Public Law 98-221
98th Congress

An Act

To revise and extend the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes.

Feb. 22, 1984
[S. 1340]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rehabilitation Amendments of 1984".

Rehabilitation Amendments of 1984.
Handicapped persons.
29 USC 701 note.

TITLE I—REHABILITATION PROGRAM

DEFINITIONS

SEC. 101. Section 7(12) of the Rehabilitation Act of 1973 (hereafter in this title referred to as "the Act") is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

29 USC 706.

REPORTS

SEC. 102. (a) Section 13 of the Act is amended by adding after the first sentence the following: "The Commissioner shall annually collect information on each client whose case is closed out in the preceding fiscal year and include the information in the report required by this section. The information shall set forth a complete count of such cases in a manner permitting the greatest possible cross-classification of data. The data elements shall include, but not be limited to, age, sex, race, ethnicity, education, type of disability, severity of disability, key rehabilitation process dates, earnings at time of entry into program and at closure, work status, occupation, cost of case services, types of services provided, types of facilities or agencies which furnished services and whether each such facility or agency is public or private, and reasons for closure. The Commissioner shall take whatever action is necessary to assure that the identity of each client for which information is supplied under this subsection is confidential.".

29 USC 712.

Confidentiality.

(b) The last sentence of section 13 is amended by inserting "also" after "shall".

EVALUATION

SEC. 103. Section 14(a) of the Act is amended by adding after the first sentence the following new sentence: "The Secretary shall establish and use standards for the evaluations required by this subsection. The standards shall, to the extent feasible, for all appropriate programs include standards relating to the increases in employment and earnings taking into account economic factors in the area to be served by the program and the characteristics of the handicapped individuals to be served.".

29 USC 713.

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ADMINISTRATIVE AMENDMENTS

29 USC 714.

SEC. 104. (a)(1) Section 15(b) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

29 USC 721.

(2) Section 101(a)(11) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

29 USC 722.

(3) Section 102(d)(2) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

29 USC 761a.

(4) Section 202(i)(2) of the Act is amended by striking out "Bureau of Education for the Handicapped" and inserting in lieu thereof "Office of Special Education and Rehabilitative Services".

29 USC 762.

(5) Section 204(b)(7) of the Act is amended by striking out "Office of Education" and inserting in lieu thereof "Department of Health and Human Services".

29 USC 761a.

(b)(1) Section 202(g) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

29 USC 761b.

(2) Section 203(a)(1) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

29 USC 791.

(3)(A) The first sentence of section 501(a) of the Act is amended by striking out "the Chairman of the Civil Service Commission" and inserting in lieu thereof "the Chairman of the Office of Personnel Management" and by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education and Health and Human Services".

(B) The second sentence of such section is amended by striking out "Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission" and inserting in lieu thereof "Secretary of Education and the Chairman of the Office of Personnel Management".

(C) Section 501 of the Act is amended by striking out "Civil Service Commission" each place it appears and inserting in lieu thereof "Office of Personnel Management".

(D) Section 501 of the Act is further amended by striking out "Commission" each place it appears and inserting in lieu thereof "Office".

(E) Section 501(d) of the Act is amended by striking out "Civil Service Commission's activities" and inserting in lieu thereof "the activities of the Office of Personnel Management".

(F) Section 501(f)(1) of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

29 USC 794c.

(4) Section 507 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education, the Secretary of Health and Human Services," and by striking out "Chairman of the United States Civil Service Commission" and inserting in lieu thereof "Chairman of the Office of Personnel Management".

29 USC 795c.

(5) Section 614 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

29 USC 762a.

(c)(1) Section 401(a) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 is amended by

striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(2) Section 402 of such Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Assistant Secretary of Education for the Office of Special Education and Rehabilitation Services". 29 USC 713 note.

PART A—VOCATIONAL REHABILITATION SERVICES

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. (a) Section 100(b)(1) of the Act is amended to read as follows: 29 USC 720.

"(b)(1)(A) For the purpose of making grants to States under part B of this title (other than grants under section 112) to assist them in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $1,037,800,000 for the fiscal year 1984, and the amount determined under subsection (c) for each of the fiscal years 1985, 1986, and 1987. 29 USC 730; *post*, p. 20. 29 USC 721.

"(B) In addition, there are authorized to be appropriated for such purpose such additional sums as may be necessary for each of the fiscal years 1985 and 1986. Any amount appropriated pursuant to this subparagraph shall be allocated in accordance with section 110(a)(4). *Post*, p. 20.

"(C) In no event may the amount appropriated for the purpose of making grants to States under part B of this title (other than section 112) be more than $1,117,500,000 for the fiscal year 1985 and $1,203,200,000 for the fiscal year 1986.". 29 USC 730; *post*, p. 20.

