

Y 4
H 88

1043

9514
H 88
N 92
977-16

N 72/977-16

NOMINATION

GOVERNMENT
Storage

HEARING
BEFORE THE
COMMITTEE ON HUMAN RESOURCES
UNITED STATES SENATE
NINETY-FIFTH CONGRESS
FIRST SESSION
ON
ROBERT R. HUMPHREYS, OF OREGON, TO BE COMMISSIONER
OF THE REHABILITATION SERVICES ADMINISTRATION

SEPTEMBER 27, 1977

KSU LIBRARIES
A 11900 803464
006111A



Printed for the use of the Committee on Human Resources

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1977

97-742 O

4
88 H
11-119/27

COMMITTEE ON HUMAN RESOURCES

HARRISON A. WILLIAMS, Jr., New Jersey, *Chairman*

JENNINGS RANDOLPH, West Virginia

JACOB K. JAVITS, New York

CLAIBORNE PELL, Rhode Island

RICHARD S. SCHWEIKER, Pennsylvania

EDWARD M. KENNEDY, Massachusetts

ROBERT T. STAFFORD, Vermont

GAYLORD NELSON, Wisconsin

ORRIN G. HATCH, Utah

THOMAS F. EAGLETON, Missouri

JOHN H. CHAFEE, Rhode Island

ALAN CRANSTON, California

S. I. HAYAKAWA, California

WILLIAM D. HATHAWAY, Maine

DONALD W. RIEGLE, Jr., Michigan

STEPHEN J. PARADISE, *General Counsel and Staff Director*

MARJORIE M. WHITTAKER, *Chief Clerk*

DON A. ZIMMERMAN, *Minority Counsel*

(II)

NOMINATION

TUESDAY, SEPTEMBER 27, 1977

U.S. SENATE,
COMMITTEE ON HUMAN RESOURCES,
Washington, D.C.

The committee met, pursuant to call, in room 4232 of the Dirksen Senate Office Building, at 10:03 a.m., Senator Harrison A. Williams, Jr. (chairman) presiding.

Present: Senators Williams and Hatch.

The CHAIRMAN. The committee will come to order. We consider today the nomination of Robert R. Humphreys to be Commissioner of the Rehabilitation Services Administration. I am inserting my full statement for the record and I want to say that I am pleased that you are here in this capacity.

OPENING STATEMENT OF SENATOR WILLIAMS

The CHAIRMAN. Our next nominee presents the committee with a very special occasion. We welcome a very close friend of ours who has been nominated to a position which will be examined by this committee for the first time as a Presidential nomination which must be confirmed by the Senate. I am speaking, of course, of Bob Humphreys who since 1971 has been special counsel to this committee as a staff member of Senator Randolph's. Bob is nominated to be Commissioner of the Rehabilitation Services Administration.

RSA is, perhaps, the single most important agency in the Federal Government for adult disabled individuals. It is this agency which is responsible for providing direct restoration, rehabilitation, training, and counseling services to disabled persons and thus is an important basic foundation in the lives of many disabled persons. In recent years, rehabilitation programing has expanded beyond strict training, placement and counseling services and has shouldered the more difficult and critical task of rehabilitating very severely handicapped individuals. This trend is continuing and I know over the next several years, this program will be undergoing some more basic changes as a result of enactment of the Education for All Handicapped Children Act and the implementation of regulations which will shape the Federal Government's program to eliminate discrimination against the handicapped.

We are very pleased to know that someone of Bob's caliber, a good friend and a strong advocate of the independence of handicapped individuals, will be leading RSA through this period. I know I speak for all of us when I say we will miss your keen mind and gentle manner, but we will have you with us as a compatriot in the executive agency as we go forward to assist handicapped persons.

You get a different view of the world from over there, don't you, Bob?

Mr. HUMPHREYS. Indeed, Mr. Chairman.

Mr. CHAIRMAN. We are also glad to see that you are accompanied by your wife and daughter, too.

Mr. HUMPHREYS. Yes; I did want to acknowledge them—my wife, Natasha; my daughter, Tanya. I recognize the time constraints under which you are operating, so I will, as was the case with previous witnesses, not read my statement; it has been submitted for the record.

The CHAIRMAN. All right, before your statement, a magnificent statement will appear from Senator Randolph, who, as you know, is occupied on the Senate floor and can't be here. I would not call his a qualified statement of endorsement. I would say that it is most warm and glowing and we all, if we had the time, would make similar statements of appreciation that the President designated you for this position, which is close to our work and close to our hearts here on the Human Resources Committee. So much that you will work with as Commissioner are presented to you as tools by this committee. So we want to be very close in association.

