

Public Law 95-602
95th Congress

An Act

To amend the Rehabilitation Act of 1973 to extend certain programs established in such Act, to establish a community service employment program for handicapped individuals, and to provide comprehensive services for independent living for handicapped individuals, to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs under that Act, and for other purposes.

Nov. 6, 1978

[H.R. 12467]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978".

Rehabilitation,
Comprehensive
Services, and
Developmental
Disabilities
Amendments of
1978.

29 USC 701 note.

TITLE I—AMENDMENTS TO THE REHABILITATION ACT
OF 1973

VOCATIONAL REHABILITATION SERVICES; AUTHORIZATION OF APPROPRIATIONS; ALLOTMENTS

SEC. 101. (a) Section 100(b) of the Rehabilitation Act of 1973 is amended—

Federal grants.
29 USC 720.

(1) in subsection (b) (1), by adding at the end the following: "There is further authorized to be appropriated for such purpose \$808,000,000 for the fiscal year ending September 30, 1979, and the amount determined under subsection (c) for the three succeeding fiscal years but in no event shall the amount appropriated be greater than \$880,000,000 for the fiscal year ending September 30, 1980, \$945,000,000 for the fiscal year ending September 30, 1981, and \$972,000,000 for the fiscal year ending September 30, 1982.";

(2) by amending subsection (b) (2) to read as follows:

"(2) For the purpose of allotments under section 120(a) (1), there are authorized to be appropriated \$45,000,000 for the fiscal year ending September 30, 1979, \$50,000,000 for the fiscal year ending September 30, 1980, \$55,000,000 for the fiscal year ending September 30, 1981, and \$60,000,000 for the fiscal year ending September 30, 1982. There are further authorized to be appropriated for such purpose for each such year such additional sums as the Congress may determine to be necessary."; and

29 USC 740.

(3) by adding at the end the following new paragraph:

"(3) For the purpose of making grants to Indian tribes under part D of this title, there are authorized to be appropriated for the fiscal year ending September 30, 1979, and for each of the three fiscal years thereafter, in addition to any other amounts authorized to be appropriated under this section, such sums as may be necessary for such fiscal year, but not more than an amount equal to 1 percent of the amount appropriated for that fiscal year under paragraph (1) of this subsection."

Indian tribes.
Post, p. 2961.

(b) Section 100 of the Rehabilitation Act of 1973 is amended by adding at the end the following new subsection:

"(c) (1) No later than November 15 of each fiscal year (beginning with the fiscal year 1979), the Secretary of Labor shall publish in the Federal Register the percentage change in the price index published

Percentage
change in price
index,
publication in
Federal Register.

for October of the preceding fiscal year and October of the fiscal year in which such publication is made.

“(2) (A) If in any fiscal year the percentage change published under paragraph (1) indicates an increase in the price index, then the amount authorized to be appropriated under subsection (b) (1) for the subsequent fiscal year is the amount authorized to be appropriated for the fiscal year in which the publication is made under paragraph (1) increased by such percentage change.

“(B) If in any fiscal year the percentage change published under paragraph (1) does not indicate an increase in the price index, then the amount authorized to be appropriated under subsection (b) (1) for the subsequent fiscal year is the amount authorized to be appropriated for the fiscal year in which the publication is made under paragraph (1).

“Price index”.

“(3) For purposes of this subsection, the term ‘price index’ means the Consumer Price Index for All Urban Consumers, published monthly by the Bureau of Labor Statistics.”

29 USC 730.

(c) Section 110(a) of the Rehabilitation Act of 1973 is amended to read as follows:

29 USC 720.

“SEC. 110. (a) (1) For each fiscal year beginning before October 1, 1978, each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized to be appropriated under section 100(b) (1) for allotment under this section as the product of (A) the population of the State, and (B) the square of its allotment percentage, bears to the sum of the corresponding products for all the States.

“(2) (A) For each fiscal year beginning on or after October 1, 1978, each State shall be entitled to an allotment in an amount equal to the amount such State received under paragraph (1) for the fiscal year ending September 30, 1978, and an additional amount determined pursuant to subparagraph (B) of this paragraph.

Ante, p. 2955.

“(B) For each fiscal year beginning on or after October 1, 1978, each State shall be entitled to an allotment, from any amount authorized to be appropriated for such fiscal year under section 100(b) (1) for allotment under this section in excess of the amount appropriated under section 100(b) (1) for the fiscal year ending September 30, 1978, in an amount equal to the sum of—

“(i) an amount bearing the same ratio to 50 percent of such excess amount as the product of the population of the State and the square of its allotment percentage bears to the sum of the corresponding products for all the States; and

“(ii) an amount bearing the same ratio to 50 percent of such excess amount as the product of the population of the State and its allotment percentage bears to the sum of the corresponding products for all the States.

“(3) The sum of the payment to any State (other than Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands) under this subsection for any fiscal year which is less than one-third of 1 percent of the amount appropriated under section 100(b) (1), or \$3,000,000, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotment to each of the remaining such States under this subsection, but with such adjustments as may be necessary to prevent the sum of the allotments made under this subsection to any such remaining State from being thereby reduced to less than that amount.”

(d) Section 110(b) of the Rehabilitation Act of 1973 is amended by inserting "(1)" after "(b)", by striking out the last sentence, and by adding at the end thereof the following new paragraphs: 29 USC 730.

"(2) If a State receives as its Federal share under section 111(a) for any fiscal year, as a result of the maintenance of effort provisions of such section, less than 80 percent of the expenditure of such State for vocational rehabilitation services under the plan for such State approved under section 101 (including any amount expended by such State for the administration of the State plan but excluding any amount expended by such State from non-Federal sources for construction under such plan), such State shall be entitled to an additional payment for such fiscal year, 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 an amount equal to 80 percent of such expenditure for vocational rehabilitation services. 29 USC 731.

"(3) Any payment 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." 29 USC 721.

(e) (1) The second sentence of section 120(a) (1) of the Rehabilitation Act of 1973 is amended by striking out "three" and inserting in lieu thereof "five". 29 USC 740.

(2) The first sentence of section 121(b) of the Rehabilitation Act of 1973 is amended by striking out "September 30, 1979" and inserting in lieu thereof "September 30, 1982". 29 USC 741.

STATE PLANS

SEC. 102. (a) Section 101(a) of the Rehabilitation Act of 1973 is amended— 29 USC 721.

(1) by striking out "For each fiscal year in which" and all that follows through the dash and inserting in lieu thereof the following: "In order to be eligible to participate in programs under this title, a State shall submit to the Commissioner a State plan for vocational rehabilitation services for a three-year period and, upon request of the Commissioner, shall make such annual revisions in the plan as may be necessary. Each such plan shall—"; Submittal to Commissioner.

(2) in paragraph (5) (A) by inserting after "handicaps" the first place it appears the following: "and a description of the method to be used to utilize existing rehabilitation facilities to the maximum extent feasible";

(3) in paragraph (6) by inserting "(A)" after "(6)", by inserting "and" after the semicolon the second place it appears, and by adding at the end the following new subparagraph:

"(B) provide satisfactory assurances that facilities used in connection with the delivery of services assisted under the plan will comply with the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968;" 42 USC 4151 note.

(4) in paragraph (7) by striking out "and" at the end of clause (A), and by inserting before the semicolon at the end thereof a comma and the following: "and (C) provisions relating to the establishment and maintenance of minimum standards to assure the availability of personnel, to the maximum extent feasible, trained to communicate in the client's native language or mode of communication";

(5) in clause (C) of paragraph (9) by striking out "under section 401" and inserting in lieu thereof "under section 13";

(6) in paragraph (11) by inserting before the semicolon the following: “(specifically including arrangements for the coordination of services to individuals eligible for services under this Act, the Education of the Handicapped Act, and the Vocational Education Act)”;

20 USC 1401
note.

20 USC 2301
note.

(7) in paragraph (12) by inserting “(A)” after “(12)”, by inserting after the semicolon “and”, and by adding at the end the following new subparagraph:

“(B) provide (as appropriate) for entering into agreements with the operators of rehabilitation facilities for the provision of services for the rehabilitation of handicapped individuals;”;

(8) in paragraph (15) by striking out “(including the State’s needs for rehabilitation facilities)” and inserting in lieu thereof “(including the capacity and condition of rehabilitation facilities, plans for improving such facilities, and policies for the use thereof by the State agency)”;

(9) in paragraph (18) by inserting “personnel” before “working in the field of vocational rehabilitation” and by striking out “and” at the end thereof;

(10) in paragraph (19) by striking out the period and by inserting in lieu thereof a semicolon; and

(11) by adding at the end thereof the following new paragraphs:

Handicapped
American
Indians.
Post, p. 2961.

“(20) provide satisfactory assurances to the Commissioner that, except as otherwise provided in section 130, the State shall provide vocational rehabilitation services to handicapped American Indians residing in the State to the same extent as the State provides such services to other significant segments of the population of handicapped individuals residing in the State;

Contracts.

“(21) provide that the State agency has the authority to enter into contracts with profitmaking organizations for the purpose of providing on-the-job training and related programs for handicapped individuals under part B of title VI upon a determination by such agency that such profitmaking organizations are better qualified to provide such rehabilitation services than nonprofit agencies and organizations; and

Post, 2993.

“(22) provide for the establishment and maintenance of information and referral programs (the staff of which shall include, to the maximum extent feasible, interpreters for the deaf) in sufficient numbers to assure that handicapped individuals within the State are afforded accurate vocational rehabilitation information and appropriate referrals to other Federal and State programs and activities which would benefit them.”.

29 USC 721.

(b) Section 101(c) of the Vocational Rehabilitation Act of 1973 is amended—

(1) by inserting “(1)” after “(c)”;

(2) by striking out “(1)” before “the plan” and inserting in lieu thereof “(A)”;

(3) by striking out “(2)” and inserting in lieu thereof “(B)”;

and

(4) by adding at the end the following new paragraph:

Disbursement of
funds.

“(2) The Commissioner may, in accordance with regulations the Secretary shall prescribe, disburse any funds withheld from a State under paragraph (1) to any public or nonprofit private organization or agency within such State or to any political subdivision of such State submitting a plan meeting the requirements of subsection (a). The Commissioner may not make any payment under this paragraph

unless the entity to which such payment is made has provided assurances to the Commissioner that such entity will contribute, for purposes of carrying out such plan, the same amount as the State would have been obligated to contribute if the State received such payment.”

(c) Section 101(d) of the Rehabilitation Act of 1973 is amended to read as follows: 29 USC 721.

“(d) (1) Any State which is dissatisfied with a final determination of the Commissioner under subsection (b) or (c) may file a petition for judicial review of such determination in the United States Court of Appeals for the circuit in which the State is located. Such a petition may be filed only within the thirty-day period beginning on the date notice of such final determination was received by the State. The clerk of the court shall transmit a copy of the petition to the Commissioner or to any officer designated by him for that purpose. In accordance with section 2112 of title 28, United States Code, the Commissioner shall file with the court a record of the proceeding on which he based the determination being appealed by the State. Until a record is so filed, the Commissioner may modify or set aside any determination made under such proceedings. Determination appeal, petition.

“(2) If, in an action under this subsection to review a final determination of the Commissioner under subsection (b) or (c), the petitioner or the Commissioner applies to the court for leave to have additional oral submissions or written presentations made respecting such determination, the court may, for good cause shown, order the Commissioner to provide within thirty days an additional opportunity to make such submissions and presentations. Within such period, the Commissioner may revise any findings of fact, modify or set aside the determination being reviewed, or make a new determination by reason of the additional submissions and presentations, and shall file such modified or new determination, and any revised findings of fact, with the return of such submissions and presentations. The court shall thereafter review such new or modified determination.

“(3) (A) Upon the filing of a petition under paragraph (1) for judicial review of a determination, the court shall have jurisdiction (i) to grant appropriate relief as provided in chapter 7 of title 5, United States Code, except for interim relief with respect to a determination under subsection (c), and (ii) except as otherwise provided in subparagraph (B), to review such determination in accordance with chapter 7 of title 5, United States Code. 5 USC 701 *et seq.*

“(B) Section 706 of title 5, United States Code, shall apply to the review of any determination under this subsection, except that the standard for review prescribed by paragraph (2) (E) of such section 706 shall not apply and the court shall hold unlawful and set aside such determination if the court finds that the determination is not supported by substantial evidence in the record of the proceeding submitted pursuant to paragraph (1), as supplemented by any additional submissions and presentations filed under paragraph (2).”

INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM

SEC. 103. Section 102 of the Rehabilitation Act of 1973 is amended— 29 USC 722.

(1) in subsection (b) by inserting “and agree to” after “redevelop”; and

(2) by adding at the end the following new subsection:

“(d) (1) The Director of any designated State unit shall establish Review procedures. procedures for the review of determinations made by the rehabilitation counselor or coordinator under this section, upon the request

of a handicapped individual (or, in appropriate cases, his parents or guardians). Such procedures shall include a requirement that the final decision concerning the review of any such determination be made in writing by the Director. The Director may not delegate his responsibility to make any such final decision to any other officer or employee of the designated State unit.

“(2) Any handicapped individual (or, in appropriate cases, his parent or guardian) who is not satisfied with the final decision made under paragraph (1) by the Director of the designated State unit may request the Secretary to review such decision. Upon such request the Secretary shall conduct such a review and shall make recommendations to the Director as to the appropriate disposition of the matter. The Secretary may not delegate his responsibilities under this paragraph to any officer of the Department of Health, Education, and Welfare who is employed at a position below that of an Assistant Secretary.”

SCOPE OF SERVICES; TELECOMMUNICATIONS SERVICES

29 USC 723.

SEC. 104. (a) Section 103(a)(1) of the Rehabilitation Act of 1973 is amended by inserting “mental or” before “emotional”.

(b) Section 103(b) of the Rehabilitation Act of 1973 is amended—

(1) in paragraph (1) by striking out “and” after the semicolon;

(2) in paragraph (2) by (A) inserting “(including services offered at rehabilitation facilities)” after “services” and (B) striking out the period and inserting in lieu thereof “;”;

(3) by adding at the end the following new paragraphs:

“(3) the use of existing telecommunications systems (including telephone, television, satellite, radio, and other similar systems) which have the potential for substantially improving service delivery methods, and the development of appropriate programing to meet the particular needs of handicapped individuals; and

“(4) the use of services providing recorded material for the blind and captioned films or video cassettes for the deaf.”

CLIENT ASSISTANCE

29 USC 732.

SEC. 105. Section 112(a) of the Rehabilitation Act of 1973 is amended—

(1) by striking out “section 304” in each place it appears and inserting in lieu thereof “section 310”;

(2) by striking out “up to \$1,500,000” and all that follows through “dispersed regions” and inserting in lieu thereof “no less than \$3,500,000 for the fiscal year ending September 30, 1979, and for each of the three succeeding fiscal years, to establish in geographically dispersed regions”; and

(3) by inserting before the period at the end of the first sentence the following: “, including assistance in pursuing legal, administrative, or other appropriate remedies to insure the protection of the rights of such individuals under this Act”.

AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

SEC. 106. Part D of title I of the Rehabilitation Act of 1973 is amended to read as follows:

"PART D—AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

"VOCATIONAL REHABILITATION SERVICES GRANTS

"SEC. 130. (a) The Commissioner, in accordance with the provisions of this part, may make grants to the governing bodies of Indian tribes located on Federal and State reservations to pay 90 percent of the costs of vocational rehabilitation services for handicapped American Indians residing on such reservations.

29 USC 750.
Grants.

"(b)(1) No grant may be made under this part for any fiscal year unless an application therefor has been submitted to and approved by the Commissioner. The Commissioner may not approve an application unless the application—

Application.

"(A) is made at such time, in such manner, and contains such information as the Commissioner may require;

"(B) contains assurances that the rehabilitation services provided under this part to handicapped American Indians residing on a reservation in a State shall be, to the maximum extent feasible, comparable to rehabilitation services provided under this title to other handicapped individuals residing in the State; and

"(C) contains assurances that the application was developed in consultation with the designated State unit of the State.

"(2) The provisions of sections 5, 6, 7, and 102(a) of the Indian Self-Determination and Education Assistance Act shall be applicable to any application submitted under this part. For purposes of this paragraph, any reference in any such provision to the Secretary of Health, Education, and Welfare or to the Secretary of the Interior shall be considered to be a reference to the Commissioner.

25 USC 450c,
450d, 450e,
450f.

"(3) Any application approved under this part shall be effective for not less than twelve months except as determined otherwise by the Commissioner pursuant to prescribed regulations. The State shall continue to provide vocational rehabilitation services under its State plan to American Indians residing on a reservation whenever such State includes any such American Indians in its State population under section 110(a)(1)."

Ante, p. 2956.

"(d) For the purpose of computing the allotment of any State under section 110(a), the number of American Indians residing on a reservation to be served by a grant under this part shall be subtracted from the population used for such State in section 110(a)(1) as follows:

"(1) 33 percent of such American Indians in the first fiscal year during which such Indians are served by grants under this part;

"(2) 66 percent of such American Indians in the second fiscal year during which such Indians are served by grants under this part; and

"(3) 100 percent of such American Indians in the third fiscal year during which such Indians are served by grants under this part.

"(e) The term 'reservation' includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act.

"Reservation."