(b) The first sentence of section 100(b)(2) of the Act is amended to read as follows: 29 USC 720.

"(2) For the purpose of allotments under section 120(a)(1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.". 29 USC 740.

(c) Section 100(b)(3) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three fiscal years thereafter" and inserting in lieu thereof "each of the fiscal years 1984, 1985, and 1986".

(d) Section 100 of the Act is further amended by inserting at the end thereof the following new subsection:

"(d)(1) Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

"(A) of the authorization of appropriations for the program authorized by the State grant program under part B of this title; or 29 USC 730.

"(B) of the duration of the program authorized by the State grant program under part B of this title;

either—

"(i) has passed or has formally rejected legislation which would have the effect of extending the authorization or duration (as the case may be) of that program; or

"(ii) by action of either the House of Representatives or the Senate, approves a resolution stating that the provisions of this section shall no longer apply to such program;

such authorization or duration is automatically extended for one additional fiscal year for the program authorized by this title. The amount appropriated for the additional year shall be the amount

which the Congress could, under the terms of the law for which the appropriation is made, have appropriated based upon the amount authorized for fiscal year 1986 and the amount authorized under subsection (c).

"(2)(A) For the purposes of subdivision (i) of paragraph (1), the Congress shall not have been deemed to have passed legislation unless such legislation becomes law.

"(B) In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of the program authorized by this title, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which that part of paragraph (1) of this subsection which follows subdivision (ii) of paragraph (1) is in operation.".

29 USC 730.

(e) Section 110(a) of the Act is amended—

(1) by striking out "section 100(b)(1)" each place it appears in paragraphs (2) and (3) and inserting in lieu thereof "section 100(b)(1)(A)"; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) For each fiscal year beginning on or after October 1, 1984, for which any amount is appropriated pursuant to section 100(b)(1)(B), each State shall receive an allocation (from such appropriated amount) in addition to the allotment to which such State is entitled under paragraphs (2) and (3) of this subsection. Such additional allocation shall be an amount which bears the same ratio to the amount so appropriated as that State's allotment under paragraphs (2) and (3) of this subsection bears to the sum of such allotments of all the States.".

Ante, p. 19.

ELIGIBILITY FOR SERVICES

29 USC 722.

SEC. 112. Section 102(c)(2) of the Act is amended by striking out "beyond any reasonable doubt".

CLIENT ASSISTANCE

29 USC 732.

SEC. 113. (a) Section 112 of the Act is amended to read as follows:

"CLIENT ASSISTANCE PROGRAM

State and local governments. Grants.

"SEC. 112. (a) From funds appropriated under subsection (i), the Secretary shall, in accordance with this section, make grants to States to establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist such clients or applicants in their relationships with projects, programs, and facilities providing services to them under this Act, including assistance in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act.

Prohibition.

"(b) No State may receive payments from its allotment under this Act in any fiscal year unless the State has in effect not later than October 1, 1984, a client assistance program, which—

"(1) has the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of rights of

handicapped individuals who are receiving treatments, services, or rehabilitation under this Act within the State; and

"(2) meets the requirements of designation under subsection (c).

"(c)(1) The Governor shall designate a public or private agency to conduct the client assistance program under this section. Except as provided in the last sentence of this paragraph, the Governor shall designate an agency which is independent of any agency which provides treatment, services, or rehabilitation to individuals under this Act. If there is an agency in the State which has, or had, prior to the date of enactment of the Rehabilitation Amendments of 1984, served as a client assistance agency under this section and which received Federal financial assistance under this Act, the Governor may designate an agency which provides treatment, services, or rehabilitation to handicapped individuals under this Act.

Ante, p. 17.

"(2) In carrying out the provisions of this section, the Governor shall consult with the director of the State vocational rehabilitation agency, the head of the developmental disability protection and advocacy agency, and with representatives of professional and consumer organizations serving handicapped individuals in the State.

"(3) The agency designated under this subsection shall be accountable for the proper use of funds made available to the agency.

"(d) The agency designated under subsection (c) of this section may not bring any class action in carrying out its responsibilities under this section.

"(e)(1)(A) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $50,000.

"(B) The Secretary shall allot $30,000 each to American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(C) For the purpose of this paragraph, the term 'State' does not include American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(2) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time on such dates he may fix to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any such amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment for such fiscal year.

"(3)(A) The Secretary shall pay to the Governor from the allotment of the State the amount specified in the application approved under subsection (f).

"(B) For the purpose of this paragraph and subsection (c), the term 'Governor' means the chief executive of the State.

"(f) No grant may be made under this section unless the State submits an application to the Secretary at such time, in such

manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

Regulations.