I know that all that has come from our minds and our hearts and has gone into the various provisions of legislation that you will be working with. You understand fully because you have been here.

So we are greatly pleased.

You put the keystone on this very abbreviated hearing because we have to recess now. You put the keystone on with any short statement you want to make.

[The following statements and other materials were received for the record:]

REMARKS OF SENATOR JENNINGS RANDOLPH AT
HEARINGS ON BOB HUMPHREYS' NOMINATION

All of the Members of this Committee know Bob Humphreys since he has been with us for 6 years. He has served the Committee well as its Special Counsel. During the years Bob has served this Committee he has spent a good portion of his time on certain programs for the handicapped -- the Rehabilitation Act, the Randolph-Sheppard Act, and the Javits-Wagner-O'Day Act. I believe this experience has given Bob a sensitivity to and an understanding of the issues and the concerns of handicapped individuals. As Commissioner of the Rehabilitation Services Administration, this experience will be invaluable to him in his new role of implementing policies, planning and management of Federal programs for the handicapped.

As Bob undertakes his new role as an implementor of programs which are under the jurisdiction of the Subcommittee on the Handicapped, I am confident that his knowledge of the strong feelings the Members of the Subcommittee had during the development of this legislation, and in particular, the Rehabilitation Act, will be reflected in the future policies and procedures for carrying out the intent of the Congress.

Although Bob is physically leaving the Committee I feel sure we will be seeing a great deal of him as he continues to work with the staff in his new position.

I do not have any questions, but I would like to add one further statement. It is my understanding that Bob has already scheduled meetings with the staff of the Subcommittee on the Handicapped and others to discuss the proposed reorganization plan for the Office of Human Development. Several items were brought to the attention of the Subcommittee during its hearing on September 20, 1977. They included staffing, consolidation of programs, and the necessity to be responsive with regulations and reports as required in the laws administered by the Office of Human Development Services. I shall wait for a report from these meetings at which I hope all of these issues will be on the agenda and answers will be provided at that time.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

STATEMENT
OF
ROBERT R. HUMPHREYS
BEFORE THE
COMMITTEE ON HUMAN RESOURCES

UNITED STATES SENATE

ON HIS NOMINATION TO BE
COMMISSIONER
REHABILITATION SERVICES ADMINISTRATION

SEPTEMBER 27, 1977

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I FIRST WANT TO THANK SENATOR RANDOLPH FOR HIS WARM INTRODUCTION. I ALSO WANT TO THANK YOU, MR. CHAIRMAN, FOR THE EXPEDITIOUS SCHEDULING OF THIS HEARING TO CONSIDER MY NOMINATION TO BE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION.

I COME BEFORE YOU WITH MIXED EMOTIONS. AFTER SIX AND ONE-HALF YEARS AS A STAFF MEMBER TO THIS COMMITTEE, I NATURALLY REGRET LEAVING IT. YET, THERE WILL BE NO SEVERING OF RELATIONSHIPS AS FAR AS I AM CONCERNED, ONLY SOME MODIFICATIONS. IF I AM CONFIRMED BY THE SENATE, I WILL LOOK FORWARD TO WORKING WITH YOU AND WITH YOUR STAFFS, WHOM I HAVE COME TO KNOW SO WELL, ON MANY OF THE SAME MATTERS THAT HAVE BEEN OF MUTUAL CONCERN TO US IN THE PAST.

AS YOU KNOW, THIS IS THE FIRST OCCASION THAT A NOMINEE FOR COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION HAS COME TO THE SENATE FOR CONFIRMATION. I AM DEEPLY HONORED TO HAVE BEEN SELECTED FOR THAT POSITION. I WANT TO TAKE THIS OPPORTUNITY TO INDICATE THE SERIOUSNESS WITH WHICH I VIEW THIS MAJOR RESPONSIBILITY, AND TO ATTEMPT TO SET THE TONE FOR WHAT I HOPE WILL BE MY STEWARDSHIP OF THIS IMPORTANT POST.

BEGINNING WITH THE DEVELOPMENT OF THE REHABILITATION ACT OF 1973, THE MEMBERS OF THIS COMMITTEE AND THE SELECT SUBCOMMITTEE ON EDUCATION IN THE OTHER BODY RECOGNIZED THE NEED FOR STRONG NEW

INITIATIVES ON BEHALF OF DISABLED PEOPLE. THAT DEEP INTEREST AND CONCERN HAVE CONTINUED UNABATED. I AM A PRODUCT, AND A REFLECTION, OF THAT INTEREST AND CONCERN. TOO FEW PEOPLE ARE BLESSED WITH THE KIND OF TUTELAGE, AND EXAMPLE, AND HIGH STANDARDS OF PROFESSIONALISM TO WHICH I HAVE BEEN EXPOSED DURING MY TENURE WITH THIS COMMITTEE. I AM GRATEFUL TO SENATOR RANDOLPH, SENATOR WILLIAMS, SENATOR JAVITS, SENATOR CRANSTON, AND SENATOR STAFFORD, IN PARTICULAR, FOR THE KNOWLEDGE AND ATTITUDES YOU HAVE IMPARTED TO ME, DIRECTLY AND INDIRECTLY, OVER THE YEARS.