"EVALUATION

43 USC 1601
note.

"SEC. 131. Not less than thirty months after the date of the enactment of the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978, the Secretary shall submit to the Con-

Submittal to
Congress.
29 USC 751.
Ante, p. 2955.

gress an evaluation of the programs conducted under this part. Such evaluation shall be conducted by persons other than persons immediately responsible for administration of such programs. Such evaluation shall include—

29 USC 721. “(1) an examination of the comparability of vocational rehabilitation services provided under this part to services provided to other handicapped individuals under section 101; and

“(2) An assessment of the extent to which governing bodies of Indian tribes receiving grants under this part have made services under such grants available to all handicapped American Indians residing on reservations served by such grants.”

DECLARATION OF PURPOSE

29 USC 760. SEC. 107. Section 200 of the Rehabilitation Act of 1973 is amended to read as follows:

“DECLARATION OF PURPOSE

“SEC. 200. The purpose of this title is to—

“(1) provide for a comprehensive and coordinated approach to the administration and conduct of research, demonstration projects, and related activities for the rehabilitation of handicapped individuals, including programs designed to train persons who provide rehabilitation services and persons who conduct research, by authorizing Federal assistance in accordance with a plan for rehabilitation research developed under this title;

“(2) facilitate the distribution of information concerning developments in rehabilitation procedures, methods, and devices to rehabilitation professionals and to handicapped individuals to assist such individuals to live more independently;

“(3) improve the distribution of technological devices and equipment for handicapped individuals by providing financial support for the development and distribution of such devices and equipment; and

“(4) increase the scientific and technological information presently available in the field of rehabilitation.”

RESEARCH AUTHORIZATIONS

29 USC 761. SEC. 108. Section 201(a) of the Rehabilitation Act of 1973 is amended to read as follows:

“SEC. 201. (a) There are authorized to be appropriated—

National Institute
of Handicapped
Research.

29 USC 762.

Post, p. 2963.

29 USC 764.

“(1) for the purpose of providing for the expenses of the National Institute of Handicapped Research under section 202, other than expenses to carry out section 204, such sums as may be necessary for the fiscal year ending September 30, 1979, and for each of the three succeeding fiscal years; and

“(2) for the purpose of carrying out section 204, \$50,000,000 for the fiscal year ending September 30, 1979, \$75,000,000 for the fiscal year ending September 30, 1980, \$90,000,000 for the fiscal year ending September 30, 1981, and \$100,000,000 for the fiscal year ending September 30, 1982.”

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

SEC. 109. The Rehabilitation Act of 1973 is amended—

Repeal.
29 USC 774,
777c.
Post, 2974.

(1) by repealing section 304 and redesignating section 305 as section 313;

- (2) by transferring section 203 to title III and redesignating such section as section 304;
- (3) by repealing section 204 and redesignating section 202 as section 204; and
- (4) by inserting after section 201 the following new sections:

29 USC 763.
29 USC 774.
Repeal.
29 USC 764,
762.
29 USC 761.

“NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

“SEC. 202. (a) In order to promote and coordinate research with respect to handicapped individuals and to more effectively carry out the programs under section 204, there is established within the Department of Health, Education, and Welfare a National Institute of Handicapped Research (hereinafter in this title referred to as the ‘Institute’), which shall be headed by a Director (hereinafter in this title referred to as the ‘Director’). In the performance of his functions, the Director shall be directly responsible to the Secretary or to the same Under Secretary or Assistant Secretary of the Department of Health, Education, and Welfare to whom the Commissioner is responsible under section 3(a) of this Act.

Establishment.
29 USC 761a.
Supra.

“(b) The Director, through the Institute, shall be responsible for—

Responsibilities.

“(1) administering the programs described in section 204;

“(2) disseminating information acquired through research funded by the Institute to other Federal, State, and local public agencies and to private organizations engaged in research relating to rehabilitation or providing rehabilitation services;

“(3) coordinating, through the Interagency Committee established by section 203 of this Act, all Federal programs and policies relating to research in rehabilitation;

Post, p. 2965.

“(4) disseminating educational materials to primary and secondary schools, institutions of higher education, and to public and private entities concerning how the quality of life of handicapped individuals may be improved;

“(5) conducting an education program to inform the public about ways of providing for the rehabilitation of handicapped individuals, including information relating to family care and self care;

“(6) conducting conferences, seminars, and workshops (including in-service training programs) concerning research and engineering advances in rehabilitation pertinent to the problems of handicapped individuals;

“(7) taking whatever action is necessary to keep the Congress fully and currently informed with respect to the implementation and conduct of programs and activities carried out under this title; and

“(8) producing, in conjunction with the Department of Labor, the National Center for Health Statistics, the Bureau of the Census, the Social Security Administration, and other Federal departments and agencies, as may be appropriate, statistical reports and studies on the employment, health, income, and other demographic characteristics of handicapped individuals and disseminating such reports and studies to rehabilitation professionals and others to assist in the planning and evaluation of vocational and other rehabilitation services for the handicapped.

“(c) (1) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be compensated at the rate payable for level V of the Execu-

Appointment.

tive Schedule under section 5316 of title 5, United States Code. In carrying out any of his functions under this section, the Director shall be guided by general policies of the National Council on the Handicapped established in title IV. The Director shall not delegate any of his functions to any officer who is not directly responsible to him.

"(2) There shall be a Deputy Director of the Institute (hereinafter in this section referred to as the 'Deputy Director') who shall be appointed by the Secretary. The Deputy Director shall be compensated at the rate provided for grade GS-17 of the General Schedule under section 5332 of title 5, United States Code, and shall act for the Director during the absence or disability of the Director, exercising such powers as the Director may prescribe. In the case of any vacancy in the office of the Director, the Deputy Director shall serve as Director until a Director is appointed under paragraph (1). The position created by this paragraph shall be in addition to the number of positions placed in grade GS-17 of the General Schedule under section 5108 of title 5, United States Code.

"(3) The Director, subject to the approval of the President, may appoint, for terms not to exceed three years, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and may compensate, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such technical and professional employees of the Institute as the Director deems necessary to accomplish the functions of the Institute and also appoint and compensate without regard to such provisions in a number not to exceed one-fifth of the number of full-time, regular technical and professional employees of the Institute.

"(4) The Director may obtain the services of consultants, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(d) The Director, pursuant to regulations which the Secretary shall prescribe, may establish and maintain fellowships with such stipends and allowances, including travel and subsistence expenses provided for under title 5, United States Code, as the Director considers necessary to procure the assistance of highly qualified research fellows from the United States and foreign countries.

"(e) The Director shall, pursuant to regulations which the Secretary shall prescribe, provide for scientific review of all research grants and programs over which he has authority by utilizing, to the maximum extent possible, appropriate peer review groups established within the Institute and composed of non-Federal scientists and other experts in the rehabilitation field.

"(f) Not less than 90 percent of the funds appropriated under paragraph (2) of section 201(a) to carry out section 204 shall be expended by the Director to carry out such section through grants or contracts with qualified public or private agencies and individuals.

"(g) The Director shall develop and submit to appropriate committees of the Congress within eighteen months after the effective date of this section a long-range plan for rehabilitation research which shall—

"(1) identify any research which should be conducted respecting the problems encountered by handicapped individuals in their daily activities, especially problems related to employment;

"(2) determine the funding priorities for research activities under this section and explain the basis for such priorities, includ-

Post, p. 2977.

5 USC 5332
note.

5 USC 5101 *et*
seq., 5331.

Consultants.

Fellowships.

Grant review.

Ante, p. 2962.

Ante, p. 2963.

Plan, submittal to
Congress.

ing a detailed description of any new types of research recommended under this paragraph for funding; and

“(3) specify appropriate goals and timetables for activities to be conducted under this section.

The plan required by this subsection shall be developed by the Director in consultation with the Commissioner, the National Council on the Handicapped established under title IV, the Commissioner of Education, officials responsible for the administration of the Developmental Disabilities Assistance and Bill of Rights Act, the Interagency Committee established by section 203, and any other persons or entities the Director considers appropriate. Such plan shall be reviewed at least once every three years and may be revised at any time by the Director to the extent he considers necessary.

“(h) In order to promote cooperation among Federal departments and agencies conducting research programs, the Director shall consult with the administrators of such programs, and with the Interagency Committee established by section 203, regarding the design of research projects conducted by such entities and the results and applications of such research.

“(i) (1) The Director shall take whatever actions he considers appropriate to provide for a comprehensive and coordinated research program under this title. In providing such a program, the Director may undertake joint activities with other Federal entities engaged in research and with appropriate private entities. Any Federal entity proposing to establish any research project related to the purposes of this Act shall consult, through the Interagency Committee established by section 203, with the Director in his role of Chairman of such Committee and provide the Director with sufficient prior opportunity to comment on such project.

“(2) Any person responsible for administering any program of the National Institutes of Health, the Veterans' Administration, the National Science Foundation, the National Aeronautics and Space Administration, the Bureau of Education for the Handicapped, or of any other Federal entity, shall, through the Interagency Committee established by section 203, consult and cooperate with the Director in carrying out such program if the program is related to the purposes of this section.

“INTERAGENCY COMMITTEE

“SEC. 203. (a) (1) In order to promote coordination and cooperation among Federal departments and agencies conducting rehabilitation research programs, there is established within the Federal Government an Interagency Committee on Handicapped Research (hereinafter in this section referred to as the ‘Committee’), chaired by the Director and comprised of such members as the President may designate, including the following (or their designees): the Director, the Commissioner, the Commissioner of Education, the Administrator of Veterans' Affairs, the Director of the National Institutes of Health, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, and the Director of the National Science Foundation.

“(2) The Committee shall meet not less than four times each year.

“(b) The Committee shall identify, assess, and seek to coordinate all Federal programs, activities, and projects, and plans for such programs, activities, and projects with respect to the conduct of research related to rehabilitation of handicapped individuals.

Consultation.

Post, p. 2977.

Post, p. 3003.

Infra.

Interagency
Committee on
Handicapped
Research.
Establishment.
29 USC 761b.

Report to
President and
congressional
committees.

“(c) The Committee, not later than eighteen months after the date of enactment of this section, and annually thereafter, shall submit to the President and to the appropriate committees of the Congress a report making such recommendations as the Committee deems appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research related to rehabilitation of handicapped individuals.”.

RESEARCH BY PRIVATE ORGANIZATIONS

Ante, p. 2963.

SEC. 110. Section 204(a) of the Rehabilitation Act of 1973 (as so redesignated by section 109(3) of this Act) is amended—

(1) by striking out “The Secretary, through the Commissioner, and in coordination with other appropriate programs in the Department of Health, Education, and Welfare, is authorized to” and inserting in lieu thereof “The Director may”;

(2) by striking out “public or nonprofit” and inserting in lieu thereof “public or private”;

(3) by striking out “provision of vocational rehabilitation services” and inserting in lieu thereof “provision of vocational and other rehabilitation services”;

(4) by inserting after “restorative techniques” the following: “, including basic research where related to rehabilitation techniques or services”; and

(5) by inserting “, psychiatric” after “social”.

RESEARCH AND TRAINING CENTERS

Ante, p. 2963.

SEC. 111. Section 204(b) of the Rehabilitation Act of 1973 (as so redesignated by section 109(3) of this Act) is amended—

(1) by striking out “the Secretary, through the Commissioner, and in coordination with other appropriate programs in the Department of Health, Education, and Welfare, is authorized to” and inserting in lieu thereof “the Director may”;

(2) by amending paragraph (1) to read as follows:

“(1) Establishment and support of Rehabilitation Research and Training Centers to be operated in collaboration with institutions of higher education for the purpose of (A) providing training (including graduate training) to assist individuals to more effectively provide rehabilitation services, (B) providing coordinated and advanced programs of research in rehabilitation, and (C) providing training (including graduate training) for rehabilitation research and other rehabilitation personnel. The research to be carried out at each Center shall be determined on the basis of the particular needs of handicapped individuals in the geographic area served by the Center, and may include basic or applied medical rehabilitation research, research regarding the psychological and social aspects of rehabilitation, and research related to vocational rehabilitation. The Centers shall be encouraged to develop practical applications for the findings of their research. Grants may include funds for services rendered by such a center to handicapped individuals in connection with such research and training activities.”;

(3) in clause (A) of paragraph (2) by inserting “psychiatric,” before “psychological”; and

(4) by adding at the end the following new paragraphs:

“(6) Conduct of a research program concerning the use of existing telecommunications systems (including telephone, television, satellite,

radio, and other similar systems) which have the potential for substantially improving service delivery methods, and the development of appropriate programing to meet the particular needs of handicapped individuals.

“(7) Conduct of a program of joint projects with the National Institutes of Health, the Health Services Administration, the Administration on Aging, the National Science Foundation, the Veterans’ Administration, the Office of Education, the National Aeronautics and Space Administration, other Federal agencies, and private industry in areas of joint interest involving rehabilitation. Joint projects.

“(8) Conduct of a program of research related to the rehabilitation of handicapped children and of handicapped individuals who are aged sixty or older.

“(9) Conduct of a research program to develop and demonstrate innovative methods to attract and retain professionals to serve in rural areas in the rehabilitation of handicapped and severely handicapped individuals.

“(10) Conduct of a model research and demonstration project designed to assess the feasibility of establishing a center for producing and distributing to deaf individuals captioned video cassettes providing a broad range of educational, cultural, scientific, and vocational programing.

“(11) Conduct of a model research and demonstration program to develop innovative methods of providing services for preschool age handicapped children, including the following: (A) early intervention, parent counseling, infant stimulation, early identification, diagnosis, and evaluation of severely handicapped children up to the age of five, with a special emphasis on severely handicapped children up to the age of three; (B) such physical therapy, language development, pediatric, nursing, and psychiatric services as are necessary for such children; and (C) appropriate services for the parents of such children, including psychiatric services, parent counseling, and training.

“(12) Conduct of a model research and training program under which model training centers shall be established to develop and use more advanced and effective methods of evaluating and developing the employment potential of handicapped individuals, including programs which— Model research and training program.

“(A) provide training and continuing education for personnel involved with the employment of handicapped individuals;

“(B) develop model procedures for testing and evaluating the employment potential of handicapped individuals;

“(C) develop model training programs to teach handicapped individuals skills which will lead to appropriate employment;

“(D) develop new approaches for job placement of handicapped individuals, including new followup procedures relating to such placement; and

“(E) provide information services regarding education, training, employment, and job placement for handicapped individuals.”

AUTHORIZATIONS FOR REHABILITATION FACILITIES AND VOCATIONAL TRAINING

SEC. 112. (a) (1) The first sentence of section 301(a) of the Rehabilitation Act of 1973 is amended by striking out “for the fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, September 30, 1977, and September 30, 1978” and inserting in lieu thereof “for each fiscal year ending before October 1, 1982”.

29 USC 771.

- 29 USC 771. (2) The last sentence of section 301 (a) of the Rehabilitation Act of 1973 is amended by striking out "October 1, 1980" and inserting in lieu thereof "October 1, 1983".
- 29 USC 772. (b) Section 302 (a) of the Rehabilitation Act of 1973 is amended to read as follows:
- Appropriation authorization. "SEC. 302. (a) For the purpose of making grants and entering into contracts under this section, there are authorized to be appropriated such sums as may be necessary for each fiscal year ending before October 1, 1982."

LOAN GUARANTEES

- 29 USC 773. SEC. 113. Section 303 of the Rehabilitation Act of 1973 is amended to read as follows:

"LOAN GUARANTEES FOR REHABILITATION FACILITIES

- "SEC. 303. (a) It is the purpose of this section to assist and encourage the provision of needed facilities for programs for handicapped individuals primarily served by State rehabilitation programs.
- 29 USC 776. "(b) The Commissioner may, in accordance with this section and subject to section 306, guarantee the payment of principal and interest on loans made to nonprofit private entities by non-Federal lenders and by the Federal Financing Bank for the construction of rehabilitation facilities, including equipment used in their operation.
- Interest payments. "(c) In the case of a guarantee of any loan to a nonprofit private entity under this section, the Commissioner shall pay, to the holder of such loan and for and on behalf of the project for which the loan was made, amounts sufficient to reduce by 2 percent per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan which is guaranteed under this section shall have a contractual right to receive from the United States interest payments required by the preceding sentence.
- "(d) The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, may not exceed \$100,000,000.
- "(e) (1) The Commissioner may not approve a loan guarantee for a project under this section unless he determines that (A) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Commissioner determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States, and (B) the loan would not be available on reasonable terms and conditions without the guarantee under this section.
- "(2) (A) The United States shall be entitled to recover from the applicant for a loan guarantee under this section the amount of any payment made pursuant to such guarantee, unless the Commissioner for good cause waives such right of recovery. Upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.
- "(B) To the extent permitted by subparagraph (C), any terms and conditions applicable to a loan guarantee under this section (including terms and conditions imposed under paragraph (1)) may be modified

by the Commissioner to the extent he considers consistent with the interests of the United States.

“(C) Any loan guarantee made by the Commissioner under this section shall be incontestable (i) in the hands of an applicant on whose behalf such guarantee is made unless the applicant engaged in fraud or misrepresentation in securing such guarantee, and (ii) as to any person (or his successor in interest) who makes or contracts to make a loan to such applicant in reliance thereon unless such person (or his successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

“(D) Guarantees of loans under this section shall be subject to such further terms and conditions as the Commissioner considers necessary to assure that the purposes of this section will be achieved.