"(g) The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

Prohibition.

"(1) No employees of such programs shall, while so employed, serve as staff or consultants of, or receive benefits of any kind directly or indirectly from, any rehabilitation project, program, or facility receiving assistance under this Act in the State.

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

"(3) Each program shall contain provisions designed to assure that to the maximum extent possible mediation procedures are used prior to resorting to administrative or legal remedies.

"(4) The agency designated under subsection (c) shall submit an annual report to the Secretary on the operation of the program during the previous year, including a summary of the work done and the uniform statistical tabulation of all cases handled by such program. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Secretary, together with a summary of such reports and his evaluation of the program, including appropriate recommendations.

Report.

Report.

"(h)(1) The Commissioner shall conduct a comprehensive evaluation of the client assistance program authorized by this section, and submit a report to Congress, not later than February 1, 1986.

Study.

"(2) In conducting the study required by this subsection, the Commissioner shall address and report the following information for each State that received a client assistance program grant. The study shall include—

"(A) the numbers of handicapped individuals assisted through the client assistance program;

"(B) the handicapping conditions of the individuals assisted, and the proportion each type of individuals represents of the total population assisted;

"(C) the types of services provided, cross-referenced to types of handicapped individuals assisted through each service;

"(D) the type of organization or agency which administers the client assistance program;

"(E) the physical proximity of the client assistance program to the State vocational rehabilitation agency; and

"(F) the type of organizational structure used by the client assistance program to deliver services.

Study.

"(3) In conducting the study the Commissioner shall make the following comparisons:

"(A) differences in service delivery patterns in client assistance programs in urban and rural areas;

"(B) differences in service delivery patterns among client assistance programs administered in various organizational settings; and

"(C) differences in service delivery patterns among client assistance programs established after this reauthorization and those that were established prior to this reauthorization.

"(4) The report shall include such recommendations, including recommendations for legislative proposals, as the Commissioner deems necessary.

"(i) There are authorized to be appropriated $6,000,000 for the fiscal year 1984, $6,300,000 for the fiscal year 1985, and $6,700,000 for the fiscal year 1986.". Appropriation authorization.

(b) The table of contents of the Act is amended by striking out the item relating to "Sec. 112" and inserting in lieu thereof the following:

"Sec. 112. Client assistance program.".

INNOVATION AND EXPANSION

SEC. 114. (a) The first sentence of section 121(a) of the Act is amended by striking out all that follows "rehabilitation services," and inserting in lieu thereof the following: "including— 29 USC 741.

"(1) programs to initiate or expand such services to individuals with the most severe handicaps;

"(2) special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual or difficult problems in connection with their rehabilitation; and

"(3) programs to maximize the use of technological innovations in meeting the employment training needs of handicapped youth and adults.".

(b) Section 121(b) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

PART B—RESEARCH AND TRAINING

AUTHORIZATION OF APPROPRIATIONS

SEC. 121. (a) Section 201(a)(1) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three succeeding fiscal years" and inserting in lieu thereof "fiscal year 1984, and for each of the two succeeding fiscal years". 29 USC 761.

(b) Section 201(a)(2) of the Act is amended to read as follows:

"(2) for the purpose of carrying out section 204, $36,000,000 for the fiscal year 1984, $40,000,000 for the fiscal year 1985, and $44,000,000 for the fiscal year 1986.".

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

SEC. 122. (a) Section 202(a) of the Act is amended by striking out "Health, Education, and Welfare" both times it appears and inserting in lieu thereof "Education" each such time. 29 USC 761a.

(b) Section 202(c) of the Act is amended by adding after the first sentence the following new sentence: "The Director shall be an individual with substantial experience in rehabilitation and in research administration.".

(c) Section 202 of the Act is amended by adding at the end thereof the following new subsection:

"(j)(1) The Director shall make a grant to an institution of higher education for the establishment of a program of pediatric rehabilitation research at an institution of higher education. Grants. Schools and colleges.

"(2) The Director shall establish, either directly or by way of grant or contract, a Research and Training Center in the Pacific Basin.".

RESEARCH

29 USC 762.

SEC. 123. (a) Section 204(b)(1) of the Act is amended by adding at the end thereof the following: "Rehabilitation Research and Training Centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. Grants to Centers need not be automatically terminated at the end of a project period and may be renewed on the basis of a thorough evaluation and peer review including site visits. Training of students preparing to be rehabilitation personnel through centers shall be an important priority. Grants may include faculty support for teaching of rehabilitation related courses of study for credit and other courses offered by the institutions of higher education affiliated with the Center.".

Grants.

(b) Section 204(b)(3) of the Act is amended by striking out "pursuant to section 303(b)" and inserting in lieu thereof "pursuant to sections 310 and 311".