PRESIDENT CARTER, SECRETARY CALIFANO, AND ASSISTANT SECRETARY MARTINEZ HAVE SELECTED ME TO BEAR A MANTLE OF HEAVY RESPONSIBILITY AS A PRIMARY ADVOCATE FOR HANDICAPPED INDIVIDUALS IN THIS ADMINISTRATION, AND TO GUIDE A VITALLY IMPORTANT PROGRAM. I ACCEPT THE CHALLENGE WITHOUT RESERVATION, BUT WITH HUMILITY.

I BELIEVE THAT THIS NATION IS AT THE THRESHOLD OF AN EXPLOSION OF RECOGNITION OF THE RIGHTS AND NEEDS OF PEOPLE WITH DISABILITIES. SECTION 504 REGULATIONS AT LAST HAVE BEEN PROMULGATED, AND TECHNICAL ASSISTANCE PLANS ARE UNDER DEVELOPMENT. THE ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD IS BEGINNING TO EXERT ITS AUTHORITY THROUGH COMPLIANCE ORDERS. THE WHITE HOUSE CONFERENCE ON HANDICAPPED INDIVIDUALS HAS CONCLUDED, AND ITS RECOMMENDATIONS AND THE IMPLEMENTATION PLAN RELATED THERETO WILL SOON BE FORTHCOMING. THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT IS A REALITY--MAJOR CHANGES ARE UNDERWAY IN OUR

PUBLIC SCHOOL SYSTEM TO ACCOMMODATE HANDICAPPED YOUNGSTERS. WE HAVE AN ADMINISTRATION THAT IS COMMITTED TO THE ELIMINATION OF DISCRIMINATION AGAINST DISABLED PEOPLE AND TO THE EXPANSION OF AFFIRMATIVE ACTION. PRESIDENT CARTER ADVANCED THIS AS HIS ADMINISTRATION'S POLICY WHEN HE ADDRESSED THE WHITE HOUSE CONFERENCE. SECRETARY CALIFANO REITERATED THAT POLICY IN HIS SEPTEMBER 10 SPEECH TO THE NATIONAL REHABILITATION ASSOCIATION. HE SAID: "WE WANT TO HELP HANDICAPPED CITIZENS GAIN, IN THE YEARS TO COME, THE SAME MAJOR ADVANCES IN CIVIL RIGHTS AND ENTITLEMENTS THAT WOMEN AND BLACK CITIZENS HAVE GAINED IN RECENT YEARS."

IN ORDER TO FULFILL THIS GOAL, MUCH WILL HAVE TO BE DONE BY MANY. TO THIS POINT WE HAVE ONLY SCRATCHED THE SURFACE IN ATTEMPTING ON A STATE, FEDERAL, AND LOCAL LEVEL, TO PROVIDE THE SERVICES REQUIRED BY HANDICAPPED INDIVIDUALS. FOR EXAMPLE, A TREMENDOUS GAP EXISTS IN THE PROVISION OF NONVOCATIONAL SERVICES. ASIDE FROM NONSPECIFIC TITLE XX FUNDS, SUPPLEMENTAL SECURITY INCOME, SSDI, AND WELFARE PAYMENTS, LITTLE HAS BEEN DONE FOR SEVERELY HANDICAPPED INDIVIDUALS WITH NO IMMEDIATE VOCATIONAL GOAL.

I WOULD LIKE TO SEE THE PROMPT INITIATION OF A SUBSTANTIAL PROGRAM OF INDEPENDENT LIVING REHABILITATION. THERE MUST BE CONSIDERABLY GREATER EMPHASIS ON VOCATIONAL REHABILITATION SERVICES FOR SEVERELY DISABLED PEOPLE. EFFORTS MUST BE MADE TO EXPAND GREATLY BOTH OUTREACH AND FOLLOWUP SERVICES. THE

