformations
208.03	accident, poisoning, exposure or injury
209.03	ill-defined and unspecified causes
	Deafness, able to talk, due to:
210.03	degenerative and other noninfectious and specified diseases of the ear
212.03	upper respiratory infections and other infectious diseases
216.03	congenital malformations
218.03	accident, poisoning, exposure or injury
219.03	ill-defined and unspecified causes
	Other hearing impairments due to the following causes where the loss does not exceed 70 decibels in the better ear in conversational range with correction:
220.01	degenerative and other noninfectious and specified diseases of the ear
222.01	upper respiratory infections and other infectious diseases
226.01	congenital malformations
228.01	accident, poisoning, exposure or injury
229.01	ill-defined and unspecified causes
	Other hearing impairments due to the following causes where the loss exceeds 70 decibels in the better ear in conversational range with correction:
220.02	degenerative and other noninfectious and specified diseases of the ear
222.02	upper respiratory infections and other infectious diseases
226.02	congenital malformations
228.02	accident, poisoning, exposure or injury
229.02	ill-defined and unspecified causes
	ORTHOPEDIC DEFORMITY OR FUNCTIONAL IMPAIRMENT, EXCEPT AMPUTATIONS
	Impairment involving three or more limbs or entire body, due to:
300.33	cerebral palsy
301.33	congenital malformation or other and ill-defined birth injury
303.33	other diseases, infectious and noninfectious (excluding code 646, varicose veins), other infections (including local), and other neurological and mental diseases (excluding code 630, epilepsy)
310.33	arthritis and rheumatism

Code	
312.33	intracranial hemorrhage, embolism and thrombosis (stroke)
314.33	poliomyelitis
315.33	muscular dystrophy
316.33	multiple sclerosis
317.33	Parkinson's disease
318.33	accidents and injuries involving the spinal cord
319.33	all other accidents, injuries and poisonings
	Impairment involving one upper and one lower limb (including side), due to:
320.23	cerebral palsy
321.23	congenital malformation or other and ill-defined birth injury
323.23	other diseases, infectious and noninfectious (excluding code 646, varicose veins), and other infections (including local), and other neurological and mental diseases (excluding code 630, epilepsy)
330.23	arthritis and rheumatism
332.23	intracranial hemorrhage, embolism and thrombosis (stroke)
334.23	poliomyelitis
335.23	muscular dystrophy
336.23	multiple sclerosis
337.23	Parkinson's disease
338.23	accidents and injuries involving the spinal cord
339.23	all other accidents, injuries and poisonings
	Impairment involving one upper limb (including hands, fingers and thumbs), due to:
340.11	cerebral palsy
341.11	congenital malformation or other and ill-defined birth injury
343.11	other diseases, infectious and noninfectious (excluding code 646, varicose veins), other infections (including local), and other neurological and mental diseases (excluding code 630, epilepsy)
350.11	arthritis and rheumatism
352.11	intracranial hemorrhage, embolism and thrombosis (stroke)
354.11	poliomyelitis
355.12	muscular dystrophy
356.12	multiple sclerosis
357.11	Parkinson's disease
358.12	accident and injury involving the spinal cord
359.11	all other accidents, injuries and poisonings

Code	
	Impairment involving both upper limbs (including hands, fingers and thumbs), due to the following causes and not requiring assistance of another person or devices for activities of daily living:
340.21	cerebral palsy
341.21	congenital malformation or other and ill-defined birth injury
343.21	other diseases, infectious and noninfectious (excluding code 646, varicose veins), other infections (including local), and other neurological and mental diseases (excluding code 630, epilepsy)
350.21	arthritis and rheumatism
352.21	intracranial hemorrhage, embolism and thrombosis (stroke)
354.21	poliomyelitis
355.22	muscular dystrophy
356.22	multiple sclerosis
357.21	Parkinson's disease
358.22	accident and injury involving the spinal cord
359.21	all other accidents, injuries and poisonings
	Impairment involving both upper limbs (including hands, fingers and thumbs), due to the following causes and requiring assistance of another person or devices for activities of daily living:
340.23	cerebral palsy
341.23	congenital malformation or other and ill-defined birth injury
343.23	other diseases, infectious and noninfectious (excluding code 646, varicose veins), other infections (including local), and other neurological and mental diseases (excluding code 630, epilepsy)
350.23	arthritis and rheumatism
352.23	intracranial hemorrhage, embolism and thrombosis (stroke)
354.23	poliomyelitis
355.23	muscular dystrophy
356.23	multiple sclerosis
357.23	Parkinson's disease
358.23	accident and injury involving the spinal cord
359.23	all other accidents, injuries and poisonings
	Impairment involving one lower limb (including feet and toes) due to the following causes and locomotion is not impaired to a degree that bilateral upper limb assistance devices are required or to a degree that the individual is unable to utilize public buses or trains:
360.11	cerebral palsy
361.11	congenital malformation or other and ill-defined birth injury

