

REHABILITATION ACT AMENDMENTS

FEBRUARY 6, 1984.—Ordered to be printed

Mr. PERKINS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 1340]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes.

That the Senate recede from its disagreement to the Amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Rehabilitation Amendments of 1984".

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".

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."

(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."

ADMINISTRATIVE AMENDMENTS

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".

(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".

(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".

(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 Rehabilitation Services".

(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".

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

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

(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".

(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".

(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".

(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 ".

PART A—VOCATIONAL REHABILITATION SERVICES
AUTHORIZATION OF APPROPRIATIONS

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

"(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.

"(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).

"(C) In no event may the amount appropriated for the purpose of making grants to States under part B of this title (other than sec-

tion 112) be more than \$1,117,500,000 for the fiscal year 1985 and \$1,203,200,000 for the fiscal year 1986."

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

"(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."

(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

"(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."

(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."

ELIGIBILITY FOR SERVICES

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

CLIENT ASSISTANCE

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

"CLIENT ASSISTANCE PROGRAM

"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.

"(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.

"(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 reallocation 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 reallocated among the States whose proportionate amounts were not so reduced. Any such amount so reallocated 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.

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

"(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.

"(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.

"(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.

"(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."

(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—

"(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".

(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 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.

(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.

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

RESEARCH

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.".

(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 five 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."

PART C—SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

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

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

TRAINING

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 programs, "; 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-

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

(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."

(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. ".

AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE REHABILITATION CENTERS

SEC. 134- Section 305(q) 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".

AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS

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

(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

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

(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."

(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."

SPECIAL RECREATIONAL PROGRAMS AUTHORIZATION OF APPROPRIATIONS

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

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 1981

(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—

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

"(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

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;

"(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

"(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 percent 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

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:

"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".

(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 projects.

"(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).

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

"(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 90 days after receiving the standards. If the Secretary of Education has not received notification of approval or disapproval from the Council within 90 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."

EQUITABLE DISTRIBUTION

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

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

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

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:

"(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).

"(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 90 days after receiving the standards. If the Secretary of Education has not received notification of approval or disapproval from the Council within the 90 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.

"(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. "

AUTHORIZATION OF APPROPRIATIONS

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".

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

"(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:

"(b) There are authorized to be appropriated to carry out part B of this title \$21,000,000 for the 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:

"(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:

"(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. "

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

SHORT TITLE

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

CONGRESSIONAL FINDINGS

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 1960s 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.

(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.

(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.

(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.

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.*

(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

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

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."*

(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

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(bX2) 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. "•

UNIVERSITY AFFILIATED FACILITIES

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

"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:

"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(f) of the Act is amended to read as follows: "(f) For the purpose of making grants under subsection (a), there is authorized to be appropriated \$2,600,000 for fiscal year 1984. ".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "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.".

And the House agree to the same.

For consideration of the Senate bill exclusive of title II:

CARL D. PERKINS,
WILLIAM D. FORD,
MARIO BIAGGI,
IKE ANDREWS,
PAUL SIMON,
GEO. MILLER,
AUSTIN J. MURPHY,
BALTASAR CORRADA,
PAT WILLIAMS,
RAY KOGOVSEK,
JOHN N. ERLNBORN,
STEVE BARTLETT,

BILL GOODLING,
STEVE GUNDERSON,
TOM COLEMAN,

Additional Education and Labor Committee members to be conferees on title I of the Senate bill and modifications committed to conference:

DALE E. KILDEE,
HOWARD C. NIELSON,

Additional Energy and Commerce Committee members to serve jointly with Education and Labor Committee members on section 402(c)(8) of title IV of the House amendment and modifications committed to conference:

JOHN D. DINGELL,
JAMES SCHEUER,
RICHARD OTTINGER,
PHILIP R. SHARP,
ED MARKEY,
TOM LUKEN,
JAMES T. BROYHILL,
TOM CORCORAN,
CARLOS J. MOORHEAD,

As exclusive conferees on title II of the Senate bill and modification committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
JAMES T. BROYHILL,

Managers on the Part of the House.