RESULTS OF RESEARCH AND ENGINEERING EFFORTS MUST BE BETTER RELATED TO THE REHABILITATION SERVICES ADMINISTRATION MISSION, AND FURTHER MUST BE TRANSLATED TO THE SERVICE DELIVERY SYSTEM. WAYS MUST BE FOUND TO MAKE SUCH TRANSFERS MORE QUICKLY. MANY ADDITIONAL CLIENT ASSISTANCE PROJECTS SHOULD BE INITIATED, AND ADVOCACY SERVICES SHOULD BE PROMOTED. MUCH MORE VIGOR MUST BE EXERTED IN OBTAINING SIMILAR BENEFITS AND THERE SHOULD BE CAREFUL MONITORING OF THIRD-PARTY COOPERATIVE AGREEMENTS. NEW EFFORTS MUST BE MADE TO IMPROVE SERVICES TO AMERICAN INDIANS. THE MOST NEEDY OF OUR POPULATION--THOSE WITH MULTIPLE DISADVANTAGES OF LOW INCOME, PHYSICAL OR MENTAL DISABILITY, RACIAL MINORITY STATUS--MUST BE GIVEN SPECIAL ATTENTION.

I HAVE BRIEFLY OUTLINED SOME OF THE MAJOR PROGRAM IMPROVEMENTS I HOPE TO PURSUE, THE SENATE WILLING, SOON AFTER I TAKE OFFICE. WITH YOUR INITIATIVE AND GUIDANCE, AND THAT OF HANDICAPPED ORGANIZATIONS AND OTHER GROUPS, I ANTICIPATE THAT MANY OTHER SIGNIFICANT IMPROVEMENTS CAN AND WILL BE ADVANCED.

IN THE CONTEXT OF THE POSITION I SEEK, I HAVE BUT ONE GUIDING PRINCIPAL--TO DO THE VERY BEST I CAN TO SERVE PEOPLE WITH DISABILITIES. THROUGH COOPERATION, MUTUAL TRUST, AND HARD WORK, THE CONGRESS AND THE EXECUTIVE BRANCH CAN EFFECT CHANGES THAT WILL ENHANCE THE LIVES OF MILLIONS OF OUR FELLOW HUMAN BEINGS. I CAN THINK OF NO PURPOSE THAT IS MORE NOBLE.

THANK YOU FOR AFFORDING ME THIS OPPORTUNITY TO MEET WITH YOU AGAIN. I WILL ALWAYS TREASURE MY ASSOCIATION WITH THIS, THE "PEOPLE COMMITTEE."

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, THIS CONCLUDES MY PREPARED STATEMENT. I WILL BE HAPPY TO RESPOND TO ANY QUESTIONS, ORALLY OR IN WRITING.

ROBERT R. HUMPHREYS

Biographical Sketch

Robert R. Humphreys has been nominated by President Carter to be Commissioner of the Rehabilitation Services Administration in the Office of Human Development Services, Department of Health, Education, and Welfare.

If confirmed by the U. S. Senate for this position, Mr. Humphreys will direct the nearly \$1 billion State-Federal Vocational Rehabilitation program which serves some 1.2 million handicapped Americans annually. He will also head the new Administration for Handicapped Individuals which will coordinate several offices relating to people with disabilities, including the Developmental Disabilities Office, The President's Committee on Mental Retardation, and the White House Conference on Handicapped Individuals.

Since 1971 Mr. Humphreys has served as Special Counsel to the U. S. Senate Committee on Human Resources. He was the principal Senate draftsman of several major laws, including the Rehabilitation Act of 1973 and the Randolph-Sheppard Act Amendments--both of which are the legislative authorities governing the programs of the Rehabilitation Services Administration--and the Black Lung Benefits Act.

He has also had a substantial role in developing many other measures relating to labor, handicapped people, aging, health, employment, drug abuse, children and youth, and volunteer programs.

He has served as incorporator, director, treasurer, and counsel for the National Center for Barrier Free Environment, a nonprofit corporation promoting access for handicapped individuals.

He has received awards for his work on behalf of disabled persons and has been a principal speaker at meetings and conventions.

From 1963 to 1964 he was a law clerk with Barco, Cook and Patton. In 1964, he held a similar position with the firm of Keller and Heckman of Washington, D. C.

From 1965 to 1971 he held positions with the Air Transport Association of America, first as manager of Public Affairs Services, and from 1966 to 1971 as assistant to the Vice President for Federal Affairs.

He was a lieutenant in the U. S. Army from 1959 to 1962.

Born in Eugene, Oregon, May 7, 1938, Mr. Humphreys received his B.A. degree in political science in 1959 from the University of Washington in Seattle.

He received his LL.B. degree in 1965 from the George Washington University Law School, Washington, D.C.

He is a member of both the Virginia State and the District of Columbia Bar Associations. He is also a member of the George Washington Law Association and Phi Delta Phi legal fraternity.