Code	
363.11	other diseases, infectious and noninfectious (excluding code 646, varicose veins), other neurological and mental diseases (excluding code 630, epilepsy)
370.11	arthritis and rheumatism
372.11	intracranial hemorrhage, embolism and thrombosis (stroke)
374.11	poliomyelitis
375.12	muscular dystrophy
376.12	multiple sclerosis
377.11	Parkinson's disease
378.12	accident and injury involving the spinal cord
379.11	all other accidents, injuries and poisonings
	Impairment involving one lower limb (including feet and toes) due to the following causes and locomotion is impaired to a degree that bilateral upper limb assistance devices are required or to a degree that the individual is unable to utilize public buses or trains:
360.12	cerebral palsy
361.12	congenital malformation or other and ill-defined birth injury
363.12	other diseases, infectious and noninfectious (excluding code 646, varicose veins), other neurological and mental diseases (excluding code 630, epilepsy)
370.12	arthritis and rheumatism
372.12	intracranial hemorrhage, embolism and thrombosis (stroke)
374.12	poliomyelitis
375.12	muscular dystrophy
376.12	multiple sclerosis
377.12	Parkinson's disease
378.12	accident and injury involving the spinal cord
379.12	all other accidents, injuries and poisonings
	Impairment involving both lower limbs (including feet and toes) due to the following causes and locomotion is not impaired to a degree that bilateral upper limb assistance devices are required or to a degree that the individual is unable to utilize public buses or trains:
360.21	cerebral palsy
361.21	congenital malformation or other and ill-defined birth injury
363.21	other diseases, infectious and noninfectious (excluding code 646, varicose veins), other neurological and mental diseases (excluding code 630, epilepsy)
370.21	arthritis and rheumatism
372.21	intracranial hemorrhage, embolism and thrombosis (stroke)

Code	
374.21	poliomyelitis
375.22	muscular dystrophy
376.22	multiple sclerosis
377.21	Parkinson's disease
378.22	accident and injury involving the spinal cord
379.21	all other accidents, injuries and poisonings
	Impairment involving both lower limbs (including feet and toes) due to the following causes and locomotion is impaired to a degree that bilateral upper limb assistance devices are required or to a degree that the individual is unable to utilize public buses or trains:
360.23	cerebral palsy
361.23	congenital malformation or other and ill-defined birth injury
363.23	other diseases, infectious and noninfectious (excluding code 646, varicose veins), other neurological and mental diseases (excluding code 630, epilepsy)
370.23	arthritis and rheumatism
372.23	intracranial hemorrhage, embolism and thrombosis (stroke)
374.23	poliomyelitis
375.23	muscular dystrophy
376.23	multiple sclerosis
377.23	Parkinson's disease
378.23	accident and injury involving spinal cord
379.23	all other accidents, injuries and poisonings
	Other and ill-defined impairments (including trunk, back and spine) due to:
380.01	cerebral palsy
381.01	congenital malformation and ill-defined birth injury
383.01	other diseases, infectious and noninfectious (excluding code 646, varicose veins), other infections (including local), and other neurological and mental diseases (excluding code 630, epilepsy)
390.01	arthritis and rheumatism
392.01	intracranial hemorrhage, embolism and thrombosis (stroke)
394.01	poliomyelitis
395.02	muscular dystrophy
396.02	multiple sclerosis
397.01	Parkinson's disease
398.02	accident and injury involving the spinal cord
399.01	all other accidents, injuries and poisonings