(c) Section 204(b) of the Act is amended by inserting after paragraph (12) the following new paragraph:

"(13) Conduct of a rehabilitation research program under which financial assistance is provided in order to (A) test new concepts and innovative ideas, (B) demonstrate research results of high potential benefits, (C) purchase prototype aids and devices for evaluation, (D) develop unique rehabilitation training curricula, and (E) be responsive to special initiatives of the Director. No single grant under this paragraph may exceed $50,000 in any fiscal year and all payments made under this paragraph in any fiscal year may not exceed 5 per centum of the amount available under section 204 to the National Institute of Handicapped Research in any fiscal year. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.".

Prohibition.

PART C—SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

29 USC 771.

SEC. 131. Section 301(a) of the Act is amended by striking out "October 1, 1982" in the first sentence and inserting in lieu thereof the following: "October 1, 1986"; and by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1987".

VOCATIONAL TRAINING

29 USC 772.

SEC. 132. Section 302 of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1986".

TRAINING

29 USC 774.

SEC. 133. (a)(1) Section 304(a) of the Act is amended—

(A) by inserting "(1)" after "including" the second time it appears;

(B) by inserting after "placement services" a comma and the following: "(2) personnel specifically trained to deliver services to individuals who may benefit from receiving comprehensive services for independent living, personnel specifically trained to deliver services in client assistance program,"; and

(C) by inserting "(3)" after "and" the last time it appears in such section.

(2) Section 304(a) of the Act is further amended by adding at the end thereof the following new sentence: "In carrying out the provisions of this subsection, the Commissioner shall, in addition to furnishing training in the services provided under this Act to rehabilitation counselors, furnish training to such counselors in the applicability of the provisions of section 504.". 29 USC 774.

(b)(1) Section 304(a) of the Act is further amended by inserting "qualified" before "personnel" the first time it appears in such section. 29 USC 794.

(2) Section 304(c) of the Act is amended by inserting "qualified" before "personnel" the first time it appears in such section.

(c) Section 304(b) of the Act is amended by striking out "will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to" and inserting in lieu thereof "shall be targeted to areas of personnel shortage which may".

(d) Section 304(c) of the Act is amended by adding at the end thereof the following new sentences: "The Commissioner shall prepare and submit to the Congress, simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration, a report setting forth and justifying in detail how the training funds for the fiscal year prior to such submission are allocated by professional discipline and other program areas. The report shall also contain findings on personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under the President's budget proposal, and how the findings of personnel shortages justify the allocations.". Report.

(e)(1) Section 304 is amended by striking out "(d)" the second time it appears and inserting in lieu thereof "(e)".

(2) The first sentence of section 304(e) of the Act (as redesignated by paragraph (1)) is amended to read as follows: "There are authorized to be appropriated to carry out this section, $22,000,000 for the fiscal year 1984, $27,000,000 for the fiscal year 1985, and $31,000,000 for the fiscal year 1986.". Appropriation authorization.

AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE REHABILITATION CENTERS

SEC. 134. Section 305(g) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for the three succeeding fiscal years", and inserting in lieu thereof "for each of the fiscal years 1984, 1985, and 1986". 29 USC 775.

AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS

SEC. 135. Section 310(a) of the Act is amended— 29 USC 777.

(1) by striking out "313" and inserting in lieu thereof "316"; and

(2) by striking out "such sums as may be necessary for each fiscal year ending prior to October 1, 1982" and inserting in lieu thereof "$12,900,000 for fiscal year 1984, $13,600,000 for fiscal year 1985, and $14,300,000 for fiscal year 1986.".

SPECIAL DEMONSTRATION PROGRAMS

29 USC 777a.

SEC. 136. (a)(1) Section 311(a)(1) of the Act is amended by striking out "individuals with spinal cord injuries and".

Grants.

(2) Section 311(a) of the Act is amended by adding at the end thereof the following new flush sentence: "The Director of the National Institute of Handicapped Research 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 for spinal cord injuries.".

Grants.

(b) Section 311(b) of the Act is amended by adding at the end thereof the following new sentence:

"The Director of the National Institute of Handicapped Research shall coordinate each grant made under this subsection with the Commissioner.".

(c) Section 311 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) The Commissioner may make grants to public and nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations including research and evaluation for handicapped youths to provide job training and prepare them for entry into the labor force. Such projects shall be designed to demonstrate cooperative efforts between local educational agencies, business and industry, vocational rehabilitation programs, and organizations representing labor and organizations responsible for promoting or assisting in local economic development.