He resides with his wife and two children in Alexandria, Virginia.

ROBERT R. HUMPHREYS

PROFESSIONAL EXPERIENCE --

1971-- UNITED STATES SENATE
Special Counsel, Committee on Human Resources.

Chief legislative advisor on Committee to Senator Jennings Randolph, ranking majority member. Sole or principal architect of several major bills which have become law, including Black Lung Benefits Act, Rehabilitation Act of 1973, and Randolph-Sheppard Act Amendments. Substantial role in developing some 50 other measures relating to labor, handicapped individuals, aging, health, employment, drug abuse, children and youth, volunteer programs. Write Committee Reports, floor statements, speeches, analyses, and position papers. Work with Senators, Representatives, Committee staff, upper level Executive Branch personnel. Consult with State agencies, industry, labor, service organizations, news media.

1966-- AIR TRANSPORT ASSOCIATION OF AMERICA
 1971 Assistant to Vice President, Federal Affairs.

Liaison with congressional committees on aviation-related legislation. Worked with Department of Transportation, aviation and other transportation industry groups. Helped develop airline legislative policies, wrote position papers. Assumed duties of Vice President in his absence.

1965-- AIR TRANSPORT ASSOCIATION OF AMERICA
 1966 Manager, Public Affairs Services.

Analyzed State legislation, liaison with airline public affairs representatives. Generally assisted Vice President, Public Affairs.

1964 KELLER AND HECKMAN
Law Clerk.

Research, legal memoranda, letters, preparation of pleadings, applications to FCC. Wrote articles for industrial communications newsletter.

1963-- BARCO, COOK AND PATTON
 1964 Law Clerk.

Legal research, analysis of international problems (admitting Red China to United Nations, stability in Arab countries, feasibility of sugar plant in Uganda); contact with State, Commerce Departments.

MILITARY EXPERIENCE--

1959-- U. S. Army Officer. As Second Lieutenant completed
 1962 Basic Transportation Officers' Course, taught military English to foreign officers. Completed fixed wing officers' course (primary, tactical, and instrument phases); compiled over 700 hours flight time. Aviator, test pilot, aviation company supply, production control officer. Honorably discharged as First Lieutenant.

EDUCATION--

1962-- George Washington University Law School, Washington, D.C.
 1965 LL.B. degree--June 1965. Trustee scholarship 1963-1964. Apprentice staff member, George Washington Law Review
 1963-1964. Case note published 32 Geo. Wash. L. Rev. 398 (1964). Appointed Recent Decisions Editor 1964. Representative to American Law Student Association Circuit Conference.

1955-- University of Washington, Seattle, Washington. B.A.
 1959 degree-- June 1959. Major--Political Science, minor--Psychology. President, Sigma Alpha Epsilon social fraternity; member, Interfraternity Council; Purple Shield underclass honorary; Oval Club upperclass honorary; Pershing Rifles and Scabbard and Blade military honoraries; Battalion Commander, ROTC; Distinguished Military Graduate. Varsity rowing and swimming. Private Pilot's license awarded 1959.

MEMBERSHIPS, AWARDS, PUBLICATIONS--

Virginia State Bar, admitted August 1965. District of Columbia Bar, admitted January 1966. George Washington Law Association. Phi Delta Phi legal fraternity.

Incorporator, Director, Treasurer, and Counsel of the National Center for a Barrier Free Environment, a nonprofit corporation promoting access of handicapped individuals to manmade environment.

Faculty participant, The Postgraduate Institute, Prince Georges Hospital Center, October 1975, for hospital administrators in the mid-Atlantic region, on the subject of the National Health Planning and Resources Development Act.

Speaker, National Convention of the Randolph-Sheppard Vendors of America, Chicago, July 1974. Received plaque for efforts on behalf of blind vendors. Also recipient of award from Maryland Randolph-Sheppard Vendors, 1974.

Speaker, Convention of the National Council of State Agencies for the Blind, San Antonio, Texas, March 1975. Speech reprinted in Congressional Record on insertion by Representative John Brademas, May 22, 1975, at page E 2728. Printed as an article in the Journal of Applied Rehabilitation Counseling, vol. 6, Spring 1975, at pages twelve- through 20.

Speaker, Convention of the American Coalition of Citizens with Disabilities, Washington, D. C., April 26, 1976.

Member, Fairfax County Democratic Committee, 1972-1974. Vice President, Civic Association of Hollin Hills, 1973. President, Hollin Hills Elementary School PTA, 1972.