“(f) (1) There is established in the Treasury a loan guarantee fund (hereinafter in this subsection referred to as the ‘fund’) which shall be available to the Commissioner without fiscal year limitation, in such amounts as may be specified from time to time in appropriation Acts—

Loan guarantee fund, establishment.

“(A) to enable him to discharge his responsibilities under loan guarantees issued by him under this section; and

“(B) for payment of interest under subsection (c) on loans guaranteed under this section.

There are authorized to be appropriated such amounts as may be necessary to provide the sums required for the fund. There shall also be deposited in the fund amounts received by the Commissioner in connection with loan guarantees under this section and other property or assets derived by him from his operations respecting such loan guarantees, including any money derived from the sale of assets.

Appropriation authorization.

“(2) (A) If at any time the sums in the fund are insufficient to enable the Commissioner—

“(i) to make payments of interest under subsection (c); or

“(ii) to otherwise comply with guarantees under this section of loans to nonprofit private entities;

he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Commissioner with the approval of the Secretary of the Treasury.

Treasury notes or obligations.

“(B) Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations.

Interest rate.

“(C) The Secretary of the Treasury shall purchase any notes and other obligations issued under this paragraph, and for that purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act. The purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as a public debt transaction of the United States.

31 USC 774.

“(D) Sums borrowed under this paragraph shall be deposited in the fund and redemption of such notes and obligations shall be made by the Commissioner from the fund.”

TRAINING

Ante, p. 2963. SEC. 114. Section 304 of the Rehabilitation Act of 1973 (as so redesignated by section 109(2) of this Act) is amended—

(1) in subsection (a)—

(A) by striking out “The Secretary, through the Commissioner, in coordination with other appropriate programs in the Department of Health, Education, and Welfare, is authorized to” and inserting in lieu thereof “The Commissioner may”;

(B) by inserting “, medical, social, and psychological rehabilitation” after “vocational”; and

(C) by striking out “and” before “in performing” and inserting in lieu thereof the following: “, including personnel specially trained in providing employment assistance to handicapped individuals through job development and job placement services, and personnel trained”;

(2) in subsection (b)—

(A) by inserting “, rehabilitation psychiatry” after “work”; and

(B) by inserting after “blind and deaf individuals,” the following: “specialized personnel in providing job development and job placement services for handicapped individuals,”; and

(3) by adding at the end the following new subsections:

“(c) The Commissioner shall evaluate the impact of the training programs conducted under this section, shall determine training needs for personnel necessary to provide services to handicapped individuals, and shall develop a long-term rehabilitation manpower plan designed to target resources on areas of personnel shortage.

“(d) (1) For the purpose of training a sufficient number of interpreters to meet the communications needs of deaf individuals, the Secretary, through the Office of Information and Resources for the Handicapped, may award grants under this section to any public or private nonprofit agency or organization to establish interpreter training programs or to provide financial assistance for ongoing interpreter training programs. Not more than twelve programs shall be established or assisted by grants under this section. The Secretary shall award grants for programs in such geographic areas throughout the United States as the Secretary considers appropriate to best carry out the purpose of this section. Priority shall be given to public or private nonprofit agencies or organizations with existing programs that have demonstrated their capacity for providing interpreter training services.

“(2) No grant shall be awarded under this section unless the applicant has submitted an application to the Secretary in such form, and in accordance with such procedures, as the Secretary may require. Any such application shall—

“(A) describe the manner in which an interpreter training program would be developed and operated during the five-year period following the award of any grant under this section;

“(B) demonstrate the applicant’s capacity or potential for providing training for interpreters for deaf individuals;

“(C) provide assurances that any interpreter trained or retrained under such program shall meet such minimum standards of competency as the Secretary may establish for purposes of this section;

“(D) provide assurances that (i) to the extent appropriate, the applicant shall provide for the training or retraining (including

Interpreters for
the deaf, grants.

Application.

short-term and in-service training) of teachers who are involved in providing instruction to deaf individuals but who are not certified as teachers of deaf individuals, and (ii) funds for such in-service training shall be provided under this section only through funds appropriated under the Education for All Handicapped Children Act; and

20 USC 1401
note.

“(E) contain such other information as the Secretary may require.

“(d) There are authorized to be appropriated to carry out this section \$34,000,000 for the fiscal year ending September 30, 1979, \$40,000,000 for the fiscal year ending September 30, 1980, \$45,000,000 for the fiscal year ending September 30, 1981, and \$50,000,000 for the fiscal year ending September 30, 1982. There are further authorized to be appropriated for each such fiscal year such additional sums as the Congress may determine to be necessary to carry out this section.”.

Appropriation
authorization.

COMPREHENSIVE CENTERS

SEC. 115. (a) The Rehabilitation Act of 1973 is amended by inserting after section 304 the following new section:

Ante, p. 2963.

“COMPREHENSIVE REHABILITATION CENTERS

“SEC. 305. (a) (1) In order to provide a focal point in communities for the development and delivery of services designed primarily for handicapped persons, the Commissioner may make grants to any designated State unit to establish and operate comprehensive rehabilitation centers. The centers shall be established in order to provide a broad range of services to handicapped individuals, including information and referral services, counseling services, and job placement, health, educational, social, and recreational services, as well as to provide facilities for recreational activities.

Grants.
29 USC 775.

“(2) To the maximum extent practicable, such centers shall provide, upon request, to local governmental units and other public and private nonprofit entities located in the area such information and technical assistance (including support personnel such as interpreters for the deaf) as may be necessary to assist those entities in complying with this Act, particularly the requirements of section 504.

“(b) No grant may be made under this section unless an application therefor has been submitted to and approved by the Commissioner. The Commissioner may not approve an application for a grant unless the application—

29 USC 794.
Application.

“(1) contains assurances that the designated State unit will use funds provided by such grant in accordance with subsections (c) and (d); and

“(2) contains such other information, and is submitted in such form and in accordance with such procedures, as the Commissioner may require.

“(c) (1) The designated State unit may—

“(A) in accordance with subsection (e) make grants to units of general purpose local government or to other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 80 percent of the cost of—

“(i) leasing facilities to serve as comprehensive rehabilitation centers;

“(ii) expanding, remodeling, or altering facilities to the extent necessary to adapt them to serve as comprehensive rehabilitation centers;

“(iii) operating such centers; or

“(iv) carrying out any combination of the activities specified in this subparagraph; and

“(B) directly carry out the activities described in subparagraph (A), except that not more than 80 percent of the costs of providing any comprehensive rehabilitation center may be provided from funds under this section.

“(3) Funds made available to any designated State unit under this section for the purpose of assisting in the operation of a comprehensive rehabilitation center may be used to compensate professional and technical personnel required to operate the center and to deliver services in the center, and to provide equipment for the center.

29 USC 776.

“(d) (1) The designated State unit may approve a grant or enter into a contract under subsection (c) only if the application for such grant or contract meets the requirements specified in paragraphs (1), (2), (4), and (5) of section 306(b) and if the application contains assurances that any facility assisted by such grant or contract shall be in reasonably close proximity to the majority of individuals eligible to use the comprehensive rehabilitation center.

“(2) Any designated State unit which directly provides for comprehensive rehabilitation centers under subsection (c) (1) (B) shall use funds under this section in the same manner as any other grant recipient is required to use such funds.

“(e) If within 20 years after the completion of any construction project for which funds have been paid under this section—

“(1) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

“(2) the facility ceases to be used for the purposes for which it was leased or constructed (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so), the United States shall be entitled to recover from the grant recipient or other owner of the facility an amount which bears the same ratio to the value of the facility (or so much thereof as constituted an approved project or projects) at the time the United States seeks recovery as the amount of such Federal funds bore to the cost of renovating the facility under subsection (c) (1) (A) (ii). Such value shall be 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.

“(f) The requirements of section 306 shall not apply to funds allotted under this section, except that subsections (g) and (h) of such section shall be applicable with respect to such funds.

Appropriation authorization.

“(g) There are authorized to be appropriated to carry out this section such sums as may be necessary for the fiscal year ending September 30, 1979, and for the three succeeding fiscal years.”

29 USC 776.

(b) Section 306(a) of the Rehabilitation Act of 1973 is amended by inserting in the first sentence before the period “, except as otherwise provided in section 305(g)”.

Supra.

SPECIAL FEDERAL RESPONSIBILITIES

29 USC 770.

SEC. 116. Title III of the Rehabilitation Act of 1973 is amended—

(1) by inserting after the title heading the following:

“PART A—CONSTRUCTION AND TRAINING PROGRAMS”

and

(2) by adding after section 306 the following new part:

"PART B—SPECIAL PROJECTS AND SUPPLEMENTARY SERVICES

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 310. (a) For the purpose of carrying out this part (other than section 313), there are authorized to be appropriated such sums as may be necessary for each fiscal year ending before October 1, 1982. 29 USC 777.

"(b) Of the amounts appropriated for any fiscal year under subsection (a), 5 percent of such amount shall be available in such fiscal year only for the purpose of making grants under section 312. There is further authorized to be appropriated for 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 section 312, an amount of \$5,000,000 for each such fiscal year.

"SPECIAL DEMONSTRATION PROGRAMS

"SEC. 311. (a) Subject to the provisions of section 306, the Commissioner may make grants to States and to public or nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations (including related research and evaluation) for— 29 USC 777a.
29 USC 776.

"(1) establishing programs and, where appropriate, constructing 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 and blind or deaf individuals, irrespective of age or vocational potential, who can benefit from comprehensive services;

"(2) applying new types or patterns of services or devices for handicapped individuals (including programs for providing handicapped individuals, or other individuals in programs servicing handicapped individuals, with opportunities for new careers); and

"(3) operating programs and, where appropriate, renovating and constructing facilities to demonstrate methods of making recreational activities fully accessible to handicapped individuals.

"(b) Any project or demonstration assisted by a grant under this section which provides services to individuals with spinal cord injuries shall—

Individuals with spinal cord injuries.

"(1) 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;

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

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

"(4) 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.

"MIGRATORY WORKERS

Grants.

29 USC 777b.
29 USC 776.
29 USC 721.

"SEC. 312. The Commissioner, 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, who 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 section 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.

20 USC 241a
note.

42 USC 2861.
42 USC 247d.
7 USC 2041 note

"HELLEN KELLER NATIONAL CENTER

Establishment.
29 USC 777c.

"SEC. 313. (a) The purpose of this section is to provide for the establishment and operation of the Hellen Keller National Center for Deaf-Blind Youths and Adults. Any funds appropriated under this part for construction of the Center shall remain available until expended.

"(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;

Agreements.

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 Helen Keller 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 the Helen Keller National 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.

“(d) To the extent feasible the Helen Keller National Center for Deaf-Blind Youths and Adults shall seek to recover from States, private insurers, and other participating public and private agencies the costs of services provided to individuals by the Center.

“(e) There are authorized to be appropriated to carry out this section such sums as may be necessary for each fiscal year beginning before October 1, 1982. Appropriation authorization.

“READER SERVICES FOR THE BLIND

“SEC. 314. (a) The Commissioner may award grants to States or to private nonprofit agencies or organizations of national scope (as so determined by the Commissioner) to— Grants.
29 USC 777d.

“(1) provide reading services to blind persons who are not otherwise eligible for such services through other State or Federal programs; and

“(2) expand the quality and scope of reading services available to blind persons, and to assure to the maximum extent possible that the reading services provided under this Act will meet the reading need of blind persons attending institutions providing elementary, secondary, or post-secondary education, and will be adequate to assist blind persons to obtain and continue in employment.

Any State which receives a grant under this section shall administer the reading services for which such grant is awarded through the designated State unit of the State.

“(b) No grant shall be awarded under this section unless the applicant has submitted an application to the Secretary in such form, at such time, and containing such information as the Secretary may require. Application.

“(c) For purposes of this section, the term ‘reading services’ means— “Reading services.”

“(1) the employment of persons who, by reading aloud, can afford blind persons ready access to printed information;

“(2) the transcription of printed information into braille or sound recordings if such transcription is performed pursuant to individual requests from blind persons for such services;

“(3) the storage and distribution of braille materials and sound recordings;

“(4) the purchase, storage, and distribution of equipment and materials necessary for the production, duplication, and reproduction of braille materials and sound recordings;

“(5) the purchase, storage, and distribution of equipment to blind persons to provide them with individual access to printed materials by mechanical or electronic means; and

“(6) radio reading services for blind persons.

“INTERPRETER SERVICES FOR THE DEAF

“SEC. 315. (a) The Commissioner may make grants to designated State units to establish within each State a program of interpreter services (including interpreter referral services) which shall be made Grants.
29 USC 777e.

available to deaf individuals and to any public agency or private non-profit organization involved in the delivery of assistance or services to deaf individuals.

Application.

“(b) No grant may be made under this section unless an application therefor is submitted to the Commissioner in such form, at such times, and in accordance with such procedures as the Commissioner may require. Such application shall—

“(1) provide assurances that the program to be conducted under this section will be operated in areas within the State which are specifically selected to provide convenient locations for the provision of services to the maximum number of deaf individuals feasible;

“(2) include a plan which describes, in sufficient detail, the manner in which interpreter referral services will be coordinated with the information and referral programs required under section 101(a)(22);

Ante, p. 2958.

“(3) provide assurances that the program will seek to enter into contractual or other arrangements, to the extent appropriate, with private nonprofit organizations comprised of primarily hearing-impaired individuals (or private nonprofit organizations which have the primary purpose of providing assistance or services to hearing-impaired individuals) for the operation of such programs;

“(4) provide that any interpreter participating in the program shall be required to meet minimum standards established by the Commissioner; and

“(5) contain such other information as the Secretary may require.

“(c) Any designated State unit receiving funds under this section may provide interpreter services, without cost, for a period of not to exceed one year to any public agency or private nonprofit organization which provides assistance to deaf individuals. At the end of such period, agencies or organizations receiving such services through referrals shall reimburse the designated State unit for the costs of such services. Funds may also be used for the purchase or rental of equipment necessary to provide assistance or services to deaf individuals.

“(d) Funds provided to any designated State unit for any program under this section shall not be used for any administrative or related costs, nor shall such funds be used for assistance to deaf individuals who are receiving rehabilitation services under any other provision of this Act.”

“SPECIAL RECREATIONAL PROGRAMS

Grants.

29 USC 777f.

“SEC. 316. The Commissioner, subject to the provisions of section 306, shall make grants to State and public nonprofit agencies and organizations for paying part or all of the cost of initiation of recreation programs to provide handicapped individuals with recreational activities to aid in the mobility and socialization of such individuals. The activities authorized to be assisted under this section may include, but are not limited to, scouting and camping, 4-H activities, sports, music, dancing, handicrafts, art, and homemaking. No grant may be made under the provisions of this section unless the agreement with respect to such grant contains provisions to assure that, to the extent possible, existing resources will be used to carry out the activities for which the grant is to be made, and that with respect to children the activities for which the grant is to be made will be conducted after school.

NATIONAL COUNCIL ON THE HANDICAPPED

SEC. 117. The Rehabilitation of 1973 is amended by striking out title IV and inserting in lieu thereof the following new title: 29 USC 701 note.

“TITLE IV—NATIONAL COUNCIL ON THE
HANDICAPPED

“ESTABLISHMENT OF NATIONAL COUNCIL ON THE HANDICAPPED

“SEC. 400. (a) There is established with the Department of Health, Education, and Welfare a National Council on the Handicapped (hereinafter in this title referred to as the ‘National Council’), which shall be composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. The members of the National Council shall be appointed so as to be representative of handicapped individuals, national organizations concerned with the handicapped, providers and administrators of services to the handicapped, individuals engaged in conducting medical or scientific research relating to handicapped individuals, business concerns, and labor organizations. At least five members of the National Council shall be handicapped individuals, or parents or guardians of handicapped individuals. Membership.
29 USC 780.

“(b) (1) Members of the National Council shall be appointed to serve for terms of three years, except that of the members first appointed— Term.

“(A) five shall serve for terms of one year,

“(B) five shall serve for terms of two years, and

“(C) five shall serve for terms of three years,

as designated by the President at the time of appointment.

“(2) Members may be reappointed and may serve after the expiration of their terms until their successors have taken office.

“(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

“(c) The President shall designate the Chairman from among the members appointed to the National Council. The National Council shall meet at the call of the Chairman, but not less often than four times each year.

“(d) Eight members of the National Council shall constitute a quorum and any vacancy in the National Council shall not affect its power to function.

“DUTIES OF NATIONAL COUNCIL

“SEC. 401. The National Council shall—

“(1) establish general policies for, and review the operation of, the National Institute of Handicapped Research; 29 USC 781.

“(2) provide advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;

“(3) advise the Commissioner, the appropriate Assistant Secretary of the Department of Health, Education, and Welfare, and the Director of the National Institute of Handicapped Research on the development of the programs to be carried out under this Act;

"(4) review and evaluate on a continuing basis all policies, programs, and activities concerning handicapped individuals and persons with developmental disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under this Act or under the Developmental Disabilities Assistance and Bill of Rights Act, in order to assess the effectiveness of such policies, programs, and activities in meeting the needs of handicapped individuals;

Post, p. 3003.

"(5) make recommendations to the Secretary, the Commissioner, and the Director of the National Institute of Handicapped Research respecting ways to improve research concerning handicapped individuals, the administration of services for handicapped individuals, and the methods of collecting and disseminating the findings of such research, and make recommendations for facilitating the implementation of programs based upon such findings; and

Report to
Secretary,
Congress, and
President.