"(2) Services under this subsection may include—

"(A) jobs search assistance;

"(B) on-the-job training;

"(C) job development including worksite modification and use of advanced learning technology for skills training;

"(D) dissemination of information on program activities to business and industry; and

"(E) followup services for individuals placed in employment.

"(3) The Commissioner shall assure that projects shall be coordinated with other projects assisted under section 626 of the Education of the Handicapped Act.".

20 USC 1425.

SPECIAL RECREATIONAL PROGRAMS AUTHORIZATION OF APPROPRIATIONS

29 USC 777f.

SEC. 137. Section 316 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) There are authorized to be appropriated to carry out this section $2,000,000 for the fiscal year 1984, $2,100,000 for the fiscal year 1985, and $2,200,000 for the fiscal year 1986.".

PART D—NATIONAL COUNCIL

ADMINISTRATIVE AMENDMENT

National Council on the Handicapped.
29 USC 780.
29 USC 780a.
Ante, p. 17.

SEC. 141. (a) Section 400(a) of the Act is amended by striking out "with the Department of Health, Education, and Welfare" and inserting in lieu thereof "within the Federal Government".

(b)(1) Effective on the date of enactment of the Rehabilitation Amendments of 1984, the National Council on the Handicapped shall be an independent agency within the Federal Government and

shall not be an agency within the Department of Education or any other department or agency of the United States.

(2) There are transferred to the Chairman of the National Council on the Handicapped all functions relating to the Council which were vested in the Secretary of Education on the day before the date of enactment of the Rehabilitation Amendments of 1984. The Chairman of the National Council on the Handicapped shall continue to exercise all the functions under the Rehabilitation Act of 1973 or any other law or authority which the Chairman was performing before the date of the enactment of the Rehabilitation Amendments of 1984.

Ante, p. 17.

29 USC 701 note.

(3) References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the Department of Education or the Secretary of Education with respect to functions or activities relating to the National Council on the Handicapped shall be deemed to refer to the National Council on the Handicapped or the Chairman of the National Council on the Handicapped, respectively.

DUTIES

SEC. 142. (a) Section 401 of the Act is amended—

29 USC 781.

(1) by striking out clause (3) and inserting in lieu thereof the following:

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

(2) in clause (5)—

(A) by inserting "the President, the Congress," immediately before "the Secretary"; and

(B) by striking out "the Commissioner,";

(3) by striking out "and" at the end of clause (5);

(4) by striking out "the Secretary," in clause (6);

(5) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon and the word "and"; and

(6) by adding at the end thereof the following:

"(7) provide to the Congress on a continuing basis advice, recommendations, and any additional information which the Council or the Congress deems appropriate.".

(b) Section 401 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) The National Council shall—

"(1) review all statutes pertaining to Federal programs which assist handicapped individuals;

"(2) make a priority listing of such programs based on the number of handicapped individuals such programs assist and the Federal costs of such programs;

"(3) assess the extent to which such programs provide incentives or disincentives to the establishment of community-based services for handicapped individuals, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;

"(4) recommend to the President and the Congress legislative proposals for increasing incentives and eliminating disincen-

tives in Federal programs based on the assessment made pursuant to clause (3); and

Report.

"(5) prepare and submit a final report to the President and to the Congress not later than February 1, 1986, on the review, assessment, and recommendations required by this subsection.".

STAFF

29 USC 783.

SEC. 143. (a) Section 403(a) of the Act is amended by striking out "up to seven technical and professional employees" and inserting in lieu thereof "an Executive Director".

(b) Section 403(a) of the Act is further amended by adding at the end thereof the following new sentence: "The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for handicapped individuals.".

(c) Section 403(a) of the Act is further amended by inserting "(1)" after the section designation and by adding at the end thereof the following new subsection:

"(2) The Executive Director is authorized to hire not to exceed seven technical and professional employees to assist the National Council to carry out its duties.".

(d) Section 403(b) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraphs:

"(2) The National Council may—

"(A) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

96 Stat. 923.

"(B) accept, in the name of the Council, employ and dispose of in furtherance of this Act, any money, or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

Contracts.

"(C) enter into contracts and cooperative agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, preparation of reports and other activities necessary to the discharge of the Council's duties and responsibilities.

"(3) Not more than 10 per centum of the total amounts available to the National Council in each fiscal year may be used for official representation and reception.

"(4) From the amount available to the Office of Special Education and Rehabilitative Services, Department of Education, $500,000 in fiscal year 1984 shall be transferred and made available to the National Council.".

PART E—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

AUTHORIZATION OF APPROPRIATIONS

29 USC 792.

SEC. 151. Section 502(i) of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1986.".