PERSONAL NOTES--

Born May 7, 1938, in Eugene, Oregon. Married, two children. Wife graduated from Pennsylvania State University (B.A.), Georgetown University (M.S.), is candidate for Ph.D. at Georgetown University.

STATEMENT OF ROBERT R. HUMPHREYS, NOMINEE TO BE COMMISSIONER OF THE REHABILITATION SERVICES ADMINISTRATION

Mr. HUMPHREYS. Mr. Chairman, I am deeply appreciative of the courtesy that has been given to me in so quickly organizing this hearing and the committee considering my nomination. I pledge to you earnestly my intention to cooperate fully and effectively in implementing the Rehabilitation Act, the Randolph-Sheppard Act, and in discussing the proposed reorganization efforts of the Office of Human Development Services. I have been in contact with Mrs. Forsythe concerning a staff meeting which I hope we will be able to organize next week for all interested staff, not just from this committee but from the House side as well and from the Appropriations Committees, to very deeply and very much in detail discuss the issues that are involved in that reorganization, and to acquire your knowledge and views.

I most of all pledge my deep and continuing devotion to the cause and the needs and the requirements for services to disabled people, and I will work to the very best of my ability to promote those programs over which I have jurisdiction.

The CHAIRMAN. Bob, on the question of reorganization, do you anticipate recommending legislation to accomplish reorganization?

Mr. HUMPHREYS. Mr. Chairman, I don't really know how the final picture will look. I don't even know that the boxes are set in concrete yet. If you in your view believe that legislation is required or desired, then I am sure that I would be supportive of that, and Assistant Secretary Martinez would be supportive of that.

The Chairman. You will have divided responsibilities. How will your time be spent in the two areas of your activity—as Administrator and as Commissioner?

Mr. HUMPHREYS. Well, I view the job of Administrator or Commissioner of the Administration on Handicapped Individuals to in all likelihood be primarily a coordinating function. To that extent I feel that most of my time, a great deal of my time, will be devoted to the operation of the Rehabilitation Services Administration—that is nearly a billion-dollar program.

But I find this more of an opportunity than a impediment, because of the fact that these programs over which I will have responsibility have not really been well coordinated in the past, and program decisions and policy determinations have really not been made in concert, so that as a result each has gone its own way.

My single guiding purpose is to better serve people who are disabled, and to the extent that this organization will effectuate that goal then I am supportive of it. And I will do my best to effectuate coordination not only among those offices under the AHI, but also in coordination with other departments and the private sector. So there is going to be a lot of coordination going on which I will take initiatives in accomplishing.

Let me say that I, too, just as the previous witnesses, will be most happy to appear before you, discuss with you in private or in public or in any other way, any problems that you see with the administration of the programs over which I would have direction. And I am most anxious to consult with each and every one of you.

The CHAIRMAN. Thank you. Excellent. We are very pleased that you have been nominated to this. I have other question which I will submit for the record.

[The responses to questions from Senators Williams and Javits follow:]

RESPONSES TO WRITTEN QUESTIONS SUBMITTED BY MEMBERS OF THE
COMMITTEE ON HUMAN RESOURCES, U.S. SENATE, TO ROBERT R. HUMPHREYS

RESPONSES TO SENATOR WILLIAMS .

QUESTION

T. Under the announced reorganization of the Office of Human Development, you would serve as both the Commissioner of the Rehabilitation Services Administration and also as the Administrator of the Administration on Handicapped Individuals.

A. You worked on the legislation which set up RSA and know the intent of Congress was to set up an agency which would not have to report through an agency with a broader welfare-oriented charge. How do you see this reorganization as conforming with the law.

ANSWER

A. As you know, the General Counsel's Office, HEW, has developed an opinion which confirms the legality of the reorganization with respect to the reporting relationship of the Commissioner, RSA, to the Assistant Secretary, HDS. Section 3(a) of the Rehabilitation Act of 1973, as amended, provides that the Commissioner shall report to the Secretary, the Under Secretary, or an appropriate Assistant Secretary. So long as the AHI Commissioner and the RSA Commissioner are the same individual, this reporting requirement is not violated, in my opinion. It may be that this construction strains somewhat the provision of Section 3(a). If the Department subsequently concurs that this is so, I would anticipate its support for, or acquiescence in, a modification in the law.

QUESTION

B. How will you be able to effectively administrate both the RSA and the AHI. How do you see this reorganization helping the Office of Human Development give better service to handicapped individuals?

ANSWER

B. I believe that, with an appropriate organizational structure for AHI and RSA, I will be able to administer adequately the RSA program, the DDO program, and the activities of the President's Committee on Mental Retardation.