"(6) submit not later than March 31 of each year (beginning in 1980) an annual report to the Secretary, the Congress, and the President, containing (A) a statement of the current status of research concerning the handicapped in the United States, (B) a review of the activities of the Rehabilitation Services Administration and the National Institute of Handicapped Research, and (C) such recommendations respecting the items described in clauses (A) and (B) as the National Council considers appropriate.

COMPENSATION OF NATIONAL COUNCIL MEMBERS

29 USC 782.

"SEC. 402. (a) Members of the National Council shall be entitled to receive compensation at a rate equal to the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, for each day they are engaged in the performance of their duties as members of the National Council.

"(b) Members of the National Council who are full-time officers or employees of the United States shall receive no additional pay on account of their service on the National Council except for compensation for travel expenses as provided under subsection (c) of this section.

"(c) While away from their homes or regular places of business in the performance of services for the National Council, members of the National Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5, United States Code.

"STAFF OF NATIONAL COUNCIL

29 USC 783.

"SEC. 403. (a) The National Council may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, up to seven technical and professional employees to assist the National Council to carry out its duties.

5 USC 5101 et
seq.

5 USC 5331.

"(b) The National Council may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of

title 5, United States Code (but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code).

“(c) The Administrator of General Services shall provide to the National Council on a reimbursable basis such administrative support services as the Council may request.

General Services
Administrator,
administrative
support.

“ADMINISTRATIVE POWERS OF NATIONAL COUNCIL

“SEC. 404. (a) The National Council may prescribe such bylaws and rules as may be necessary to carry out its duties under this title.

Bylaws and rules.
29 USC 784.

“(b) The National Council may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as it deems advisable.

“(c) The National Council may appoint advisory committees to assist the National Council in carrying out its duties. The members thereof shall serve without compensation.

“(d) The National Council may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 405. There are authorized to be appropriated to carry out this title such sums as may be necessary.”

29 USC 785.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 118. (a) (1) Section 502(a) of the Rehabilitation Act of 1973 is amended to read as follows:

“SEC. 502. (a) (1) There is established within the Federal Government the Architectural and Transportation Barriers Compliance Board (hereinafter referred to as the ‘Board’) which shall be composed as follows:

Establishment.
29 USC 792.

“(A) Eleven members shall be appointed by the President from among members of the general public of whom five shall be handicapped individuals.

Membership.

“(B) The remaining members shall be the heads of each of the following departments or agencies (or their designees whose positions are executive level IV or higher):

“(i) Department of Health, Education, and Welfare.

“(ii) Department of Transportation.

“(iii) Department of Housing and Urban Development.

“(iv) Department of Labor.

“(v) Department of the Interior.

“(vi) Department of Defense.

“(vii) Department of Justice.

“(viii) General Services Administration.

“(ix) Veterans’ Administration.

“(x) United States Postal Service.

The President shall appoint the first Chairman of such Board who shall serve for a term of not more than two years; thereafter, the Chairman shall be elected by a vote of a majority of the Board for a term of one year.

“(2) The term of office of each appointed member of the Board shall be three years; except that (i) the members first taking office shall

Term.

serve, as designated by the President at the time of appointment, four for a term of one year, four for a term of two years, and three for a term of three years, and (ii) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

“(3) If any appointed member of the Board becomes a Federal employee, such member may continue as a member of the Board for not longer than the sixty-day period beginning on the date he becomes such an employee.

“(4) No individual appointed under paragraph (1) (A) of this subsection who has served as a member of the Board may be reappointed to the Board more than once unless such individual has not served on the Board for a period of two years prior to the effective date of such individual’s appointment.

Compensation.

“(5) (A) Members of the Board who are not regular full-time employees of the United States shall, while serving on the business of the Board, be entitled to receive compensation at rates fixed by the President, but not to exceed the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, including traveltime, for each day they are engaged in the performance of their duties as members of the Board; and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this section.

“(B) Members of the Board who are employed by the Federal Government shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties under this section.”

29 USC 792.

(b) (1) Section 502(b) (1) of the Rehabilitation Act of 1973 is amended to read as follows: “(1) insure compliance with the standards prescribed pursuant to the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968 (including the application of that Act to the United States Postal Service) including but not limited to enforcing all standards under that Act, and insuring that all waivers and modifications of standards are based upon findings of fact and are not inconsistent with the provisions of such Act and this section;”

42 USC 4151
note.

(2) Section 502(b) (2) of the Rehabilitation Act of 1973 is amended by inserting “communication,” before “and attitudinal”, and by inserting “telecommunication devices,” before “public buildings”; and

(3) Section 502(b) of the Rehabilitation Act of 1973 is amended by striking out “and” at the end of clause (5), by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clauses: “(7) establish minimum guidelines and requirements for the standards issued pursuant to the Act of August 12, 1968, as amended, commonly known as the Architectural Barriers Act of 1968; and (8) insure that public conveyances, including rolling stock, are readily accessible to, and usable by, physically handicapped persons.”

(c) (1) The first sentence of section 502(d) of the Rehabilitation Act of 1973 is amended by striking out “or contracts with”, and by inserting after “organizations” “or contracts with private nonprofit or forprofit organizations”.

(2) The second sentence of section 502(d) of the Rehabilitation Act of 1973 is amended by striking out “The” and inserting in lieu thereof “Except as provided in paragraph (3) of subsection (e), the”.

(3) The last sentence of section 502(d) of the Rehabilitation Act of 1973 is amended by inserting “or public conveyance or rolling stock”

after "building" and by striking out "prescribed pursuant to the Act cited in subsection (b) of this section" and inserting in lieu thereof "enforced under this section".

(4) Section 502(d) of the Rehabilitation Act of 1973 is amended by adding at the end thereof the following new sentence: Pursuant to chapter 7 of title 5, United States Code, any complainant or participant in a proceeding under this subsection may obtain review of a final order issued in such proceeding.

29 USC 792.

5 USC 701 *et seq.*

(5) Section 502(d) of the Rehabilitation Act of 1973 is further amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraphs:

"(2) The executive director is authorized, at the direction of the Board—

Civil action.

"(A) to bring a civil action in any appropriate United States district court to enforce, in whole or in part, any, final order of the Board under this subsection; and

"(B) to intervene, appear, and participate, or to appear as amicus curiae, in any court of the United States or in any court of a State in civil actions which related to this section or to the Architectural Barriers Act of 1968.

42 USC 4151
note.

Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the executive director may appear for and represent the Board in any civil litigation brought under this section."

"(3) The Board, in consultation and coordination with other concerned Federal departments and agencies and agencies within the Department of Health, Education, and Welfare, shall develop standards and provide appropriate technical assistance to any public or private activity, person, or entity affected by regulations prescribed pursuant to this title with respect overcoming to architectural, transportation, and communication barriers. Any funds appropriated to any such department or agency for the purpose of providing such assistance may be transferred to the Board for the purpose of carrying out this paragraph. The Board may arrange to carry out its responsibilities under this paragraph through such other departments and agencies for such periods as the Board determines is appropriate. In carrying out its technical assistance responsibilities under this paragraph, the Board shall establish a procedure to insure separation of its compliance and technical assistance responsibilities under this section."

Development of
standards,
consultation.

(d) Section 502(e) of the Rehabilitation Act of 1973 is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraphs:

"(2) The Executive Director shall exercise general supervision over all personnel employed by the Board (other than hearing examiners and their assistants). The Executive Director shall have final authority on behalf of the Board, with respect to the investigation of alleged noncompliance in the issuance of formal complaints before the Board, and shall have such other duties as the Board may prescribe.

"(3) For the purpose of this section, an order of compliance issued by a hearing examiner shall be deemed to be an order of the Board and shall be the final order for the purpose of judicial review."

(e) Section 502 of the Rehabilitation Act of 1973 is amended by striking out subsection (h) and inserting in lieu thereof the following new subsections:

"(h) (1) Within one year following the enactment of this subsection, the Board shall submit to the President and the Congress a report

Report to
President and
Congress.

containing an assessment of the amounts required to be expended by States and by political subdivisions thereof to provide handicapped individuals with full access to all programs and activities receiving Federal assistance.

Grants or contracts.

“(2) The Board may make grants to, or enter into contracts with, public or private organizations to carry out its duties under subsections (b) and (c). The Board may also make grants to any designated State unit for the purpose of conducting studies to provide the cost assessments required by paragraph (1). Before including in such report the findings of any study conducted for the Board under a grant or contract to provide the Board with such cost assessments, the Board shall take all necessary steps to validate the accuracy of any such findings.

Appropriation authorization.

“(i) There are authorized to be appropriated for the purpose of carrying out the duties and functions of the Board under this section such sums as may be necessary for each fiscal year ending before October 1, 1982, but in no event shall the amount appropriated for any one fiscal year exceed \$3,000,000.”

NONDISCRIMINATION UNDER FEDERAL PROGRAMS AND ACTIVITIES

29 USC 794.

SEC. 119. Section 504 of the Rehabilitation Act of 1973 is amended—

(1) in the section heading by inserting “AND PROGRAMS” after “GRANTS”; and

(2) by striking out the period at the end thereof and inserting in lieu thereof “or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Developmental Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.”

Regulations.
Proposals, copies to congressional committees.

NONDISCRIMINATION PROVISIONS; INTERAGENCY COUNCIL; SECRETARIAL DUTIES

SEC. 120. (a) Title V of the Rehabilitation Act of 1973 is amended by adding at the end thereof the following new sections:

“REMEDIES AND ATTORNEYS’ FEES

29 USC 794a.

“SEC. 505. (a) (1) The remedies, procedures, and rights set forth in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16), including the application of sections 706 (f) through 706 (k) (42 U.S.C. 2000e-5 (f) through (k)), shall be available, with respect to any complaint under section 501 of this Act, to any employee or applicant for employment aggrieved by the final disposition of such complaint, or by the failure to take final action on such complaint. In fashioning an equitable or affirmative action remedy under such section, a court may take into account the reasonableness of the cost of any necessary work place accommodation, and the availability of alternatives therefor or other appropriate relief in order to achieve an equitable and appropriate remedy.

29 USC 791.

“(2) The remedies, procedures, and rights set forth in title VI of the Civil Rights Act of 1964 shall be available to any person aggrieved by any act or failure to act by any recipient of Federal assistance or Federal provider of such assistance under section 504 of this Act. 42 USC 2000d. 29 USC 794.

“(b) In any action or proceeding to enforce or charge a violation of a provision of this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs.

“SECRETARIAL RESPONSIBILITIES

“SEC. 506. (1) The Secretary may provide directly or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof, technical assistance— 29 USC 794b.

“(A) to persons operating rehabilitation facilities; and

“(B) with the concurrence of the Board established by section 502, to any public or nonprofit agency, institution, or organization; 29 USC 794b. Ante, p. 2979.

for the purpose of assisting such persons or entities in removing architectural, transportation, or communication barriers. Any concurrence of the Board under this paragraph shall reflect its consideration of the cost studies carried out by States under section 502(c) (1).

“(2) Any such experts or consultants, while serving pursuant to such contracts, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the daily equivalent of the rate of basic pay payable for grade GS-18 of the General Schedule, 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. Experts or consultants, compensation.

“(3) The Secretary, with the concurrence of the Board and the President may provide, directly or by contract, financial assistance to any public or nonprofit agency, institution, or organization for the purpose of removing architectural, transportation, and communication barriers. No assistance may be provided under this paragraph until a study demonstrating the need for such assistance has been conducted and submitted under section 502(h) (2) of this title.” 29 USC 794b. Ante, p. 2981.

“(4) In order to carry out this section, there are authorized to be appropriated such sums as may be necessary.” Appropriation authorization.

“INTERAGENCY COORDINATING COUNCIL

“SEC. 507. There shall be established an Interagency Coordinating Council (hereinafter referred to in this section as the ‘Council’) composed of the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Attorney General, the Chairman of the United States Civil Service Commission, the Chairman of the Equal Employment Opportunity Commission, and the Chairman of the Architectural and Transportation Barriers Compliance Board. The Council shall have the responsibility for developing and implementing agreements, policies, and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication, and inconsistencies among the operations, functions, and jurisdictions of the various departments, agencies, and branches of the Federal Government responsible for the implementation and enforcement of the provisions of this title, and the regulations prescribed thereunder. On or before Establishment. Membership. 29 USC 794c.

Report to President and Congress.

July 1 of each year, the Council shall transmit to the President and to the Congress a report of its activities, together with such recommendations for legislative or administrative changes as it concludes are desirable to further promote the purposes of this section. Nothing in this section shall impair any responsibilities assigned by any Executive Order to any Federal department, agency, or instrumentality to act as a lead Federal agency with respect to any provisions of this title.”

APPLICATION OF OTHER LAWS

29 USC 701 note. SEC. 121. The Rehabilitation Act of 1973 is amended by inserting after section 10 the following new section:

“APPLICATION OF OTHER LAWS

29 USC 710. “SEC. 11. The provisions of the Act of December 5, 1974 (Public
42 USC 4251 Law 93-510) and of title V of the Act of October 15, 1977 (Public
note. Law 95-134) shall not apply to the administration of the provisions
48 USC 1469a. of this Act or to the administration of any program or activity under
this Act.”

MISCELLANEOUS AND TECHNICAL AMENDMENTS

29 USC 701. SEC. 122. (a) The Rehabilitation Act of 1973 is amended—
(1) by amending section 2 to read as follows:

“DECLARATION OF PURPOSE

“SEC. 2. The purpose of this Act is to develop and implement, through research, training, services, and the guarantee of equal opportunity, comprehensive and coordinated programs of vocational rehabilitation and independent living.”

29 USC 702. (2) in section 3(a) by inserting “and part A of title VI” after “titles IV and V”, and by inserting at the end thereof the following: “Any reference in this Act to duties to be carried out by the Commissioner shall be considered to be a reference to duties to be carried out by the Secretary acting through the Commissioner. In carrying out any of his functions under this Act, the Commissioner shall be guided by general policies of the National Council on the Handicapped established under title IV of this Act.”;

Ante, p. 2977. (3) by striking out section 3(b) and redesignating section 3(c) as 3(b);

29 USC 706. (4) in section 7(3) by striking out “and the initial equipment” and all that follows through the period and inserting in lieu thereof “and may include such additional equipment and staffing as the Commissioner considers appropriate.”;

(5) in section 7(4)(B) by inserting after “medical” comma and the word “psychiatric”;

(6) in section 7(6)—

(A) by striking out “The term” and inserting in lieu thereof: “(A) Except as otherwise provided in subparagraph (B), the term”;

“(B) by striking out “(A)” after “individual who” and inserting in lieu thereof “(i)” and by striking out “(B)” after “and” and inserting in lieu thereof “(ii)”;

(C) by striking out the last sentence and by adding at the end the following new subparagraph:

“(B) Subject to the second sentence of this subparagraph, the term ‘handicapped individual’ means, for purposes of titles IV and V of

“Handicapped individual.”
Ante, p. 2977.
29 USC 790.

this Act, any person who (i) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment. For purposes of sections 503 and 504 as such sections relate to employment, such term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others.”;

29 USC 793,
794.

(7) in section 7(10)—

29 USC 706.

(A) by inserting “, psychiatric” after “medical” in subparagraph (A) thereof; and

(B) by inserting “psychiatric,” before “psychological” in subparagraph (B) thereof;

(8) in section 7 by (A) redesignating paragraphs (3) through (14) as paragraphs (4) through (15), respectively and (B) inserting after paragraph (2) the following new paragraph:

“(3) The term ‘designated State units’ means (A) any State agency unit required under section 101(a)(2)(A) of this Act, or (B) in cases in which no such unit is so required, the State agency described in section 101(a)(B)(i) of this Act.”

“Designated
State units.”
29 USC 721.

(9) in section 10 by inserting before the period at the end thereof the following: “except that this section shall not be construed to limit or reduce fees for services rendered by rehabilitation facilities”;

29 USC 709.

(10) by adding after section 11 (as added by section 121 of this Act) the following new sections:

Ante, p. 2984.

“ADMINISTRATION OF THE ACT

SEC. 12. (a) In carrying out the purposes of this Act, the Commissioner may—

29 USC 711.

“(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

“(2) provide short-term training and technical instruction;

“(3) conduct special projects and demonstrations;

“(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

“(5) provide staff and other technical assistance to the National Council on the Handicapped.

“(b) In carrying out his duties under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and may pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

“(c) The Commissioner may promulgate such regulations as he considers appropriate to carry out his duties under this Act.

Regulations.

“(d) There are authorized to be appropriated to carry out this section such sums as may be necessary.

Appropriation
authorization.

“REPORTS

“SEC. 13. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report

Submittal to
President and
Congress.
29 USC 712.

on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

“EVALUATION

29 USC 713.

“SEC. 14. (a) The Secretary shall evaluate the impact of all programs authorized by this Act, their general effectiveness in achieving stated goals, and their effectiveness 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.

“(b) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

Evaluation results, annual publication and availability.

“(c) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to the Congress and the public.

“(d) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

“(e) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

Appropriation authorization.

“(f) There are authorized to be appropriated to carry out this section such sums as may be necessary.