PART F—EMPLOYMENT OPPORTUNITIES

AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS

SEC. 161. Section 617 of the Act is amended to read as follows: 29 USC 795f.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 617. There are authorized to be appropriated to carry out the provisions of this part such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

PROJECTS WITH INDUSTRY

SEC. 162. (a) The matter preceding clause (A) of section 621(a)(1) of the Act is amended by inserting after "employers" a comma and the following: "designated State units". 29 USC 795g.

(b) Section 621(a) of the Act is amended by adding at the end thereof the following new paragraphs:

"(3) Any agreement developed under this subsection shall include a description of an evaluation plan which at the end of each year of a funding cycle reflects at a minimum the following—

"(A) the numbers and types of handicapped individuals assisted;

"(B) the types of assistance provided;

"(C) the sources of funding;

"(D) the percentage of resources committed to each type of assistance provided;

"(E) the extent to which the employment status and earning power of handicapped individuals changed following assistance;

"(F) the extent of capacity building activities, including collaboration with other organizations, agencies, and institutions; and

"(G) a comparison, when appropriate, of activities in prior years with activities in the most recent year.".

(c) Section 621 of the Act is amended by adding after subsection (c) the following new subsections:

"(d)(1) The Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the provisions in section (a)(3) to assist each recipient under the Projects With Industry Program receiving assistance under this title to review and evaluate the operation of its project.

"(2) The Commissioner shall, pursuant to section 14 of this Act, conduct a comprehensive evaluation of the Projects With Industry Program and submit a report on February 1, 1986, to Congress on the evaluation, including recommendations for the improvement and continuation of each recipient and for the support of new Projects With Industry recipients. In conducting the comprehensive evaluation, the Commissioner shall apply standards for evaluation criteria which are consistent with those required in section (a)(3). Report.

"(3) In developing standards for evaluation to be used by the Projects With Industry recipients, and in developing the standards for evaluation to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations for such standards from State Vocational Rehabilitation Agencies, current Projects With Industry recipients, professional organizations repre-

senting industry, organizations representing handicapped individuals, individuals assisted by Projects With Industry recipients, and labor organizations.

Prohibition.

"(4) No standards may be established under this subsection unless the standards are approved by the National Council on the Handicapped. The Council shall approve the standards within ninety days after receiving the standards. If the Secretary of Education has not received notification of approval or disapproval from the Council within ninety days, the standards shall be deemed approved. A Council decision on such standards shall occur at a regularly scheduled meeting of the Council, and shall be the result of a simple majority of those present at the meeting.

"(e) The parties to each agreement receiving assistance under this section in the fiscal year in which the Rehabilitation Amendments of 1984 is enacted shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the agreement.".

Ante, p. 17.

EQUITABLE DISTRIBUTION

29 USC 795g.

SEC. 163. Section 621 of the Act (as amended by section 162) is amended by adding at the end thereof the following new subsection:

"(f) The Commissioner shall to the extent practicable assure an equitable distribution of payments made under this section among the States.".

AUTHORIZATION OF APPROPRIATIONS

29 USC 795i.

SEC. 164. Section 623 of the Act is amended by striking out "of this part for each fiscal year beginning before October 1, 1982" and inserting in lieu thereof "for section 621, $13,000,000 for fiscal year 1984, $14,400,000 for fiscal year 1985, and $15,200,000 for fiscal year 1986; and for section 622, such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986".

TECHNICAL AMENDMENT

29 USC 795a.

SEC. 165. Section 612(b) of the Act is amended by striking out "Comprehensive Employment and Training Act of 1973" and inserting in lieu thereof "Job Training Partnership Act".

PART G—SERVICES FOR INDEPENDENT LIVING

EVALUATION

29 USC 796e.

SEC. 171. (A) Section 711(c) is amended—

(1) by striking out "and" at the end of clause (2);

(2) by redesignating clause (3) as clause (4); and

(3) by inserting after clause (2) the following new clause:

"(3) contain a description of an evaluation plan which at the end of each year of a funding cycle shall reflect at a minimum the following—

"(A) the numbers and types of handicapped individuals assisted;

"(B) the extent to which individuals with varying handicapping conditions were served;

"(C) the types of services provided;

"(D) the sources of funding;

"(E) the percentage of resources committed to each type of service provided;

"(F) how services provided contributed to the maintenance of or the increased independence of handicapped individuals assisted;

"(G) the extent to which handicapped individuals participate in management and decisionmaking in the center;

"(H) the extent of capacity building activities including collaboration with other agencies and organizations;

"(I) the extent of catalytic activities to promote community awareness, involvement, and assistance;

"(J) the extent of outreach efforts and the impact of such efforts; and

"(K) a comparison, when appropriate, of prior year(s) activities with most recent year activities.".

(b) Section 711 of the Act is amended by inserting at the end thereof the following new subsection: 29 USC 796e.