The reorganization is not complete, and neither the relationships between the Assistant Secretary's office and the Administration for Handicapped Individuals, nor between AHI and RSA and the other components, have been determined. However, I have a conception of how AHI should be structured. I don't want to predetermine the structure, but in light of the question asked, I will give a tentative observation.

Essentially, I visualize the AHI office as a coordinative and support office. Administrative functions that can be more efficiently handled at the AHI level should be placed there. That office should also serve as a focal point for policy and planning decisions that involve matters broader than the operation of RSA or DDO.

In that context I am confident that I can be effective both as Commissioner of RSA and as head of AHI. If we are to expand services to disabled people - and I know you are as vitally interested in doing that as I am - then better coordination between programs and disciplines affecting disabled people must be instituted, whether or not there is an AHI. Someone has to preside over that coordination, and it makes sense for that person to be one whose primary concern is service to handicapped individuals.

Indeed, rather than detracting from my ability to direct RSA, I believe that my assumption of duties as AHI head will enhance my effectiveness as RSA Commissioner. By assuming a broader role I can begin to de-compartmentalize the approach to services for the disabled population and work toward the development of plans and programs that will improve and expand such services, and fill in the gaps which now exist.

This concept will become increasingly significant as we consider the establishment of a program for the delivery of comprehensive non-vocational services to disabled individuals. DDO and PCMR, which are now placed under AHI, are concerned with populations that desperately need independent living, or nonvocational, services.

Thousands of severely handicapped individuals are rejected by the VR program, and thousands of others are eliminated early in the rehabilitation process because they are determined not to have reasonable prospects for employment. Additional thousands are rehabilitated for non-remunerative or subminimal "employment." These people are prime candidates for additional, non-vocationally oriented services.

What is more, I have every reason to believe that vocational goals can be achieved by many of those who are now considered to be unemployable if they can obtain additional services. This will in turn enhance the VR program.

This has been an overly long excursion, but I think it's important to point up the potential for positive improvement as a result of the reorganization. If it doesn't work out that way, we can go back to the old way of doing business, or think up a new one.

QUESTION

C. How much time would you anticipate devoting to RSA--and to each of the other programs?

ANSWER

C. I would anticipate that a substantial majority of my time will be devoted to RSA because of its size and complexity. I would rely

heavily on the executive staff of the DDO Office and PCMR for day to day operations of those entities, as well as for program and policy recommendations.

QUESTION

D. Will you recommend that legislation be submitted to accomplish this reorganization.

ANSWER

D. As I suggested in my response to question 1A, if it appears that the supervision of the AHL structure strains Section 3(a), I would recommend a legislative change. It is entirely possible that the organization finally established will not be structured as it has thus far been proposed. Thus, it may be that no amendment to the Rehabilitation Act will be determined to be necessary or appropriate.

QUESTION

2. Independent living services for severely disabled individuals is a concept I believe we must move forward with in a vigorous fashion--giving encouragement to stronger consumer involvement. How do you see programs for independent living as best being implemented and how will you coordinate these efforts with other government programs?

ANSWER

2. I agree that nonvocational services to disabled people are urgently needed. At this point, I am of the opinion that the proper form of delivery for such services has not been established. Although a few demonstration projects under Section 130 of the Rehabilitation Act have been funded by RSA, and still others are supported through State VR agencies without Federal support, we do not have sufficient experience to select one as a model, nor to determine whether a variety of concepts should be supported on a continuing basis.

Thus, I would hope that independent living projects would be expanded on a gradual basis, so that after a substantial three-year demonstration, we could with confidence support a more extensive service program that has a defined role and structure.

As with other program areas, I expect to actively increase coordination with other government agencies. I believe the service delivery, research and engineering capacities of the programs I will administer can be expanded and enhanced through such coordination.

QUESTION

3. The vocational rehabilitation program only meets the needs of a small proportion of the population. How can we expand services and assure that all people in need get these services?

ANSWER

3. Independent living is one exciting prospect for expansion of services to our disabled population. As Public Law 94-142 and Sections 503 and 504

of the Rehabilitation Act are implemented, demands for additional services to disabled persons will increase. Through coordination of resources and careful husbanding of resources, we can meet additional needs. Clearly, the need cannot be met fully when economic and budgetary constraints are so severe. As with every other federally supported human service programs, there is unlimited competition for highly limited resources.

QUESTION

4. If you are confirmed, how will you insure consumer participation so that consumers will have an active role in developing the policy direction for RSA programs?

ANSWER

4. I intend to bring consumer views to bear on as many aspects of the RSA program as possible. It is my strong belief that disabled people know better than Federal or State or local government what their needs are. Those needs should be expressed fully and freely, and I will be eager to receive them. Within the limits of what is possible and feasible, I want to be as fully responsive as I can be to consumer positions, advice, and guidance.