“INFORMATION CLEARINGHOUSE

29 USC 714.

“SEC. 15. (a) The Secretary may establish a central clearinghouse for information and resource availability for handicapped individuals which shall provide information and data regarding (1) the location, provision, and availability of services and programs for handicapped individuals, (2) research and recent medical and scientific developments bearing on handicapping conditions (and their prevention, amelioration, causes, and cures), and (3) the current numbers of handicapped individuals and their needs. The clearinghouse shall also provide any other relevant information and data which the Secretary considers appropriate.

Information and data retrieval system.

“(b) The Commissioner may assist the Secretary to develop within the Department of Health, Education, and Welfare a coordinated system of information and data retrieval, which will have the capacity and responsibility to provide information regarding the information and data referred to in subsection (a) of this section to the Congress, public and private agencies and organizations, handicapped individuals and their families, professionals in fields serving such individuals, and the general public.

“(c) Any office established to carry out the provisions of this section shall be known as the “Office of Information and Resources for the Handicapped”.

Appropriation authorization.

“(d) There are authorized to be appropriated to carry out this section such sums as may be necessary.

"TRANSFER OF FUNDS

- "Sec. 16. No funds appropriated under this Act for any research program or activity may be used for any purpose other than that for which the funds were specifically authorized." Restriction.
29 USC 715.
- (b) Title I of the Rehabilitation Act of 1973 is further amended—
- (1) in parts A through C by striking out "Secretary" in each place it appears and inserting in lieu thereof "Commissioner"; and 29 USC 721, 722, 730-732, 740, 741.
- (2) in section 121(a) by inserting after the first sentence the following new sentence: "Payments may also be made under this section for the costs of the construction of facilities to be used in providing services under such State plan if provision for such construction is included in such State plan." 29 USC 741.
- (c) Title III of the Rehabilitation Act of 1973 is further amended—
- (1) in section 300— 29 USC 770.
- (A) by adding before the semicolon in paragraph (1) the following: "and authorize such staffing as the Commissioner deems appropriate";
- (B) by striking out paragraph (4); and
- (C) by redesignating paragraph (5) as paragraph (4);
- (2) in section 301 by striking out "initial" each place it appears and by striking out "Secretary" in each place it appears and inserting in lieu thereof "Commissioner"; 29 USC 771.
- (3) in section 302 by striking out "Secretary" in each place it appears and inserting in lieu thereof "Commissioner"; 29 USC 772.
- (4) in subsections (a), (c), (e), (f), and (i) of section 306 by striking out "Secretary" in each place it appears and inserting in lieu thereof "Commissioner"; 29 USC 776.
- (5) by amending paragraph (3) of section 306(b) to read as follows:
- "(3) provide that the agency or organization receiving Federal funds under this title will make an annual report to the Commissioner, which the Commissioner shall submit to the Secretary for inclusion (in summarized form) in the annual report submitted to the Congress under section 13;" Annual report.
- (6) in paragraph (4) of section 306(b) by striking out "Secretary" where it first occurs and inserting in lieu thereof "Commissioner"; and Ante, p. 2985.
- (7) by striking out "SPECIAL FEDERAL RESPONSIBILITIES" in the title heading and inserting in lieu thereof "SUPPLEMENTARY SERVICES AND FACILITIES". 29 USC prec. 770.
- (d) Title V of the Rehabilitation Act of 1973 is further amended—
- (1) in section 503(a), by striking out "as defined in section 7(6)" and inserting in lieu thereof "as defined in section 7(7); and 29 USC 793, 29 USC 706.
- (2) in section 504, by striking out "as defined in section 7(6)" and inserting in lieu thereof "as defined in section 7(7)". 29 USC 794.
- (e) Section 412 of the Energy Conservation and Production Act is amended by striking out "as defined in section 7(6)" and inserting in lieu thereof "as defined in section 7(7)". 42 USC 6862.
- (f) Section 1904 of title 38, United States Code, is amended—
- (1) by striking out "section 202(b)(2)" and inserting in lieu thereof "and section 204(b)(2)"; and
- (2) by striking out "and section 405" and all that follows through "activities)".

29 USC 701 note. (g) The table of contents for the Rehabilitation Act of 1973 is amended—

(1) by inserting after the item relating to section 10 the following new items:

- "Sec. 11. Application of other laws.
- "Sec. 12. Administration of the Act.
- "Sec. 13. Reports.
- "Sec. 14. Evaluation.
- "Sec. 15. Information clearinghouse.
- "Sec. 16. Transfer of funds.";

(2) by striking out the items relating to part D of title I and section 130 and inserting in lieu thereof the following:

"PART D—AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

- "Sec. 130. Vocational rehabilitation services grants.
- "Sec. 131. Evaluation.

(3) by striking out the items relating to titles II and III and to sections 200 through 204 and 300 through 306 and inserting in lieu thereof the following:

"TITLE II—RESEARCH

- "Sec. 200. Declaration of purpose.
- "Sec. 201. Authorization of appropriations.
- "Sec. 202. National Institute of Handicapped Research.
- "Sec. 203. Interagency committee.
- "Sec. 204. Research.

"TITLE III—SUPPLEMENTARY SERVICES AND FACILITIES

"PART A—MISCELLANEOUS PROGRAMS

- "Sec. 300. Declaration of purpose.
- "Sec. 301. Grants for construction of rehabilitation facilities.
- "Sec. 302. Vocational Training Services for handicapped individuals.
- "Sec. 303. Loan guarantees for rehabilitation facilities.
- "Sec. 304. Training.
- "Sec. 305. Comprehensive rehabilitation centers.
- "Sec. 306. General grant and contract requirements.

"PART B—SPECIAL PROJECTS

- "Sec. 310. Authorization of appropriations.
- "Sec. 311. Special demonstration programs.
- "Sec. 312. Migratory workers.
- "Sec. 313. Helen Keller National Center.
- "Sec. 314. Reader services for the blind.
- "Sec. 315. Interpreter services for the deaf.
- "Sec. 316. Special Recreational Programs."

(4) by striking out the items relating to title IV and sections 400 through 407 and inserting in lieu thereof the following:

"TITLE IV—NATIONAL COUNCIL ON THE HANDICAPPED

- "Sec. 400. Establishment of National Council on the Handicapped.
- "Sec. 401. Duties of National Council.
- "Sec. 402. Compensation of National Council members.
- "Sec. 403. Staff of National Council.
- "Sec. 404. Administrative powers of National Council.
- "Sec. 405. Authorization of appropriations.";

and

(5) by adding at the end of the items relating to title V the following new items:

- "Sec. 505. Remedies and attorneys' fees.
- "Sec. 506. Secretarial responsibilities.
- "Sec. 507. Interagency Coordinating Council."

TITLE II—COMMUNITY SERVICE PILOT PROGRAMS;
PROJECTS WITH INDUSTRY

ESTABLISHMENT OF PROGRAMS

SEC. 201. The Rehabilitation Act of 1973 is amended by adding at the end thereof the following new title: 29 USC 701 note.

“TITLE VI—EMPLOYMENT OPPORTUNITIES FOR HANDI-
CAPPED INDIVIDUALS

“SHORT TITLE

“SEC. 601. This title may be cited as the ‘Employment Opportunities for Handicapped Individuals Act’. Employment Opportunities for Handicapped Individuals Act. 29 USC 795 note.

“PART A—COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS
FOR HANDICAPPED INDIVIDUALS

“ESTABLISHMENT OF PILOT PROGRAM

“SEC. 611. (a) In order to promote useful opportunities in community service activities for handicapped individuals who have poor employment prospects, the Secretary of Labor (hereinafter in this part referred to as the ‘Secretary’) is authorized to establish a community service employment pilot program for handicapped individuals. For purposes of this part, the term ‘eligible individuals’ means persons who are handicapped individuals (as defined in section 7(7) of this Act) and who are referred to programs under this part by designated State units. 29 USC 795.

“Eligible individuals.”
29 USC 706.

“(b) (1) The Secretary may enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to carry out the pilot program referred to in subsection (a). Such agreements may include provisions consistent with subsection (c) for the payment of the costs of projects developed by such organizations and agencies in cooperation with the Secretary. No payment shall be made by the Secretary toward the cost of any such project unless the Secretary determines that: Agreements.

“(A) Such project will provide employment only for eligible individuals, except that if eligible individuals are not available to serve as technical, administrative, or supervisory personnel for a project then such personnel may be recruited from among other individuals.

“(B) Such project will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities.

“(C) Such project will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954, except for projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship. 26 USC 501.

“(D) Such project will contribute to the general welfare of the community in which eligible individuals are employed under such project.

“(E) Such project (i) will result in an increase in employment opportunities over those opportunities which would otherwise be available, (ii) will not result in any displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits), and (iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed.

“(F) Such project will not employ any eligible individual to perform work which is the same or substantially the same as that performed by any other person who is on layoff from employment with the agency or organization sponsoring such project.

29 USC 721.

“(G) Such project will utilize methods of recruitment and selection (including the listing of job vacancies with the State agency units designated under section 101(a)(2)(A) to administer vocational rehabilitation services under this Act) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project.

“(H) Such project will provide for (i) such training as may be necessary to make the most effective use of the skills and talents of individuals who are participating in the project, and (ii) during the period of such training, a reasonable subsistence allowance for such individuals and the payment of any other reasonable expenses related to such training.

“(I) Such project will provide safe and healthy working conditions for any eligible individual employed under such project and will pay any such individual at a rate of pay not lower than the rate of pay described in paragraph (2).

“(J) Such project will be established or administered with the advice of (i) persons competent in the field of service in which employment is being provided, and (ii) persons who are knowledgeable with regard to the needs of handicapped individuals.

Work-related expenses.

“(K) Such project will pay any reasonable costs for work-related expenses, transportation, and attendant care incurred by eligible individuals employed under such project in accordance with regulations prescribed by the Secretary.

Placement services.

“(L) Such project will provide appropriate placement services for employees under the project to assist them in locating unsubsidized employment when the Federal assistance for the project terminates.

Rate of pay.

“(2) The rate of pay referred to in subparagraph (I) of paragraph (1) is the highest of the following:

“(A) the prevailing rate of pay for persons employed in similar occupations by the same employer.

29 USC 201.

29 USC 213.

“(B) The minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938 if such employee were not exempt from such Act under section 13 thereof.

“(C) The State or local minimum wage for the most nearly comparable covered employment.

29 USC 214.

The Department of Labor shall not issue any certificate of exemption under section 14(c) of the Fair Labor Standards Act of 1938 with respect to any person employed in a project under this section.

“(c) (1) The Secretary may pay not to exceed 90 percent of the cost of any project which is the subject of an agreement entered into under subsection (b). Notwithstanding the preceding sentence, the Secretary may pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

Project costs,
consultation.

“(2) The non-Federal share of any project under this part may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to services and facilities contributed from non-Federal sources.

Non-Federal
share.

“(d) Payments under this part may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

“ADMINISTRATION

“SEC. 612. (a) In order to effectively carry out the provisions of this part, the Secretary shall, through the Commissioner of the Rehabilitation Services Administration, consult with any designated State unit with regard to—

Consultation with
State unit.
29 USC 795a.

“(1) the localities in which community service projects of the type authorized by this part are most needed;

“(2) the employment situations and types of skills possessed by eligible individuals in such localities; and

“(3) potential projects suitable for funding in such localities.

“(b) The Secretary shall coordinate the pilot program established under this part with programs authorized under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971. Appropriations under this part may not be used to carry out any program under the Acts referred to in the preceding sentence.

29 USC 801 note.
29 USC 801 note.
42 USC 2701
note.
42 USC 4871
note.

“(c) In carrying out this part, the Secretary may, with the consent of any other Federal, State, or local agency, use the services, equipment, personnel, and facilities of such agency with or without providing such agency with reimbursement and may use the services, equipment, and facilities of any other public or private entity on a similar basis.

“(d) Within one hundred and eighty days after the effective date of this part, the Secretary shall issue and publish in the Federal Register such regulations as may be necessary to carry out this part.

Regulations,
publication in
Federal Register.

“(e) The Secretary shall not delegate any function of the Secretary under this part to any other department or agency of the Federal Government.

“PARTICIPANTS NOT FEDERAL EMPLOYEES

“SEC. 613. (a) Eligible individuals who are employed in any project funded under this part shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

29 USC 795b.

“(b) No contract shall be entered into under this part with a contractor who is, or whose employees are, under State law, exempted from operation of any State workmen's compensation law generally applicable to employees, unless the contractor shall undertake to provide for persons to be employed under such contract, through insur-

5 USC 2101.

Contracts.

ance by a recognized carrier or by self-insurance authorized by State law, workmen's compensation coverage equal to that provided by law for covered employment.

"(c) No part of the wages, allowances, or reimbursement for transportation and attendant care costs made available to an eligible individual employed in any project funded under this part shall be treated as income or benefits for the purpose of any other program or provision of State or Federal law, unless the Secretary makes a case by case determination that disallowance of such income or benefits is inequitable or does not carry out the purposes of this title.

"INTERAGENCY COOPERATION

29 USC 795c.

"SEC. 614. (a) The Secretary shall consult with, and obtain the written views of, the Commissioner of the Rehabilitation Services Administration before establishing rules or general policy in the administration of this part.

"(b) The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve maximum coordination between such programs and the program established under this part. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this part and in identifying individuals eligible for employment in projects assisted under this part.

Information,
dissemination.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

Grants or
contracts.
29 USC 795d.

"SEC. 615. (a) (1) Preference in awarding grants or contracts under this part shall be given to organizations of proven ability in providing employment services to handicapped individuals under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts among the States, taking into account the needs of underserved States.

"(2) The Secretary shall allot for projects within each State the sums appropriated for any fiscal year under section 617 so that each State will receive an amount which bears the same ratio to such sums as the population of the State bears to the population of all the States.

State projects,
allotment of
funds.

"(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallocated, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year. The total of such reductions shall be similarly reallocated among the States whose proportionate amounts were not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

“(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to the total number of such individuals, respectively, in that State, and (2) the relative distribution of such individuals residing in rural and urban areas within the State.

“DEFINITIONS

“SEC. 616. For purposes of this part—

29 USC 795e.

“(1) the term ‘community service’ means social, health, welfare, and educational services, legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe;

“(2) the term ‘pilot program’ means the community service employment program for handicapped individuals established under this part; and

“(3) the term ‘attendant care’ means interpreter services for the deaf, reader services for the blind, and services provided to assist mentally retarded individuals to perform duties of employment.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 617. There are authorized to be appropriated to carry out the purposes of this part \$35,000,000 for the fiscal year ending September 30, 1979, \$50,000,000 for the fiscal year ending September 30, 1980, \$75,000,000 for the fiscal year ending September 30, 1981, and \$100,000,000 for the fiscal year ending September 30, 1982.

29 USC 795f.

“PART B—PROJECTS WITH INDUSTRY AND BUSINESS OPPORTUNITIES FOR HANDICAPPED INDIVIDUALS

“PROJECTS WITH INDUSTRY

“SEC. 621. (a) (1) The Commissioner, in consultation with the Secretaries of Labor and Commerce and with designated State units, may enter into agreements with individual employers and other entities to establish jointly financed projects which—

Jointly financed projects, consultation and agreements.

“(A) shall provide handicapped individuals with training and employment in a realistic work setting in order to prepare them for employment in the competitive market;

29 USC 795g.

“(B) shall provide handicapped individuals with such supportive services as may be required to permit them to continue to engage in the employment for which they have received training under this section; and

“(C) shall, to the extent appropriate, expand job opportunities for handicapped individuals by providing for (i) the development and modification of jobs to accommodate the special needs of

such individuals, (ii) the distribution of special aids, appliances, or adapted equipment to such individuals, (iii) the establishment of appropriate job placement services, and (iv) the modification of any facilities or equipment of the employer which are to be used primarily by handicapped individuals.

“(2) Any agreement under this subsection shall be jointly developed by the Commissioner, the prospective employer, and, to the extent practicable, the appropriate designated State unit and the handicapped individuals involved. Such agreements shall specify the terms of training and employment under the project, provide for the payment by the Commissioner of part of the costs of the project (in accordance with subsection (c)), and contain the items required under subsection (b) and such other provisions as the parties to the agreement consider to be appropriate.

Minimum wage.
Review.

“(b) No payment shall be made by the Commissioner under any agreement with an employer entered into under subsection (a) unless such agreement—

“(1) provides assurances that handicapped individuals placed with such employer shall receive at least the applicable minimum wage;

“(2) specifies that the Commissioner, together with the designated State unit, has the right to review any termination of employment, and that, in the event such termination occurs less than three years after the date of the commencement of employment of the handicapped individual involved, the Commissioner shall be entitled to require the repayment of a portion of the funds made available to the employer if such termination is without reasonable cause, as determined by the Commissioner in consultation with such designated State unit; and

“(3) provides assurances that any handicapped individual placed with such employer shall be afforded terms and benefits of employment equal to those which are afforded to other employees of such employer, and that such handicapped individuals shall not be unreasonably segregated from other employees.

“(c) Payments under this section with respect to any project may not exceed 80 per centum of the costs of the project.

“BUSINESS OPPORTUNITIES FOR HANDICAPPED INDIVIDUALS

Grants and
contracts,
consultation.
29 USC 795h.
Regulations.