"(e)(1) The Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the provisions in subparagraph (c)(3) to assist each independent living center receiving funding under this title to review and evaluate the operation of its center.

"(2) The Commissioner shall, under the authority specified in section 14 of this Act, conduct a comprehensive evaluation of the Centers for Independent Living Grant Program, and submit a report no later than February 1, 1986, to Congress on the evaluation, including recommendations for the improvement and continuation of each grantee and for the support of new independent living centers. In conducting the comprehensive evaluation, the Commissioner shall apply standards for evaluation which are consistent with the standards required in paragraph (1). Report. 29 USC 713.

"(3) In developing standards for evaluation to be used by the grantees, and in developing the standards for evaluation to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations for such standards from national organizations representing handicapped individuals and independent living programs; and from independent living centers, professionals serving handicapped individuals, and individuals, associations, and organizations engaged in research in independent living.

"(4) No standards may be established under this subsection unless the standards are approved by the National Council on the Handicapped. The Council shall approve the standards within ninety days after receiving the standards. If the Secretary of Education has not received notification of approval or disapproval from the Council within the ninety days, the standards shall be deemed approved. A Council decision on such standards shall occur at a regularly scheduled meeting of the Council, and shall be the result of a simple majority of those present at the meeting. Prohibition.

"(f) Grantees receiving assistance under this section in the fiscal year in which the Rehabilitation Amendments of 1984 are enacted shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the provisions of the approved application.". *Ante*, p. 17.

AUTHORIZATION OF APPROPRIATIONS

29 USC 796i.

SEC. 172. (a)(1) Section 731 of the Act the second time it appears is redesignated as section 741.

(2) The table of contents of the Act is amended by striking out "Sec. 731" after part E and inserting in lieu thereof "Sec. 741".

Supra.

(b)(1) Section 741(a) of the Act (as so redesignated) is amended to read as follows:

29 USC 796.

"(a) There are authorized to be appropriated to carry out part A of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(2) Section 741(b) of the Act (as so redesignated) is amended to read as follows:

29 USC 796e.

"(b) There are authorized to be appropriated to carry out part B of this title $21,000,000 for the fiscal year 1984, $22,000,000 for the fiscal year 1985, and $23,000,000 for the fiscal year 1986.".

(3) Section 741(c)(1) of the Act (as so redesignated) is amended to read as follows:

29 USC 796f.

"(c) There are authorized to be appropriated to carry out part C of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(4) Section 741 of the Act (as so redesignated) is amended by inserting after subsection (c)(1) (as amended by paragraph (3) of this subsection) the following:

29 USC 796g.

"(d)(1) There are authorized to be appropriated to carry out part D of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

Helen Keller National Center Act.

TITLE II—REAUTHORIZATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SHORT TITLE

29 USC 1901 note.

SEC. 201. This title may be cited as the "Helen Keller National Center Act".

CONGRESSIONAL FINDINGS

29 USC 1901.

SEC. 202. The Congress finds that—

(1) deaf-blindness is among the most severe of all forms of disabilities, and there is a great and continuing need for services and training to help deaf-blind individuals attain the highest possible level of development;

(2) due to the rubella epidemic of the 1960's and recent advances in medical technology that have sustained the lives of many severely disabled individuals, including deaf-blind individuals, who might not otherwise have survived, the need for services for deaf-blind individuals is even more pressing now than in the past;

(3) helping deaf-blind individuals to become self-sufficient, independent, and employable by providing the services and training necessary to accomplish that end will benefit the Nation, both economically and socially;

(4) the Helen Keller National Center for Deaf-Blind Youths and Adults is a vital national resource for meeting the needs of deaf-blind individuals and no State currently has the facilities or personnel to meet such needs;

(5) the Federal Government has invested approximately $10,000,000 in capital, equipment, and operating funds for such Center since it was established; and

(6) it is in the national interest to continue to provide support for the Center, and it is a proper function of the Federal Government to be the primary source of such support.

AUTHORIZATION FOR THE CONTINUED OPERATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS; REPEAL OF PRIOR AUTHORIZATION

SEC. 203. (a) Section 313 of the Rehabilitation Act of 1973 (29 U.S.C. 777c) is repealed. Repeal. 29 USC 1902.

(b) The Secretary of Education shall continue to administer and support the Helen Keller National Center for Deaf-Blind Youths and Adults in the same manner as such Center was administered pursuant to section 313 of the Rehabilitation Act of 1973, to the extent such manner of administration is not inconsistent with any purpose described in subsection (c) or any other requirement of this title. *Supra.*

(c) The purposes of the Center are to—

(1) provide specialized intensive services, or any other services, at the Center or anywhere else in the United States, which are necessary to encourage the maximum personal development of any deaf-blind individual;

(2) train professionals and allied personnel at the Center or anywhere else in the United States to provide services to deaf-blind individuals; and

(3) conduct applied research, development programs, and demonstrations with respect to communication techniques, teaching methods, aids and devices, and delivery of services.