Code	ABSENCE OR AMPUTATION OF MAJOR AND MINOR MEMBERS
	Loss of at least one upper and one lower major extremity, including hands, thumbs and feet due to:
400.23	malignant neoplasms
402.23	congenital malformation
404.23	diseases, infectious and noninfectious (including peripheral vascular, diabetes, tuberculosis of bones and joints) and infections (including gangrene)
409.23	accidents, injuries and poisonings
	Loss of both major upper extremities (including hands or thumbs) due to:
410.23	malignant neoplasms
412.23	congenital malformations
414.23	diseases, infectious and noninfectious (including peripheral vascular, diabetes, tuberculosis of bones and joints) and infections (including gangrene)
419.23	accidents, injuries and poisonings
	Loss of one major upper extremity (including hand or thumb) due to:
420.11	malignant neoplasms
422.11	congenital malformation
424.11	diseases, infectious and noninfectious (including peripheral vascular, diabetes, tuberculosis of bones and joints) and infections (including gangrene)
429.11	accidents, injuries and poisonings
	Loss of one major lower extremity (including foot) due to the following causes if below mid-thigh or bilateral upper limb assistance devices are <u>not</u> required for ambulation or the individual is able to utilize public buses or trains:
430.11	malignant neoplasms
432.11	congenital malformation
434.11	diseases, infectious and noninfectious (including peripheral vascular, diabetes, tuberculosis of bones and joints) and infections (including gangrene)
439.11	accidents, injuries and poisonings
	Loss of one major lower extremity due to the following causes if at mid-thigh or above and either bilateral upper limb assistance devices are required for ambulation or the individual is unable to utilize public buses or trains:

Code	
430.12	malignant neoplasms
432.12	congenital malformation
434.12	diseases, infectious and noninfectious (including peripheral vascular, diabetes, tuberculosis of bones and joints) and infections (including gangrene)
439.12	accidents, injuries and poisonings
	Loss of both major lower extremities (including feet) due to:
430.23	malignant neoplasms
432.23	congenital malformation
434.23	diseases, infectious and noninfectious (including peripheral vascular, diabetes, tuberculosis of bones and joints) and infections (including gangrene)
439.23	accidents, injuries and poisonings
	Loss of other and unspecified parts (including fingers and toes, but excluding thumbs) due to:
440.01	malignant neoplasms
442.01	congenital malformations
444.01	diseases, infectious and noninfectious (including peripheral vascular, diabetes, tuberculosis of bones and joints) and infections (including gangrene)
449.01	accidents, injuries and poisonings
	MENTAL, PSYCHONEUROTIC, AND PERSONALITY DISORDERS
500.01	Psychotic disorders not now requiring institutional care in a mental hospital or psychiatric ward of a general hospital and with no history of being institutionalized for treatment for three months or more or on multiple occasions; and that do not meet the description on page 15 of this section for "moderate" or "severe."
500.02	Psychotic disorders now requiring institutional care in a mental hospital or psychiatric ward of a general hospital or with a history of being institutionalized for treatment for three months or more or on multiple occasions; or that meet the description on page 15 of this section for "moderate."
500.03	Psychotic disorders now requiring institutional care in a mental hospital or psychiatric ward of a general hospital or with a history of being institutionalized for treatment for three months or more on multiple occasions; or that meet the description on page 15 of this section for "severe."