“SEC. 622. The Commissioner, in consultation with the Secretaries of Labor and Commerce, may make grants to, or enter into contracts with, handicapped individuals to enable them to establish or operate commercial or other enterprises to develop or market their products or services. Within ninety days after the effective date of this section, the Commissioner shall promulgate regulations to carry out this section, including regulations specifying (1) the maximum amount of money which may be provided under this section to any participant, and (2) procedures for certification, by designated State units, of individuals eligible to participate in any program under this section.

“AUTHORIZATION OF APPROPRIATIONS

29 USC 795i.

“SEC. 623. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this part for each fiscal year beginning before October 1, 1982.

CONFORMING AMENDMENTS

SEC. 202. (a) The table of contents for the Rehabilitation Act of 1973, as amended by section 120(c)(6), is further amended by adding at the end thereof the following:

“TITLE VI—EMPLOYMENT OPPORTUNITIES FOR
HANDICAPPED INDIVIDUALS

“Sec. 601. Short title.

“PART A—COMMUNITY SERVICE EMPLOYMENT PROGRAMS FOR HANDICAPPED
INDIVIDUALS

“Sec. 611. Establishment of program.

“Sec. 612. Administration.

“Sec. 613. Participants not Federal employees.

“Sec. 614. Interagency cooperation.

“Sec. 615. Equitable distribution of assistance.

“Sec. 616. Definitions.

“Sec. 617. Authorization of appropriations.

“PART B—PROJECTS WITH INDUSTRY AND BUSINESS OPPORTUNITIES FOR HANDI-
CAPPED INDIVIDUALS

“Sec. 621. Projects with industry.

“Sec. 622. Business opportunities for handicapped individuals.

“Sec. 623. Authorization of appropriations.”.

TITLE III—COMPREHENSIVE SERVICES FOR
INDEPENDENT LIVING

COMPREHENSIVE SERVICES

SEC. 301. The Rehabilitation Act of 1973, as amended by section 201 of this Act, is further amended by adding at the end the following new title: *Ante*, p. 2989.

“TITLE VII—COMPREHENSIVE SERVICES
FOR INDEPENDENT LIVING

“PART A—COMPREHENSIVE SERVICES

“PURPOSE

“SEC. 701. The purpose of this title is to authorize grants (supplementary to grants for vocational rehabilitation services under title I) to assist States in providing comprehensive services for independent living designed to meet the current and future needs of individuals whose disabilities are so severe that they do not presently have the potential for employment but may benefit from vocational rehabilitation services which will enable them to live and function independently. *Grants.*
29 USC 796.
29 USC 720.

“ELIGIBILITY

“SEC. 702. Services may be provided under this title to any individual whose ability to engage or continue in employment, or whose ability to function independently in his family or community, is so limited by the severity of his disability that vocational or comprehensive rehabilitation services appreciably more costly and of appreciably greater duration than those vocational or comprehensive rehabilitation services required for the rehabilitation of a handicapped *29 USC 796a.*

individual are required to improve significantly either his ability to engage in employment or his ability to function independently in his family or community. Priority of services under this part shall be given to individuals not served by other provisions of this Act.

"Comprehensive services for independent living."
29 USC 720.

"(b) For purposes of this title, the term "comprehensive services for independent living" means any appropriate vocational rehabilitation service (as defined under title I of this Act) and any other service that will enhance the ability of a handicapped individual to live independently and function within his family and community and, if appropriate, secure and maintain appropriate employment. Such services may include any of the following: counseling services, including psychological, psychotherapeutic, and related services; housing incidental to the purpose of this section (including appropriate accommodations to and modifications of any space to serve handicapped individuals); appropriate job placement services; transportation; attendant care; physical rehabilitation; therapeutic treatment; needed prostheses and other appliances and devices; health maintenance; recreational activities; services for children of preschool age, including physical therapy, development of language and communication skills, and child development services; and appropriate preventive services to decrease the needs of individuals assisted under the program for similar services in the future.

"ALLOTMENTS

29 USC 796b.

"SEC. 703. (a) (1) From sums made available for each fiscal year for the purposes of allotments under this subpart, each State whose comprehensive services plan has been approved under section 705 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 States. Except as provided in paragraph (2), the allotment to any State under the preceding sentence shall be not less than \$200,000 or one-third of 1 percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, and the allotment of any State under this section for any fiscal year which is less than \$200,000 or one-third of 1 percent of such sums shall be increased to the greater of the two amounts.

"(2) For purposes of this subsection, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands shall not be considered as States and shall each be allotted not less than one-eighth of 1 percent of the amounts made available for purposes of this subpart for the fiscal year for which the allotment is made.

"(b) Amounts necessary to increase the allotments of States under paragraph (1) or to provide allotments under paragraph (2) shall be derived by proportionately reducing the allotments of the remaining States under paragraph (1), but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than the greater of \$200,000 or one-third of 1 percent of the sums made available for purposes of this subpart for the fiscal year for which the allotment is made.

"(c) Whenever the Commissioner 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 title, he shall make such amount available for carrying out the purposes of this section to one or more of the 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 the purposes of this section, be regarded as an increase in the State's allotment (as determined under the preceding provisions of this section) for such year.

“PAYMENTS TO STATES FROM ALLOTMENTS

“SEC. 704. (a) From each State's allotment for a fiscal year under section 703, the State shall be paid the Federal share of the expenditures incurred during such year under its State plan approved under section 705. Such payments may be made (after necessary adjustments 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 Commissioner may determine.

29 USC 796c.

“(b) (1) The Federal share with respect to any State for any fiscal year shall be 90 percent of the expenditures incurred by the State during such year under its State plan approved under section 705.

Federal share.

“(2) The non-Federal share of the cost of any project assisted by an allotment under this subpart may be provided in kind.

“(3) For the purpose of determining the Federal share with respect to any State, expenditures by a political subdivision of such State shall, subject to regulations prescribed by the Commissioner, be regarded as expenditures by such State.

“STATE PLANS

“SEC. 705. (a) In order to be eligible for grants under this part, a State shall submit to the Commissioner a State plan for a three-year period for providing comprehensive services for independent living to severely handicapped individuals, and, upon request of the Commissioner, shall make such annual revisions in the plan as may be necessary. Each such plan shall—

Submission to
Commissioner.
29 USC 796d.

“(1) designate the designated State unit of such State as the agency to administer the programs funded under this part;

“(2) demonstrate that the State has studied and considered a wide variety of methods for providing comprehensive services to severely handicapped individuals (such as regional and community centers, halfway houses, and patient-release programs) and that the State will provide, to the maximum extent feasible, meaningful alternatives to institutionalization;

“(3) (A) describe the quality, scope, and extent of the comprehensive services for independent living to be provided to handicapped individuals under this part, and specify the State's goals and plans with respect to the distribution of funds received under part B of this title; and

“(B) provide satisfactory assurances that facilities used in connection with the delivery of services assisted under this part and part B of this title will comply with the Act of August 12, 1968, commonly known as the Architectural Barriers Act of 1968;

42 USC 4151
note.
29 USC 722.

“(4) provide assurances that (A) an individualized written rehabilitation program meeting the requirements of section 102 will be developed for each handicapped individual eligible for independent living services under this part; (B) such services will be provided in accordance with such program; and (C) that such program be coordinated with the individualized written rehabilitation program, habilitation plan, or education program for such individual required under section 102 of this Act, section 112 of the Developmental Disabilities Services and Facilities Con-

42 USC 6011.
20 USC 1412,
1413.

struction Act, and sections 612(4) and 614(a)(5) of the Education for All Handicapped Children Act of 1975, respectively; “(5) provide assurances that the State will conduct periodic reviews of the progress of individuals assisted under this title to determine whether services provided to such individuals should be continued, modified, or discontinued;

“(6) provide assurances that special efforts will be undertaken to provide technical assistance to urban and rural poverty areas with respect to the provision of comprehensive services for severely handicapped individuals and describe such efforts;

“(7) provide assurances that handicapped individuals shall have a substantial role in developing the State plan;

“(8) provide assurances that not less than 20 percent of the funds received by a State under this part shall be used to make grants to local public agencies and private nonprofit organizations for the conduct of independent living services except that the Commissioner may waive the requirement of this clause if the Commissioner determines, on the basis of evidence submitted by the State, that such State cannot feasibly use the funds required to be expended under this section for the purposes of this clause; and

“(9) contain such other information, and be submitted in such form and in accordance with such procedures, as the Commissioner may require.

Approval.

“(b) As soon as practicable after receiving a State plan submitted under subsection (a), the Commissioner shall approve or disapprove such plan. The Commissioner shall approve any State plan which he determines meets the requirements and purposes of this section. The provisions of subsections (b), (c), and (d) of section 101 of this Act shall apply to any State plan submitted to the Commissioner pursuant to this section, except that for purposes of this section, all references in such subsections to the Secretary shall be deemed to be references to the Commissioner.

29 USC 721,
Ante, pp. 2958,
2959.

“PART B—CENTERS FOR INDEPENDENT LIVING

“GRANT PROGRAM ESTABLISHED

29 USC 796e.

“SEC. 711. (a) The Commissioner may make grants to any designated State unit which administers the State plan under section 705 to provide for the establishment and operation of independent living centers, which shall be facilities offering the services described in subsection (c) (2).

Application.

“(b) No grant may be made under this section unless an application therefore has been submitted to and approved by the Commissioner. The Commissioner may not approve an application for a grant unless the application—

“(1) contains assurances that the designated State unit will use funds provided by such grant in accordance with subsection (c); and

“(2) contains such other information, and is submitted in such form and in accordance with such procedures, as the Commissioner may require.

“(c) An application by a public or nonprofit agency or organization for such grant shall—

“(1) provide assurances that handicapped individuals will be substantially involved in policy direction and management of such center, and will be employed by such center;

“(2) contain assurances that the independent living center to be assisted by such grant shall offer handicapped individuals a combination of independent living services, including as appropriate—

Independent living services.

“(A) intake counseling to determine the client’s need for specific rehabilitation services;

“(B) referral and counseling services with respect to attendant care;

“(C) counseling and advocacy services with respect to legal and economic rights and benefits;

“(D) independent living skills, counseling, and training, including such programs as training in the maintenance of necessary equipment and in jobseeking skills, counseling on therapy needs and programs, and special programs for the blind and deaf;

“(E) housing and transportation referral and assistance;

“(F) surveys, directories, and other activities to identify appropriate housing and accessible transportation, and other support services;

“(G) health maintenance programs;

“(H) peer counseling;

“(I) community group living arrangements;

“(J) education and training necessary for living in the community and participating in community activities;

“(K) individual and group social and recreational activities;

“(L) other programs designed to provide resources, training, counseling, services, or other assistance of substantial benefit in promoting the independence, productivity, and quality of life of handicapped individuals;

“(M) attendant care and training of personnel to provide such care; and

“(N) such other services as may be necessary and not inconsistent with the provisions of this title; and

“(3) contain such other information, and be submitted in such form and in accordance with such procedures, as the Commissioner may require.

“(d) If, within six months after the date in each fiscal year on which the Commissioner begins to accept applications from designated State units under this section, a designated State unit in a State has not submitted such an application, the Commissioner may accept applications for grants under this section from local public agencies or private nonprofit organizations within such State. After the receipt of such applications, the Commissioner may make grants to such agencies or organizations for the purpose of establishing independent living centers to provide the services described in subsection (c) (2).

“PART C—INDEPENDENT LIVING SERVICES FOR OLDER BLIND INDIVIDUALS

“SERVICE PROGRAM ESTABLISHED

“SEC. 721. (a) The Commissioner may make grants to any designated State unit to provide independent living services to older blind individuals. Such services shall be designed to assist an older blind individual to adjust to his blindness by becoming more able to care for his individual needs. Such services may include—

Grants.
29 USC 796f.

“(1) services to help correct blindness such as (A) outreach services, (B) visual screening, (C) surgical or therapeutic treatment to prevent, correct, or modify disabling eye conditions, and (D) hospitalization related to such services;

“(2) the provision of eyeglasses and other visual aids;

“(3) the provision of services and equipment to assist an older blind individual to become more mobile and more able to care for himself;

“(4) mobility training, Braille instruction, and other services and equipment to help an older blind individual adjust to blindness;

“(5) guide services, reader services, and transportation; and

“(6) any other appropriate services designed to assist a blind person in coping with daily living activities, including supportive services or rehabilitation teaching services.

Application.

“(b) No grant may be made under this section unless an application therefor, containing such information as the Commissioner may require, has been submitted to and approved by the Commissioner. The Commissioner may not approve any application for a grant unless the application contains assurances that the designated State unit will seek to incorporate any new methods and approaches relating to the services described in subsection (a) into its State plan for independent living services under section 705 of this title.

Funds.

“(c) Funds received under this section by any designated State unit may be used to make grants to public or private nonprofit agencies or organizations to—

“(1) conduct activities which will improve or expand services for older blind individuals and help improve public understanding of the problems of such individuals; and

“(2) provide independent living services to older blind individuals in accordance with the provisions of subsection (a).

“Older blind individual.”

“(d) For purposes of this section, the term ‘older blind individual’ means an individual aged fifty-five or older whose severe visual impairment makes gainful employment extremely difficult to attain but for whom independent living goals are feasible.

“PART D—GENERAL PROVISIONS

“PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

Grants.

29 USC 796g.

“SEC. 731. (a) The Commissioner may make grants to States to establish systems to protect and advocate the rights of severely handicapped individuals. In order to be eligible for a grant under this section, a State shall provide the Commissioner with assurances that any system established with grants made under this section shall have the authority to pursue legal, administrative, and other appropriate remedies to insure the protection of the rights of such individuals receiving services under this title within the State. A State must provide that such system will be independent of any designated State unit that provides services under this part to such individuals.

Application.

“(b) No grant may be made under this section unless an application therefor has been submitted to the Commissioner containing such information and in such form and in accordance with such procedures as the Commissioner may, by regulation, prescribe.

“EMPLOYMENT OF HANDICAPPED INDIVIDUALS

Affirmative action.

29 USC 796h.

“SEC. 732. As a condition of providing assistance under this title, the Secretary shall require that each recipient of assistance take

affirmative action to employ and advance in employment qualified handicapped individuals on the same terms and conditions required with respect to the employment of such individuals under the provisions of this Act which govern employment (1) by State rehabilitation agencies and rehabilitation facilities, and (2) under Federal contracts and subcontracts.

"PART E—AUTHORIZATIONS

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 731. (a) For the purpose of carrying out the provisions of parts A, B, and C of this title, there are authorized to be appropriated \$80,000,000 for the fiscal year ending September 30, 1979, \$150,000,000 for the fiscal year ending September 30, 1980, \$200,000,000 for the fiscal year ending September 30, 1981, and such sums as may be necessary for the fiscal year ending September 30, 1982. 29 USC 796i.

"(b) From the amounts authorized to be appropriated under this section, an amount shall be made available for the purpose of carrying out the provisions of Part C of this title in an amount not in excess of 10 percent of the amount made available for carrying out the provisions of subpart 1 of Part A of this title.

"(c) (1) For the purpose of carrying out Part D of this title, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending September 30, 1979, and for each of the three succeeding fiscal years, but in no event shall such sums exceed \$6,000,000 for the fiscal year ending September 30, 1979, \$7,500,000 for the fiscal year ending September 30, 1980, and \$9,000,000 for the fiscal year ending September 30, 1981.

"(2) The provisions of section 1913 of title 18 of the United States Code shall be applicable to all moneys authorized under the provisions of this subsection."

CONFORMING AMENDMENT

SEC. 302. The table of contents for the Rehabilitation Act of 1973, as amended in section 120(c)(6) and section 202(b), is further amended by adding at the end thereof the following:

"TITLE VII—COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING

"PART A—COMPREHENSIVE SERVICES

- "Sec. 701. Purpose.
- "Sec. 702. Eligibility.
- "Sec. 703. Allotments.
- "Sec. 704. Payments to States from allotments.
- "Sec. 705. State plans.

"PART B—INDEPENDENT LIVING CENTERS

- "Sec. 711. Grant program established.

"PART C—INDEPENDENT LIVING SERVICES FOR OLDER BLIND INDIVIDUALS

- "Sec. 721. Service program established.

"PART D—GENERAL PROVISIONS

- "Sec. 731. Protection and advocacy of individual rights.
- "Sec. 732. Employment of handicapped individuals.

"PART E—AUTHORIZATIONS

- "Sec. 731. Authorization of appropriations."

TITLE IV—SPECIAL STUDIES AND MISCELLANEOUS
PROVISIONS

RESEARCH AND DEMONSTRATION PROJECTS

Grants and
contracts.
29 USC 762a.

SEC. 401. (a) The Secretary of Health, Education, and Welfare is authorized to make grants to, and to enter into contract with, public and nonprofit agencies and organizations for the purpose of research and demonstration projects specifically designed to address the multiple and interrelated service needs of handicapped individuals, the elderly, and children, youths, adults, and families. A report evaluating each project funded under this section shall be submitted to appropriate committees of the Congress within four months after the date each such project is completed.

Report to
congressional
committees.

(b) There are authorized to be appropriated to carry out this section such sums as may be necessary.

Appropriation
authorization.

No funds other than those appropriated pursuant to this subsection can be used for the conduct of research specifically authorized by this section.

Impact study,
transmittal to
Congress.