AUDIT; MONITORING AND EVALUATION

SEC. 204. (a) The books and accounts of the Center shall be audited annually by an independent auditor in the manner prescribed by the Secretary and a report on each such audit shall be submitted by the auditor to the Secretary at such time as the Secretary shall prescribe. 29 USC 1903.

(b)(1) The Secretary shall establish procedures for monitoring, on a regular basis, the services performed and the training conducted by the Center.

(2) The Secretary shall, in addition to the regular monitoring required under paragraph (1), conduct an evaluation of the operation of the Center at the end of each fiscal year. A written report of such evaluation shall be submitted to the President, the Clerk of the House of Representatives, and the Secretary of the Senate within one hundred and eighty days after the end of the fiscal year for which such evaluation was conducted. The first such report shall be submitted for fiscal year 1983. Reports.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) There are authorized to be appropriated $4,000,000 for the fiscal year 1984, $4,200,000 for the fiscal year 1985, and $4,300,000 for the fiscal year 1986 to carry out the provisions of this title. Such sums shall remain available until expended. 29 USC 1904.

(b) Any appropriation Act containing any appropriation authorized by subsection (a) shall contain a statement of the specific amount being made available to the Center.

DEFINITIONS

29 USC 1905.

SEC. 206. For purposes of this title—

(1) the terms "Helen Keller National Center for Deaf-Blind Youths and Adults" and "Center" mean the Helen Keller National Center for Deaf-Blind Youths and Adults, and its affiliated network, operated pursuant to section 313 of the Rehabilitation Act of 1973 and continued under this title;

(2) the term "deaf-blind individual" means any individual—

(A) who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or central acuity of 20/200 if there is a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees,

(B) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, and

(C) for whom the combination of the impairments described in subparagraphs (A) and (B) causes extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation,

and such term includes any other meaning the Secretary may prescribe by regulation; and

(3) the term "Secretary" means the Secretary of Education.

CONSTRUCTION OF ACT; EFFECT ON AGREEMENTS

29 USC 1906.

SEC. 207. This title shall not be construed as modifying or affecting any agreement between the Department of Education or any other department or agency of the United States and the Industrial Home for the Blind, Incorporated, or any successor to or assignee of such corporation, with respect to the Center.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 208. (a) The table of contents of the Rehabilitation Act of 1973 is amended by striking out "Sec. 313. Helen Keller National Center.".

29 USC 777.

(b) Section 310(a) of the Rehabilitation Act of 1973 is amended by striking out "(other than section 313),".

TITLE III—DEVELOPMENTAL DISABILITIES

ADMINISTRATIVE AMENDMENT

42 USC 6001.

SEC. 301. Section 102(11) of the Developmental Disabilities Assistance and Bill of Rights Act (hereafter in this title referred to as "the Act") is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

SEC. 302. The first sentence of section 113(b)(2) of the Act is amended to read as follows: "There is authorized to be appropriated for allotments under paragraph (1) $8,400,000 for fiscal year 1984.". 42 USC 6012.

UNIVERSITY AFFILIATED FACILITIES

SEC. 303. Section 123 of the Act is amended to read as follows: 42 USC 6033.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 123. There is authorized to be appropriated to carry out this part $7,800,000 for fiscal year 1984.".

GRANTS FOR PLANNING AND THE PROVISION OF SERVICES

SEC. 304. Section 131 of the Act is amended to read as follows: 42 USC 6061.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. There is authorized to be appropriated to carry out the provisions of this part $45,400,000 for fiscal year 1984.".

SPECIAL PROJECTS

SEC. 305. Section 145(d) of the Act is amended to read as follows: 42 USC 6081. Grants.
"(d) For the purpose of making grants under subsection (a), there is authorized to be appropriated $2,600,000 for fiscal year 1984.".

Approved February 22, 1984.

LEGISLATIVE HISTORY—S. 1340 (H.R. 3520):

HOUSE REPORTS: No. 98-298 accompanying H.R. 3520 (Comm. on Education and Labor) and No. 98-595 (Comm. of Conference).
SENATE REPORT No. 98-168 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD:
Vol. 129 (1983): July 26, considered and passed Senate.
Sept. 12, 13, H.R. 3520 considered and passed House; S. 1340, amended, passed in lieu.
Vol. 130 (1984): Feb. 9, Senate and House agreed to conference report.