Code	
510.01	Psychoneurotic disorders not now requiring institutional care in a mental hospital or psychiatric ward of a general hospital and with no history of being institutionalized for treatment for three months or more or on multiple occasions; and that do not meet the requirements described on page 16 of this section for "moderate" or "severe."
510.02	Psychoneurotic disorders now requiring institutional care in a mental hospital or psychiatric ward of a general hospital or with a history of being institutionalized for treatment for three months or more or on multiple occasions; or that meet the description on page 16 of this section for "moderate."
510.03	Psychoneurotic disorders now requiring institutional care in a mental hospital or psychiatric ward of a general hospital or with a history of being institutionalized for treatment for three months or more or on multiple occasions; or that meet the description on page 16 of this section for "severe."
	Other mental disorders
520.01	Alcoholism disorders diagnosed by a physician skilled in the diagnosis and treatment of such disorders or by a psychologist licensed or certified in accordance with the State laws and regulations who certifies that the person has a history of alcoholism (Psychologist includes TRC Staff Psychologist). The disability must meet the requirements of 303.0 or 303.1 or 303.2 D.S.M. II, Page 45. (See RSM 02-4, Page 1, para. 1.a.)
* 521.01	Drug dependence and/or addiction is defined as psychological and/or physical dependence on one or more drugs as defined in the D.S.M. II, Page 46, 304.0 through 304.9. (See RSM 02-4, Page 4, para. g.)
522.01	Other character, personality and behavior disorders
	Mental Retardation
530.01	mental retardation, borderline (IQ 70-85)
532.02	mental retardation, mild (IQ 55-69)
534.03	mental retardation, moderate (IQ 40-54)
536.03	mental retardation, severe (IQ 25-39)
538.03	mental retardation, profound (IQ below 25)

Code	
	OTHER DISABLING CONDITIONS FOR WHICH ETIOLOGY IS NOT KNOWN OR IS NOT APPROPRIATE
	Other conditions resulting from neoplasms
600.03	colostomies resulting from malignant neoplasms
601.03	laryngectomies resulting from malignant neoplasms
602.03	leukemia and aleukemia
605.01	other malignant neoplasms
609.01	benign and unspecified neoplasms
	Allergic, endocrine system, metabolic and nutritional diseases
610.01	hay fever and asthma
611.01	other allergies
614.01	diabetes mellitus
615.01	other endocrine system disorders (except for code 616, cystic fibrosis)
616.03	cystic fibrosis
619.01	avitaminoses and other metabolic diseases
	Diseases of the blood and blood-forming organs
620.03	hemophilia
621.03	sympotomatic sickle cell anemia
629.01	other anemia and diseases of the blood and blood-forming organs (except code 602, leukemia and aleukemia)
	Other specified disorders of the nervous system
630.13	epilepsy, uncontrolled

(Continued on Page 13)

Code	
630.23	epilepsy, partially controlled
630.31	epilepsy, seizure free for two years
630.32	epilepsy, well controlled but not seizure free for two years
639.01	other disorders of the nervous system, n.e.c.
	Cardiac and circulatory conditions
640.01	congenital heart disease, New York Heart Association classification of 2B or better
640.02	congenital heart disease, New York Heart Association classification of 2C through 3B
640.03	congenital heart disease, New York Heart Association classification of 3C or worse
641.01	rheumatic fever and chronic rheumatic heart disease, New York Heart Association classification of 2B or better
641.02	rheumatic fever and chronic rheumatic heart disease, New York Heart Association classification of 2C through 3B
641.03	rheumatic fever and chronic rheumatic heart disease, New York Heart Association classification of 3C or worse
642.01	arteriosclerotic and degenerative heart disease, New York Heart Association classification of 2B or better
642.02	arteriosclerotic and degenerative heart disease, New York Heart Association classification of 2C through 3B
642.03	arteriosclerotic and degenerative heart disease, New York Heart Association classification of 3C or worse
643.01	other diseases or conditions of heart, New York Heart Association classification of 2B or better
643.02	other diseases or conditions of heart, New York Heart Association classification of 2C through 3B
643.03	other diseases or conditions of heart, New York Heart Association classification of 3C or worse
644.01	hypertensive heart disease, New York Heart Association classification of 2B or better
644.02	hypertensive heart disease, New York Heart Association classification of 2C through 3B
644.03	hypertensive heart disease, New York Heart Association classification of 3C or worse
645.01	other hypertensive disease
646.01	varicose veins and hemorrhoids
649.01	other conditions of circulatory system
	Respiratory diseases
650.01	tuberculosis of the respiratory system