(c) Within one year after the date appropriations are made under subsection (b) for purposes of research and demonstration projects under subsection (a), the Secretary shall prepare and transmit to the Congress a study concerning the impact of vocational rehabilitation services provided under the Rehabilitation Act of 1973 on recipients of disability payments under titles II and XVI of the Social Security Act. The study shall examine the relationship between the vocational rehabilitation services provided under the Rehabilitation Act of 1973 and the programs under sections 222 and 1615 of the Social Security Act, and shall include—

29 USC 701 note.
42 USC 401,
1381.

“(1) an analysis of the savings in disability benefit payments under titles II and XVI of the Social Security Act as a result of the provision of vocational rehabilitation services under the Rehabilitation Act of 1973;

42 USC 422,
1382d.

“(2) a specification of the rate of return to the active labor force by recipients of services under sections 222 and 1615 of the Social Security Act;

31 USC 11.

“(3) a specification of the total amount of expenditures, in the five fiscal years preceding the date of submission of the report, for vocational rehabilitation services under the Rehabilitation Act of 1973 and under sections 222 and 1615 of the Social Security Act, and recommendations for the coordinated presentation of such expenditures in the Budget submitted by the President pursuant to section 201 of the Budget and Accounting Act, 1921; and

“(4) recommendations to improve the coordination of services under the Rehabilitation Act of 1973 with programs under sections 222 and 1615 of the Social Security Act, including recommendations for increasing savings in disability benefits payments and the rate of return to the active labor force by recipients of services under sections 222 and 1615 of the Social Security Act.”

SPECIAL STUDY CONCERNING HANDICAPPED INDIVIDUALS LIVING IN RURAL
AREAS

Consultation.
29 USC 713 note.

SEC. 402. The Secretary, after consultation with the Commissioner of the Rehabilitation Services Administration, Commissioner of Education, the Director of the National Institute on Handicapped Research, and other appropriate officials, organizations, and individ-

uals, shall conduct a study of the special problems and needs of handicapped individuals who reside in rural areas in the United States. Upon the completion of such study, but not later than eighteen months after the date of enactment of this Act, the Secretary shall submit the results of such study, together with such recommendations as he deems appropriate to the President, and to the appropriate committees of the Congress.

Submission to President and congressional committees.

SPECIAL STUDY CONCERNING DISINCENTIVES TO EMPLOYMENT

SEC. 403. In consultation with appropriate Federal departments and agencies, the Secretary shall conduct a study of possible ways to structure Federal programs providing benefits to handicapped individuals in order to eliminate any disincentives for individuals receiving benefits under such programs to obtain and continue in employment. Upon the completion of such study, but not later than twenty-four months after the date of enactment of this Act, the Secretary shall submit the results of such study, together with such recommendations as the Secretary deems appropriate to the President and the Congress.

Consultation.
29 USC 713 note.

Submission to the President and congressional committees.

PROHIBITION ON CERTAIN PROGRAMS

SEC. 404. No funds appropriated under the Rehabilitation Act of 1973, the Older Americans Act of 1965, or the Child Abuse Prevention and Treatment Act may be obligated or expended for research, demonstration, or evaluation programs or projects which are not directly managed and monitored by the office charged by law with direct responsibility for carrying out such research, demonstration, or evaluation programs or projects under such Acts and which are not specifically authorized in full by one or more such Acts.

29 USC 701 note;
42 USC 3001 note, 5101 note.

LIMITATIONS ON AUTHORIZATIONS

SEC. 405. No authorization of appropriations in this Act (except for title V) shall be effective for any fiscal year beginning before October 1, 1978. Notwithstanding any other provision of this Act, no new borrowing authority or authority to enter into contracts under this Act (except for title V) shall be effective except to such extent or in such amounts as are provided in advance in appropriations Acts.

Infra.

TITLE V—AMENDMENTS TO THE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT

REFERENCE TO ACT

SEC. 501. Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Developmental Disabilities Services and Facilities Construction Act.

42 USC 6001 note.

SHORT TITLE; FINDINGS AND PURPOSES

SEC. 502. Part A is amended by striking out section 101 and inserting in lieu thereof the following sections:

42 USC 6001 note.

“SHORT TITLE

“SEC. 100. This title may be cited as the ‘Developmental Disabilities Assistance and Bill of Rights Act’.

Developmental Disabilities Assistance and Bill of Rights Act.
42 USC 6000 note.

"FINDINGS AND PURPOSES

42 USC 6000.

"SEC. 101. (a) The Congress finds that—

"(1) there are more than two million persons with developmental disabilities in the United States;

"(2) individuals with disabilities occurring during their developmental period are more vulnerable and less able to reach an independent level of existence than other handicapped individuals who generally have had a normal developmental period on which to draw during the rehabilitation process;

"(3) persons with developmental disabilities often require specialized lifelong services to be provided by many agencies in a coordinated manner in order to meet the persons' needs;

"(4) general service agencies and agencies providing specialized services to disabled persons tend to overlook or exclude persons with developmental disabilities in their planning and delivery of services; and

"(5) it is in the national interest to strengthen specific programs, especially programs that reduce or eliminate the need for institutional care, to meet the needs of persons with developmental disabilities.

"(b) (1) It is the overall purpose of this title to assist States to assure that persons with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve their maximum potential through a system which coordinates, monitors, plans, and evaluates those services and which ensures the protection of the legal and human rights of persons with developmental disabilities.

"(2) The specific purposes of this title are—

"(A) to assist in the provision of comprehensive services to persons with developmental disabilities, with priority to those persons whose needs cannot be covered or otherwise met under the Education for All Handicapped Children Act, the Rehabilitation Act of 1973, or other health, education, or welfare programs;

"(B) to assist States in appropriate planning activities;

"(C) to make grants to States and public and private, nonprofit agencies to establish model programs, to demonstrate innovative habilitation techniques, and to train professional and paraprofessional personnel with respect to providing services to persons with developmental disabilities;

"(D) to make grants to university affiliated facilities to assist them in administering and operating demonstration facilities for the provision of services to persons with developmental disabilities, and interdisciplinary training programs for personnel needed to provide specialized services for these persons; and

"(E) to make grants to support a system in each State to protect the legal and human rights of all persons with developmental disabilities."

20 USC 1401
note.29 USC 701 note.
Grants.

DEFINITIONS AND SPECIAL REPORT

42 USC 6001.

SEC. 503. (a) Section 102(1) is amended by inserting "the Northern Mariana Islands," after "Guam,".

(b) (1) Paragraph (7) of section 102 is amended to read as follows:

"(7) The term 'developmental disability' means a severe, chronic disability of a person which—

"(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

“(B) is manifested before the person attains age twenty-two;

“(C) is likely to continue indefinitely;

“(D) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and

“(E) reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.”

(2) The Secretary of Health, Education, and Welfare shall submit to Congress, not later than January 15, 1981, a special report concerning the impact of the amendment of the definition of “developmentally disabled” made by paragraph (1). This report shall include—

Report to
Congress.
42 USC 6001
note.

(A) an analysis of the impact of the amendment on each of the categories of persons with developmental disabilities receiving services under the Developmental Disabilities Assistance and Bill of Rights Act before the date of enactment of this Act, and for the fiscal year ending on September 30, 1979 and for the succeeding fiscal year, including—

Ante, p. 3003.

(i) the number of persons with developmental disabilities in each category served before and after such date of enactment; and

(ii) the amounts expended under such Act for each such category of persons with developmental disabilities before and after such date of enactment; and

(B) an assessment, evaluation, and comparison of services provided to persons with developmental disabilities provided before the date of enactment of this Act and for the fiscal year ending September 30, 1979 and for the succeeding fiscal year.

(c) Paragraph (8) of section 102 is amended—

42 USC 6001.

(1) by inserting “(A)” after “(8)”;

(2) by striking out “means specialized services” and all that follows through “such term includes” and inserting in lieu thereof the following: “means priority services (as defined in subparagraph (B)), and any other specialized services or special adaptations of generic services for persons with developmental disabilities, including in these services the”; and

(3) by adding at the end thereof the following new subparagraphs:

“(B) The term ‘priority services’ means case management services (as defined in subparagraph (C)), child development services (as defined in subparagraph (D)), alternative community living arrangement services (as defined in subparagraph (E)), and nonvocational social-developmental services (as defined in subparagraph (F)).

“(C) The term ‘case management services’ means such services to persons with developmental disabilities as will assist them in gaining access to needed social, medical, educational, and other services; and such term includes—

“(i) follow-along services which ensure, through a continuing relationship, lifelong if necessary, between an agency or provider and a person with a developmental disability and the person’s immediate relatives or guardians, that the changing needs of the person and the family are recognized and appropriately met; and

“(ii) coordination services which provide to persons with developmental disabilities support, access to (and coordination

of) other services, information on programs and services, and monitoring of the persons' progress.

“(D) The term ‘child development services’ means such services as will assist in the prevention, identification, and alleviation of developmental disabilities in children, and includes (i) early intervention services, (ii) counseling and training of parents, (iii) early identification of developmental disabilities, and (iv) diagnosis and evaluation of such developmental disabilities.

“(E) The term ‘alternative community living arrangement services’ means such services as will assist persons with developmental disabilities in maintaining suitable residential arrangements in the community, and includes in-house services (such as personal aides and attendants and other domestic assistance and supportive services), family support services, foster care services, group living services, respite care, and staff training, placement, and maintenance services.

“(F) The term ‘nonvocational social-developmental services’ means such services as will assist persons with developmental disabilities in performing daily living and work activities.”

42 USC 6001.

(d) Paragraph (9) of section 102 is amended to read as follows:

“(9) The term ‘satellite center’ means an entity which is affiliated with one or more university affiliated facilities and which functions as a community or regional extension of such university affiliated facility or facilities in the delivery of services to persons with developmental disabilities, and their families, who reside in geographical areas where adequate services are not otherwise available.”

(e) Paragraph (10) of section 102 is amended by striking out “and which aids” and all that follows through the end thereof and inserting in lieu thereof the following: “and which provides for at least the following activities:

“(A) Interdisciplinary training for personnel concerned with developmental disabilities.

“(B) Demonstration of the provision of exemplary services relating to persons with developmental disabilities.

“(C) (i) Dissemination of findings relating to the provision of services to persons with developmental disabilities, and (ii) providing researchers and government agencies sponsoring service-related research with information on the needs for further service-related research.”

(f) Section 102 is amended by inserting after paragraph (11) the following new paragraph:

“(12) The term ‘State Planning Council’ means a State Planning Council established under section 137.”

Post, p. 3015.

REPEAL OF NATIONAL ADVISORY COUNCIL ON SERVICES AND FACILITIES OF
THE DEVELOPMENTALLY DISABLED

Repeal.

SEC. 504. (a) Section 108 is repealed.

42 USC 6007.

(b) (1) Section 110(a) is amended by striking out “, in consultation with the National Advisory Council on Services and Facilities for the Developmentally Disabled,”

42 USC 6009.

(2) Section 145(a) is amended by striking out “, after consultation with the National Advisory Council on Services and Facilities to the Developmentally Disabled,”

42 USC 6081.

(3) Section 145(e) is amended by striking out “(after consultation with the National Advisory Council on Services and Facilities to the Developmentally Disabled)”

REGULATIONS

SEC. 505. The text of section 109 is amended to read as follows:

“SEC. 109. The Secretary, not later than 180 days after the date of enactment of any Act amending the provisions of this title, shall promulgate such regulations as may be required for the implementation of such amendments.”

Regulations.
42 USC 6008.

EVALUATION SYSTEM

SEC. 506. (a) Section 110(a) is amended—

42 USC 6009.

(1) by striking out “within two years of” and all that follows through “Bill of Rights Act develop” in the first sentence and inserting in lieu thereof “develop, not later than October 1, 1979,”;

(2) by striking out “Within six months after the development of such a system, the” in the second sentence and inserting in lieu thereof “The”;

(3) by striking out “the receipt of assistance under this title, that such State” in the second sentence and inserting in lieu thereof “a State’s receipt of assistance on and after October 1, 1980, under this title, that the State”;

(4) by striking out “Within two years after the date of the development of such a system, the” in the third sentence and inserting in lieu thereof “The”; and

(5) by striking out “the receipt of assistance under this title, that each State” in the third sentence and inserting in lieu thereof “a State’s receipt of assistance on and after October 1, 1982, under this title, that the State”.

(b) Subsection (c) of section 110 is amended to read as follows:

“(c) Upon development of the evaluation system described in subsection (b), the Secretary shall submit to Congress a report on the system, which report shall include an estimate of the costs to the Federal Government and the States of developing and implementing such a system.”

Report to
Congress.

(c) Section 110 is amended by striking out subsection (d).

RIGHTS OF THE DEVELOPMENTALLY DISABLED

SEC. 507. Section 111 is amended by adding at the end thereof the following new sentence: “The rights of persons with developmental disabilities described in findings made in this section are in addition to any constitutional or other rights otherwise afforded to all persons.”

42 USC 6010.

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

SEC. 508. (a) Section 113(a) is amended—

42 USC 6012.

(1) by striking out “The Secretary shall require” and all that follows through “such system will (A)” and inserting in lieu thereof “In order for a State to receive an allotment under part C, (1) the State must have in effect a system to protect and advocate the rights of persons with developmental disabilities, (2) such system must (A)”;

(2) by striking out “State” in clause (2) (B);

(3) by striking out “and (B)” and inserting in lieu thereof “(B) not be administered by the State Planning Council, and (C)”;

(4) by inserting before the period at the end of the first sentence the following: “, and (3) the State must submit to the Secretary in a form prescribed by the Secretary in regulations (A) a report, not less often than once every three years, describing the system, and (B) an annual report describing the activities carried out under the system and any changes made in the system during the previous year”; and

(5) by striking out the last sentence thereof.

42 USC 6012.

(b) Section 113(b)(1) is amended—

Allotments.

(1) by inserting “(A)” after “(b)(1)”;

(2) by amending the second sentence to read as follows: “Allotments and reallocations of such sums shall be made on the same basis as the allotments and reallocations are made under the first sentence of subsections (a)(1) and (d) of section 132, except that no State (other than Guam, the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) in any fiscal year shall be allotted an amount under this subparagraph which is less than the greater of \$50,000 or the amount of the allotment to the State under this paragraph for the previous fiscal year.”; and

42 USC 6062.

(3) by adding at the end the following new subparagraph:

“(B) Notwithstanding subparagraph (A), if the aggregate of the amounts of the allotments for grants to be made in accordance with such subparagraph for any fiscal year exceeds the total of the amounts appropriated for such allotments under paragraph (2), the amount of a State’s allotment for such fiscal year shall bear the same ratio to the amount otherwise determined under such subparagraph as the total of the amounts appropriated for that year under paragraph (2) bears to the aggregate amount required to make an allotment to each of the States in accordance with subparagraph (A).”

(c) Paragraph (2) of section 113(b) is amended (1) by striking out “and” after “1977,” and (2) by adding before the period the following: “, \$9,000,000 for the fiscal year ending September 30, 1979, \$12,000,000 for the fiscal year ending September 30, 1980, and \$15,000,000 for the fiscal year ending September 30, 1981. The provisions of section 1913 of title 18, United States Code, shall be applicable to all moneys authorized under the provisions of this section”.

GRANT AUTHORITY, APPLICATIONS, AND AUTHORIZATION OF APPROPRIATIONS
FOR UNIVERSITY AFFILIATED FACILITIES

42 USC
6041-6043.

SEC. 509. Part B is amended to read as follows:

“PART B—UNIVERSITY AFFILIATED FACILITIES

“GRANT AUTHORITY

42 USC 6031.
42 USC 6033.
42 USC 6001.

“SEC. 121. (a) From appropriations under section 123, the Secretary shall make grants to university affiliated facilities to assist in the administration and operation of the activities described in section 102 (10).

“(b) The Secretary may make one or more grants to a university affiliated facility receiving a grant under subsection (a) to support one or more of the following activities:

“(1) Conducting a feasibility study of the ways in which it, singly or jointly with other university affiliated facilities which

have received a grant under subsection (a), can establish and operate one or more satellite centers which would be located in areas not served by a university affiliated facility. Such a study shall be carried out in consultation with the State Planning Council for the State in which the facility is located and where the satellite center would be established.

“(2) Assessing the need for trained personnel in providing assistance to persons with developmental disabilities.

“(3) Provision of service-related training to practitioners providing services to persons with developmental disabilities.

“(4) Conducting an applied research program designed to produce more efficient and effective methods (A) for the delivery of services to persons with developmental disabilities, and (B) for the training of professionals, paraprofessionals, and parents who provide these services.

The amount of a grant under paragraph (1) may not exceed \$25,000.

“(c) The Secretary may make grants to pay part of the costs of establishing satellite centers and may make grants to satellite centers to pay part of their administration and operation costs. The Secretary may approve an application for a grant under this subsection only if the feasibility of establishing or operating the satellite center for which the grant is applied for has been established by a study assisted under this section.

“APPLICATIONS

“SEC. 122. (a) Not later than six months after the date of the enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, the Secretary shall establish by regulation standards for university affiliated facilities. These standards for facilities shall reflect the special needs of persons with developmental disabilities who are of various ages, and shall include performance standards relating to each of the activities described in section 102(10).

University
affiliated
facilities,
standards.
42 USC 6032.
Ante, p. 2955.