QUESTION

5. The regulations for Section 504 of the Rehabilitation Act of 1973 have recently been signed. What role, if any, do you perceive the RSA programs-- here and in the field--playing in the implementation and provision services under the regulations?

ANSWER

5. RSA will play a major role in the implementation of Section 504. As you know, Secretary Califano has designated the Office of Civil Rights as the lead HEW unit for implementing Section 504; however, the Secretary and OCR recognize that RSA is a highly valued resource for this purpose. RSA and State VR agencies have far more extensive experience in dealing with the broad needs of disabled persons than any other HEW program office, and this experience will not be wasted. It is my hope that additional staffing will be available, both in the central RSA office and in each region, for the purpose of providing technical support for Section 504 implementation.

QUESTION

6. In your statement you mentioned that there currently exists a lack of nonvocational services for the severely disabled person. Do you see these services being provided and what role should RSA play?

ANSWER

6. The answer to this question in large part has been answered in response to questions 2 and 3. RSA will have a major role to play in the provision of nonvocational services. As you know, a substantial amount of such services are currently being provided through extended evaluation, medical rehabilitation, and special projects. It is likely that State VR agencies, under an expanded independent living demonstration program, will continue to

provide these and other services, albeit not to the exclusion of other providers. The form and detail of a special independent living program must be developed, but I see AHI providing the necessary overview for the operation of a variety of projects.

QUESTION

7. Senator Javits and I have recently co-sponsored a bill which would change the current Hill-Burton formula to a formula based on population. We have done this because the current formula provides unequal payments per handicapped person in the various States. You have been aware of this problem. Will you support a change in the formula to more adequately meet these needs?

ANSWER

7. The formula question will be considered in preparation for our proposals to amend the Rehabilitation Act. It is my hope that such proposals can be put into final form by the end of the year. I believe it would be inappropriate for me to express either support or opposition with respect to a change in the allocation formula at this time.

QUESTION

8. Under Title II of the Rehabilitation Act, we have mandated that extensive training and research programs be carried out, including biomedical engineering research, the training of specialized personnel to meet the specific needs of handicapped individuals and the development of the capability to explore more adequately technological developments to compensate for some disabilities. In the past, however, there has been little emphasis given to practical application and development? Will you move in this direction?

ANSWER

8. Yes. I feel most strongly that a major, continuing effort should be made to transfer new technology, research, engineering, and biomedical advances to the field where they will be of utility to people who are disabled. I intend to insure that progress is made in this area through planning and a coordinated research, demonstration, and evaluation strategy.

RESPONSES TO SENATOR JAVITS

QUESTION

* Rehab formula:

Chairman Williams and myself, with other cosponsors, have introduced S. 2042, a bill to amend the present state grant formula--by phasing in over a 5-year period, a formula based upon relative population of the states. We believe this approach to be both fair and practical.

We have requested the views of the President, Secretary Califano, and Assistant Secretary Martinez.

As Commissioner of Rehabilitation Services, will you examine the formula, and provide us your views in a timely fashion?

ANSWER

As I indicated in response to a similar question from Senator Williams, the formula issue is under study, and I do not believe it is appropriate to comment at this point. You may be assured that you will have my views on this important matter at, or prior to, the anticipated consideration by the Committee on Human Resources of reauthorization legislation for the Rehabilitation Act.

QUESTION

*HEW Reorganization:

Under the proposed reorganization of HEW's Office of Human Development Services, there is established an Administrator for Handicapped Individuals. You are to be named Director of this Administration for Handicapped Individuals in addition to your duties as Commissioner of RSA.

How can you fully carry out both duties?

ANSWER

A similar question was posed by Senator Williams. A copy of my response to this and other questions raised by the Chairman is attached.

QUESTION

What assurance can you give us that under such a reorganization the other offices of the Administration for Handicapped Individuals, for example, the Developmental Disabilities Office, the President's Committee on Mental Retardation, which have different goals than the Rehabilitation program, will not become subordinate to the interests of RSA (which you will also head)?

ANSWER

Because the reorganization of the Office of Human Development Services is not complete, I cannot indicate the structure of any of the offices placed under AHI. I can assure you, however, that there will be no subordination or dilution of the goals or interests of either the Developmental Disabilities Office of the President's Committee on Mental Retardation. I am committed to improving and expanding all services in all disability categories for all ages of people. Facilitation of that commitment is a major justification, in my view, for the reorganization.

Mr. HUMPHREYS. Thank you.
The CHAIRMAN. We stand adjourned.
[The committee adjourned at 11:05 a.m.]