Code	
	Respiratory diseases, if maximum breath capacity is more than 55 per cent of predicted capacity and the individual has no shortness of breath while climbing one flight of stairs or walking 100 yards on level ground
651.01	emphysema
652.01	pneumoconiosis and asbestosis
653.01	bronchiectasis
654.01	chronic bronchitis and sinusitis
659.01	other diseases of respiratory system
	Respiratory diseases, if maximum breath capacity is less than 55 per cent of predicted capacity or the individual experiences shortness of breath while climbing one flight of stairs or walking 100 yards on level ground
651.03	emphysema
652.03	pneumoconiosis and asbestosis
653.03	bronchiectasis
654.03	chronic bronchitis and sinusitis
659.03	other diseases of respiratory system
	Disorders of the digestive system
660.01	conditions of teeth and supporting structures
661.01	ulcer of stomach and duodenum
662.01	chronic enteritis and ulcerative colitis
663.01	hernia
664.02	colostomies (from other than malignant neoplasms)
669.01	other conditions of digestive system
670.01	conditions of genitourinary system (except code 671, end-stage renal failure)
671.03	end-stage renal failure
	Speech impairments
680.02	cleft palate and harelip with speech imperfections
682.01	stammering and stuttering
684.03	laryngectomies
685.03	aphasia resulting from intracranial hemorrhage, embolism or thrombosis (stroke)
689.01	other speech impairments (except code 685, aphasia, resulting from stroke)

Code	
	Disabling diseases and conditions, n.e.c.
690.01	diseases and conditions of the skin and cellular tissue, n.e.c.
699.01	other disabling diseases and conditions, n.e.c.
699.11	language and/or learning disabilities

II. CLASSIFICATION OF PSYCHOTIC DISORDERS FOR CODING PURPOSES

A. Mild

Minor distortions of thinking with little or no disturbance in activities of daily living. With provisions of rehabilitation services, can maintain independent living in the community and engage in competitive employment. Able to accept direction, maintain adequate interpersonal relations and concentrate sufficiently to perform job requirements. Only under occasional conditions of particular internal, social or economic stress, may require follow-up supervision, guidance or support. Includes one-time, short-term institutionalized dischargees doing well on medication.

B. Moderate

Definite disturbances of thinking with definite but mild disturbances in behavior. Includes hospital dischargees who require daily medication to avoid rehospitalization. With provision of rehabilitation services, capable of maintaining themselves in the community and of engaging in low-stress competitive employment, but at least initially requiring continuing supervision, guidance, motivation and support. Misunderstanding of instructions, activity, self-isolation, or over-reaction in gesture, speech or emotion may be displayed during the rehabilitation process and may cause concern to people in the work milieu.

C. Severe

(1) Severe disturbances of thinking and behavior that entail potential harm to self or others or (2) in the extreme, severe disturbances of all components of daily living, requiring constant supervision and care. Persons in category #1, with the provision of rehabilitation services, may be capable of maintaining themselves in the community and to engage in limited or sporadic productive activity only under continuing supervision in sheltered or protective environment, including halfway houses. Unable to communicate readily, have difficulty differentiating between fantasy and reality, behavior is disruptive and often menacing to others, engage in shouting, exhibit vulgarity, careless about dress and excretory functions, may make suicidal attempts necessitating continuing observation, professional intervention and medication, especially during early stages of the rehabilitation process.

III. CLASSIFICATION OF PSYCHONEUROTIC DISORDERS FOR CODING PURPOSES

A. Mild

Stress reactions to daily living without substantial loss of personal or social efficiency. With the provision of rehabilitation services, can maintain independent living in the community and engage in competitive employment. Can accept direction, maintain adequate interpersonal relations and concentrate sufficiently to perform job requirements. Only under occasional conditions of particular internal, social or economic stress will require supervision, guidance and support after placement.

B. Moderate

Stress reactions which modify patterns of daily living. Can maintain themselves in the community and perform adequately in low-stress competitive employment with the provision of rehabilitation services. May require medication and continuing supervision, motivation and support at least during early post-placement. Their fears, indecision, loss of interest or occasional odd behavior will be evident during the rehabilitation process, and may moderately interfere with job performance and other workers' activities in employment when stressful situations arise.

C. Severe

Stress reactions to daily living that result in continuing regression and tissue-organ pathology. Capable of productive work but only under sheltered, non-competitive conditions in a highly structured or protective environment, at least initially. May require continuing medication. Bizarre and disruptive behavior, loss of interest in activities of daily living and problems with memory and concentration will be evident both in the counseling process and in interaction with other workers, thus necessitating continuing supervision, guidance, motivation and support by professional staff in the work situation. Conversion reactions, poor eating and cleanliness habits may create considerable health problems.