ORRIN HATCH,
LOWELL P. WEICKER, Jr.,
ROBERT T. STAFFORD,
PAULA HAWKINS,
DON NICKLES,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
THOMAS F. EAGLETON,
SPARK MATSUNAGA,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the text of the Senate bill and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The provisions of the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

VOCATIONAL REHABILITATION SERVICES

DEFINITION OF A HANDICAPPED INDIVIDUAL

The Senate bill amends the definition of a handicapped individual for the purposes of title I of the Rehabilitation Act of 1973, as amended, (hereinafter, the Act) by defining an "individual" as a person who has reached the age of sixteen.

The House amendment does not contain a comparable provision. The Senate recedes.

ANNUAL REPORT REQUIREMENTS

The Senate bill provides that the Commissioner of the Rehabilitation Services Administration (hereinafter, the Commissioner) shall collect annually the following data on each client served: age, sex, race, ethnicity, education, type of disability, severity of disability, key rehabilitation process dates, earnings before and after services, work status, occupation, cost of services, types of services provided, reasons for closure, types of facilities or agencies which furnished services and whether each such facility or agency is public or private. The Commissioner shall ensure the confidentiality of the identity of each client.

The House amendment does not contain a comparable provision. The House recedes.

The conferees agree that a proven strength of the vocational rehabilitation program is its ability to be measured not only by its

cost-effectiveness, but also in terms of its impact on the lives of individuals served. In addition to the primary objective of employment, the provision of rehabilitation services results in other positive aspects which can and should be documented. For instance, the educational level of an individual can be raised or the independence level can be increased. The conferees support the collection of this data through the "Life Status Indicators" section of the Vocational Rehabilitation Program Impact Recording Form.

In addition to supporting the requirement of individual client data, the conferees consider the information which has been available in the "Annual Vocational Rehabilitation Program/Cost Report", RSA Reporting Form RSA-2, essential to the provision of quality rehabilitation services and the effective management of rehabilitation agencies. The conferees are in agreement that the Commissioner shall continue to collect this data, which includes information on the expenditure of both State matching and Federal funds by State Rehabilitation Agencies for administrative costs, services purchased from both public and private rehabilitation facilities, counseling and placement, and other specific services such as evaluation, total restoration, training, post-employment and maintenance, and the number of services purchased. This information is vital to State agency administrators, the persons served by the rehabilitation agencies, to oversight bodies within the United States Congress and State legislatures, as well as to the Executive branches of both Federal and State governments. Form RSA-2 is the only document which provides these specific breakdowns of cost to the vocational rehabilitation program.

STANDARDS FOR EVALUATION

The Senate bill amends section 14 of the Act to require the Secretary of the Department of Education (hereinafter, the Secretary) to establish and use standards for evaluation. Such standards shall include, to the extent feasible, for all appropriate programs information relating to increases in employment and earnings, taking into account economic factors in the area served and characteristics of individuals served. The bill also requires an evaluation of projects with industry, funded under title VI of the Act, and independent living centers, funded under part B of title VII of the Act, by September 30, 1984. The evaluation of independent living centers is to include an assessment of alternative means of financing. Interim reports of these studies would be required to be submitted to the Congress every 90 days and a final report would be required by December 31, 1984.

The House amendment does not contain a comparable provision.

The House recedes with an amendment deleting from the amendment to section 14 the specific requirement for the evaluation studies of projects with industry and independent living centers. In amendments to sections 621 and 711 of the Act the House provides for specific evaluation studies of projects with industry and independent living centers.

REFERENCES TO DEPARTMENTS AND OFFICIALS

The Senate bill updates references to Federal departments and department heads to reflect changes made by the establishment of the Department of Education and the Office of Personnel Management.

The House amendment does not contain a comparable provision. The House recedes.