“(b) No grant may be made under section 121 unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner, and contain such information, as the Secretary may require. Such an application shall be approved by the Secretary only if the application contains or is supported by reasonable assurances that—

“(1) the making of the grant will (A) not result in any decrease in the use of State, local, and other non-Federal funds for services for persons with developmental disabilities and for training of persons to provide such services, which funds would (except for such grant) be made available to the applicant, and (B) be used to supplement and, to the extent practicable, increase the level of such funds; and

“(2) (A) the applicant's facility is in full compliance with the standards established under subsection (a), or

“(B) (i) the applicant is making substantial progress toward bringing the facility into compliance with such standards, and (ii) the facility will, not later than three years after the date of approval of the initial application or the date standards are promulgated under subsection (a), whichever is later, fully comply with such standards.

“(c) The Secretary shall establish such a process for the review of applications for grants under section 121 as will ensure, to the max-

Review process.

imum extent feasible, that each Federal agency that provides funds for the direct support of the applicant's facility reviews the application.

“(d) (1) The amount of any grant under section 121(a) to a university affiliated facility shall not be less than \$150,000 for any fiscal year.

“(2) The amount of any grant under section 121(c) to a satellite center which has received a grant under section 121(b) (as in effect before the date of the enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978) for the fiscal year ending September 30, 1978, shall not be less than \$75,000 for any fiscal year.

Ante, p. 2955.

“AUTHORIZATION OF APPROPRIATIONS

42 USC 6033.

“SEC. 123. (a) For the purpose of making grants under section 121, there are authorized to be appropriated \$12,000,000 for the fiscal year ending September 30, 1979, \$14,000,000 for the fiscal year ending September 30, 1980, and \$16,000,000 for the fiscal year ending September 30, 1981.

“(b) Of the sums appropriated under subsection (a), not less than—

“(1) \$9,000,000 for the fiscal year ending September 30, 1979,

“(2) \$10,000,000 for the fiscal year ending September 30, 1980,

and

“(3) \$11,000,000 for the fiscal year ending September 30, 1981, shall be made available for grants under subsections (a) and (c) of section 121 to qualified applicants which received grants under section 121 during the fiscal year ending September 30, 1978. The remainder of the sums appropriated for such fiscal years shall be made available as the Secretary determines, except that not less than 40 percent of such remainder shall be made available for grants under subsections (b) and (c) of section 121.”

AUTHORIZATION AND ALLOTMENTS FOR STATES

42 USC 6061.

SEC. 510. (a) Section 131 is amended (1) by striking out “and” after “1977,” and (2) by inserting before the period the following: “, \$55,000,000 for the fiscal year ending September 30, 1979, \$65,000,000 for the fiscal year ending September 30, 1980, and \$75,000,000 for the fiscal year ending September 30, 1981.”

42 USC 6062.

(b) Section 132(a) is amended—

(1) by striking out subparagraph (B) of paragraph (1) and paragraphs (2), (3), and (4);

(2) by striking out “and facilities” each place it appears in subsection (a)(1);

(3) by striking out “(A)” in paragraph (1)(A) and by redesignating clauses (i) through (iii) of such paragraph as subparagraphs (A) through (C), respectively; and

(4) by inserting at the end thereof the following new paragraphs:

“(2) For any fiscal year, the allotment under paragraph (1)—

“(A) to each of American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands may not be less than \$100,000, and

“(B) to any other State may not be less than the greater of \$250,000, or the amount of the allotment (determined without

regard to subsection (d)) received by the State for the fiscal year ending September 30, 1978.

“(3) In determining, for purposes of paragraph (1) (B), the extent of need in any State for services for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services described, pursuant to section 133(b) (2) (B), in the State plan of the State.”

STATE PLANS FOR PROVISION OF SERVICES

SEC. 511. (a) Subsection (b) of section 133 is amended to read as follows: 42 USC 6063.

“(b) In order to be approved by the Secretary under this section, a State plan for the provision of services for persons with developmental disabilities must meet the following requirements: Requirements.

“State Planning Council and Administration of Plan

“(1) (A) The plan must provide for the establishment of a State Planning Council, in accordance with section 137, for the assignment to the Council of personnel in such numbers and with such qualifications as the Secretary determines to be adequate to enable the Council to carry out its duties under that section, and for the identification of the personnel so assigned. Post, p. 3015.

“(B) The plan must designate the State agency or agencies which shall administer or supervise the administration of the State plan and, if there is more than one such agency, the portion of such plan which each will administer (or the portion the administration of which each will supervise).

“(C) The plan must provide that each State agency designated under subparagraph (B) will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to verify such reports. Reports.

“(D) The plan must provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this part.

“Description of Objectives and Services

“(2) The plan must—

“(A) set out the specific objectives to be achieved under the plan and a listing of the programs and resources to be used to meet such objectives;

“(B) describe (and provide for the review annually and revision of the description not less often than once every three years) (i) the extent and scope of services being provided, or to be provided, to persons with developmental disabilities under such other State plans for Federally assisted State programs as the State conducts relating to education for the handicapped, vocational rehabilitation, public assistance, medical assistance, social services, maternal and child health, crippled children's services, and comprehensive health and mental health, and under such other plans as the Secretary may specify, and (ii) how funds allotted to the State in accordance with section 132 will be used 42 USC 6062.

to complement and augment rather than duplicate or replace services for persons with developmental disabilities which are eligible for Federal assistance under such other State programs;

Ante, p. 3005.

“(C) for each fiscal year, assess and describe the extent and scope of the priority services (as defined in section 102(8)(B)) being or to be provided under the plan in the fiscal year; and

“(D) establish a method for the periodic evaluation of the plan’s effectiveness in meeting the objectives described in subparagraph (A).

“Use of Funds

“(3) The plan must contain or be supported by assurances satisfactory to the Secretary that—

42 USC 6062.

“(A) the funds paid to the State under section 132 will be used to make a significant contribution toward strengthening services for persons with developmental disabilities through agencies in the various political subdivisions of the State;

“(B) part of such funds will be made available by the State to public or nonprofit private entities;

“(C) such funds paid to the State under section 132 will be used to supplement and to increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds; and

“(D) there will be reasonable State financial participation in the cost of carrying out the State plan.

“Provision of Priority Services

“(4) (A) The plan must—

“(i) provide for the examination not less often than once every three years of the provision, and the need for the provision, in the State of the four different areas of priority services (as defined in section 102(8)(B)); and

“(ii) provide for the development, not later than the second year in which funds are provided under the plan after the date of the enactment of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, and the timely review and revision of a comprehensive statewide plan to plan, financially support, coordinate, and otherwise better address, on a statewide and comprehensive basis, unmet needs in the State for the provision of at least one of the areas of priority services, such area or areas to be specified in the plan, and (at the option of the State) for the provision of an additional area of services for the developmentally disabled, such area also to be specified in the plan.

Ante, p. 2955.

“(B) (i) Except as provided in clause (iii), the plan must provide that not less than \$100,000 or 65 percent of the amount available to the State under section 132, whichever is greater, will be expended, as provided in clause (ii), for service activities in the areas of services specified in the plan under subparagraph (A) (ii).

42 USC 6061.

“(ii) For any year in which the sums appropriated under section 131 do not exceed—

“(I) \$60,000,000, not less than \$100,000 or 65 percent of the amount available to the State under section 132, whichever is

greater, must be expended for service activities in no more than two of the areas of services specified in the plan under subparagraph (A) (ii), and

“(II) \$90,000,000, not less than \$100,000 or 65 percent of the amount available to the State under section 132, whichever is greater, must be expended for service activities in no more than three of the areas of services specified in the plan under subparagraph (A) (ii).

42 USC 6062.

“(iii) A State, in order to comply with clause (i) for a fiscal year beginning before January 1, 1980, is not required to reduce the amount which is available to it under section 132 and which is expended for planning activities below the amount so expended for planning activities in the preceding fiscal year, if substantially the remainder of the amount available to the State, which is expended for other than administration, is expended for service activities in the areas of services specified in the plan under subparagraph (A) (ii). For purposes of this clause, expenditures for planning activities do not include any expenditures for service activities (as defined in clause (iv)).

“(iv) For purposes of this subparagraph, the term ‘service activities’ includes, with respect to an area of services, provision of services in the area, model service programs in the area, activities to increase the capacity of institutions and agencies to provide services in the area, coordinating the provision of services in the area with the provision of other services, outreach to individuals for the provision of services in the area, the training of personnel to provide services in the area, and similar activities designed to expand the use and availability of services in the area.

“Service activities.”

“(C) Notwithstanding subparagraph (B), upon the application of a State, the Secretary, pursuant to regulations which the Secretary shall prescribe, may permit the portion of the funds which must otherwise be expended under the State plan for service activities in a limited number of areas of services to be expended for service activities in additional areas of services if he determines that the expenditures of the State on service activities in the initially specified areas of services has reasonably met the need for those services in the State in comparison to the extent to which the need for such additional area or areas of services has been met in such State. Such additional areas shall, to the maximum extent feasible, be areas within the areas of priority services (as defined in section 102(8) (B)).

“(D) The plan must provide that special financial and technical assistance shall be given to agencies or entities providing services for persons with developmental disabilities who are residents of geographical areas designated as urban or rural poverty areas.

Ante, p. 3005.
Urban or rural poverty areas.

“Standards for Provision of Services and Protection of Rights of Recipients of Services

“(5) (A) (i) The plan must provide that services furnished, and the facilities in which they are furnished, under the plan for persons with developmental disabilities will be in accordance with standards prescribed by the Secretary in regulations.

“(ii) The plan must provide satisfactory assurances that buildings used in connection with the delivery of services assisted under the plan will meet standards adopted pursuant to the Act of August 12, 1968 (42 U.S.C. 4151-4157) (known as the Architectural Barriers Act of 1968).

Buildings.

42 USC 6011. “(B) The plan must provide that services are provided in an individualized manner consistent with the requirements of section 112 (relating to habilitation plans).

“ (C) The plan must contain or be supported by assurances satisfactory to the Secretary that the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under programs assisted under this title will be protected consistent with section 111 (relating to rights of the developmentally disabled).

42 USC 6010. “ (D) The plan must provide assurances that the State has undertaken affirmative steps to assure the participation in programs under this title of individuals generally representative of the population of the State, with particular attention to the participation of members of minority groups.

“Professional Assessment and Evaluation Systems

“(6) The plan must provide for—

“(A) an assessment of the adequacy of the skill level of professionals and paraprofessionals serving persons with developmental disabilities in the State and the adequacy of the State programs and plans supporting training of such professionals and paraprofessionals in maintaining the high quality of services provided to persons with developmental disabilities in the State; and

42 USC 6009. “(B) the planning and implementation of an evaluation system (in accordance with section 110(a)).

“Utilization of VISTA Personnel; Effect of Deinstitutionalization

42 USC 4951 note. “(7) (A) The plan must provide for the maximum utilization of all available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973 (Public Law 93-113) and other appropriate voluntary organizations, except that such volunteer services shall supplement, and shall not be in lieu of, services of paid employees.

Consultation. “(B) The plan must provide for fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected by actions under the plan to provide alternative community living arrangement services (as defined in section 102(8)(E)), including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees where necessary and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

Ante, p. 3006.

“Additional Information and Assurances Required by Secretary

“(8) The plan also must contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.”.

42 USC 6063. (b) Section 133(d)(1) is amended by striking out “for such purpose” and inserting in lieu thereof “for the total expenditures for such purpose by all of the State agencies designated under subsection (b)(1)(B) for the administration or supervision of the administration of the State plan”.

(c) Section 133(d)(2) is amended by striking out “during the fiscal year ending June 30, 1975” and inserting in lieu thereof “during the previous fiscal year”. 42 USC 6063.

STATE PLANNING COUNCILS

SEC. 512. (a) Subsection (a) of section 137 is amended to read as follows: 42 USC 6067.

“(a) (1) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for persons with developmental disabilities (as defined in section 102 (7)). The members of the State Planning Council of a State shall be appointed by the Governor of the State from among the residents of that State. The Governor of each State shall make appropriate provisions for the rotation of membership on the Council of his respective State. Each State Planning Council shall at all times include in its membership representatives of the principal State agencies, higher education training facilities, local agencies, and nongovernmental agencies and groups concerned with services to persons with developmental disabilities in that State. Establishment.

“(2) At least one-half of the membership of each such Council shall consist of persons who—

“(A) are persons with developmental disabilities or parents or guardians of such persons, or

“(B) are immediate relatives or guardians of persons with mentally impairing developmental disabilities, who are not employees of a State agency which receives funds or provides services under this part, who are not managing employees (as defined in section 1126(b) of the Social Security Act) of any other entity which receives funds or provides services under this part, and who are not persons with an ownership or control interest (within the meaning of section 1124(a)(3) of the Social Security Act) with respect to such an entity. Ante, p. 3004. Membership.

“(3) Of the members of the Council described in paragraph (2)—

“(A) at least one-third shall be persons with developmental disabilities, and

“(B) (i) at least one-third shall be individuals described in subparagraph (B) of paragraph (2), and (ii) at least one of such individuals shall be an immediate relative or guardian of an institutionalized person with a developmental disability.”

(b) Section 137(b) is amended to read as follows: 42 USC 1320a-5.

“(b) Each State Planning Council shall—

“(1) develop jointly with the State agency or agencies designated under section 133(b)(1)(B) the State plan required by this part, including the specification of areas of services under section 133(b)(4)(A)(ii);

“(2) monitor, review, and evaluate, not less often than annually, the implementation of such State plan;

“(3) to the maximum extent feasible, review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities; and

“(4) submit to the Secretary, through the Governor, such periodic reports on its activities as the Secretary may reasonably Review. Reports and records.

request, and keep such records and afford such access thereto as the Secretary finds necessary to verify such reports.”.

42 USC 6067.

(c) Section 137 is amended by striking out subsection (c).

SPECIAL PROJECT GRANTS

42 USC 6081.

SEC. 513. (a) Section 145 is amended—

(1) by inserting “(particularly priority services)” after “otherwise improving services” in subsection (a) (1);

(2) by striking out “, including programs” and all that follows through the semicolon at the end of paragraph (1) of subsection (a) and inserting in lieu thereof “; and”;

(3) by striking out “subsection (d)” in subsections (e) and (f) and inserting in lieu thereof “subsection (f)” each place it appears;

(4) by redesignating subsections (b) through (f) as subsections (d) through (h), respectively;

(5) by inserting after paragraph (1) of subsection (a) the following (and redesignating paragraphs (2) through (9) of subsection (a) as paragraphs (1) through (8), respectively):

“(2) demonstrations (and research, training, and evaluation in connection therewith) for establishing programs which hold promise of expanding or otherwise improving protection and advocacy services related to the state protection and advocacy system (described in section 113).

42 USC 6012.

“(b) Grants provided under subsection (a) shall include grants for—”; and

(6) by inserting before subsection (d), as so redesignated, the following new subsection:

Participation procedures.

“(c) The Secretary shall establish procedures to insure participation of persons with developmental disabilities and their parents or guardians in determining priorities to be utilized by the Secretary in making grants under this section.”.

(b) Section 145 (b), as amended by subsection (a) of this section, is amended (1) by striking out “and” at the end of paragraph (7), (2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof “; and”, and (3) by adding at the end thereof the following new paragraph:

“(9) developing or demonstrating innovative methods to attract and retain professionals to serve in rural areas in the habilitation of persons with developmental disabilities.”.

(c) Section 145 (f), as so redesignated, is amended (1) by striking out “and” after “1977.”, and (2) by inserting before the period the following: “, \$20,000,000 for the fiscal year ending September 30, 1979, \$22,000,000 for the fiscal year ending September 30, 1980, and \$26,000,000 for the fiscal year ending September 30, 1981”.

TECHNICAL AND CONFORMING AMENDMENTS

42 USC 6011.

SEC. 514. (a) Section 112 is amended—

(1) by striking out “after September 30, 1976,” in subsection (a);

(2) by striking out “Such” in subsection (b) (3) and inserting in lieu thereof “The”; and

- (3) by striking out "an" before "objective criteria" in clause (B) of subsection (b) (3).
- (b) Section 134 is amended— 42 USC 6064.
- (1) by striking out "CONSTRUCTION," in its heading,
 (2) by striking out "(a)" in subsection (a), and
 (3) by striking out subsection (b).
- (c) Section 135 is amended— 42 USC 6065.
- (1) by striking out "CONSTRUCTION," in its heading;
 (2) by striking out "(a)" in subsection (a); and
 (3) by striking out subsection (b).
- (d) The heading to part C is amended to read as follows:

"PART C—GRANTS FOR PLANNING AND PROVISION OF SERVICES FOR PERSONS WITH DEVELOPMENTAL DISABILITIES".

EFFECTIVE DATE

SEC. 515. The amendments made by this title shall apply to payments under title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act for fiscal years beginning on and after October 1, 1978. 42 USC 6000 note.
 42 USC 2661 note.

Approved November 6, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-1149 (Comm. on Education and Labor) and No. 95-1780 (Comm. of Conference).

SENATE REPORT No. 95-890 accompanying S. 2600 (Comm. on Human Resources).
 CONGRESSIONAL RECORD, Vol. 124 (1978):

May 16, considered and passed House.

Sept. 20, 21, S. 2600 considered in Senate; H.R. 12467, amended, passed in lieu.

Sept. 26, House agreed to Senate amendments, with amendments.

Oct. 15, Senate and House agreed to conference report.