IV. THE CLASSIFICATION AND CODING OF MENTAL RETARDATION

The definition of mental retardation used by RSA was developed in 1961 by the American Association of Mental Deficiency and is the one most generally accepted in the United States today. This reads as follows:

> Mental retardation refers to subaverage intellectual functioning which originates during the developmental period and is associated with impairment in adaptive behavior. This may be reflected in impairment of:

A. Maturation: rate of sequential development of self-help skills of infancy and early childhood.

B. Learning: the facility with which knowledge is acquired as a function of experience.

C. Social Adjustment: the degree to which the individual is able to maintain himself independently in the community and in gainful employment as well as by his ability to meet and conform to other personal and social responsibilities and standards set by the community.

* D. As so defined, subaverage general intellectual functioning refers to performance on an individual test of intelligence which is at least one standard deviation below the mean for the appropriate age group, or an IQ of about 85 on such commonly used tests as the Weschler Adult Intelligence Scale and the Stanford Binet. It is important to note that a measured intelligence quotient in and of itself is insufficient diagnostic evidence of the existence of mental retardation. The presence of maladaptive behavior associated with subnormal intellectual functioning must also be established. It is this factor of maladaptive behavior which is particularly important in determining whether an individual may or may not be classified as mentally retarded.

E. It is the behavioral component of mental retardation, rather than the measured intelligence quotient, which is more meaningful in determining the individual's need for Vocational Rehabilitation Services as well as his ultimate employment potential. At the same time, it must be realized that the IQ can be of great importance to the Counselor, especially in evaluating his client's readiness for academic training. The IQ should be obtained on the basis of an appropriate individual intelligence test administered by a qualified psychologist in all cases where the existence of mental retardation is suspected. This test must have been administered within the past three years. (For clients referred in the Cooperative School Program see RSM No. 08-10, Page 2.)

F. Not only because of its particular significance for vocational rehabilitation, but also because of its increasing acceptance within professional circles as the most meaningful indicator of severity of retardation, impairment in adaptive behavior will be used as the basic criterion for classifying mental retardates into five levels of function: borderline, mild, moderate, severe and profound. Those sometimes termed profoundly retarded are generally found in institutions, where they must receive continuing care and supervision, are incapable of gainful employment and are not suitable candidates for vocational rehabilitation.

For coding purposes, the five levels may be described as follows:

IQ 70-85 - Borderline (Disability Code 530.01)

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Borderline - Persons who, with the provision of appropriate educational, vocational and rehabilitative services, can become capable of independent living in the community and engage in competitive employment.

IQ 55-69 - Mild (Disability Code 532.02)

Mild - Persons capable of maintaining themselves in the community and performing adequately in competitive employment but who could require continuing supervision and assistance in the management of personal affairs.

IQ 40-54 - Moderate (Disability Code 534.03)

Moderate - Persons capable of productive work sometimes but not always, under sheltered, noncompetitive conditions in a protective environment. These individuals will likely require continuing supervision and assistance in the management of personal affairs.

IQ 25-39 - Severe (Disability Code 536.03)

Severe - Persons who are in the severe range of mental retardation could possibly be capable of limited productive work in a sheltered environment. Continuing supervision and assistance in the management of personal affairs will normally be required.

IQ Below 25 - Profound (Disability Code 538.03)

Normally, the profoundly mentally retarded person will not be capable of productive work, will not be eligible for VR Services and could possibly require residence in an institutional facility to maintain personal needs requirements.

G. It is realized that there are problems inherent in the practical application of a classification system based on adaptive behavior. Although there are no objective scales which will determine with reasonable objectivity the functioning level of adaptive behavior to which a retardate should be assigned, such measures as the Vineland Social Maturity scale and others may be helpful in this regard. It will, then, be necessary for the Counselor, in collaboration with the Psychologist, to make a judgment on the proper classification of his mentally retarded client, based on their personal observations of the client, a careful review of the case history and the results of a comprehensive medical-psychological-vocational evaluation, reports from schools and other agencies which may have been involved in the case and such other sources of information as may be available.