STATE REHABILITATION PROGRAM: DATA AND COORDINATION

The conferees note and commend the experience and accomplishments of the State Vocational Rehabilitation Agencies in the area of job training and job placement. These experiences would lend valuable assistance to the ongoing activities in the States and localities under the Job Training Partnership Act.

Therefore, the conferees wish to make clear their intent that full coordination be encouraged between the activities of the State Vocational Rehabilitation Agencies, authorized under title I of the Rehabilitation Act, as amended, and the State and local efforts authorized under the Job Training Partnership Act.

This coordination could lead to the valuable sharing of expertise, experience and efforts in the area of job training and placement, and could be of great benefit to persons with mental and physical disabilities served by both the State rehabilitation programs, and the Job Training Partnership Act.

It is the intent of the conferees that data gathered under section 618(b)(3) of Public Law 98-199, the Education of the Handicapped Act Amendments of 1983, be utilized by State Vocational Rehabilitation Agencies in meeting State plan requirements, particularly the requirements of clauses (10) and (15) under section 101 of the Rehabilitation Act.

Section 618(b)(3) of Public Law 98-199 requires that State Special Education Agencies collect data on: "the number of handicapped children and youth exiting the educational system each year through program completion or otherwise, by disability category and age, and anticipated services for the next year

Section 101, clauses (10) and (15) of the Rehabilitation Act outline requirements for the assessment of statewide needs of handicapped

individuals.

It is the intent of the conferees that this information about handicapped special education students served through the State Education Agencies be used to assist State Vocational Rehabilitation Agencies in determining the areas of service need for handicapped persons within their States. The conferees expect that this transfer of information will benefit handicapped persons in the transition from school to adult life. Sharing of this information with State Planning Councils authorized under the Developmental Disabilities Act would facilitate comprehensive statewide planning for adult services for handicapped persons.

LENGTH OF REAUTHORIZATION OF STATE GRANTS

The Senate bill reauthorizes the State grant entitlement program for three fiscal years.

The House amendment reauthorizes the State grant entitlement program for five fiscal years.

The House recedes with an amendment to provide that unless Congress has by the end of fiscal year 1986 extended the authorization of appropriations for this section, or taken action to provide that the provisions of this section are no longer applicable, the authorization of appropriations for the State grant entitlement is extended for one additional year at a level of increase represented in any cost of living increase, based on the Consumer Price Index for All Urban Consumers, for the previous fiscal year.

AUTHORIZATION OF APPROPRIATIONS FOR STATE GRANTS

The Senate bill authorizes appropriations for the entitlement for State grants of \$993.9 million for fiscal year 1984, \$1,047.6 million for fiscal year 1985, and \$1,103 million for fiscal year 1986.

The House amendment authorizes the entitlement for State grants at \$1,037.8 million for fiscal year 1984, and for fiscal years 1985 through 1988 at the level of the entitlement for the previous fiscal year increased by the percentage that the Consumer Price Index for All Urban Consumers increases for each such previous fiscal year. The House amendment further authorizes such additional sums as may be necessary for each of the fiscal years 1985, 1986, 1987 and 1988.

The Senate recedes with an amendment which provides that the total of amounts appropriated for the State grant entitlement program and the additional authorization of appropriations shall not exceed \$1,117,500,000 for fiscal year 1985 and \$1,203,200,000 for fiscal year 1986.

ALLOCATION OF FUNDS IN EXCESS OF ENTITLEMENT

The House amendment provides that in any year in which amounts are appropriated in addition to the allotments to which States are entitled, such additional amounts shall be allocated in the same ratio to the amount so appropriated as each State's entitlement allotment bears to the sum of the allotments of all of the States.

The Senate bill does not contain a comparable provision.

The Senate recedes.

GRANTS TO INDIAN TRIBES

Both the Senate bill and the House amendment extend the authorization of appropriations for grants to Indian tribes at such sums as may be necessary through fiscal year 1986. The conference agreement includes this provision.

The conferees note that the evaluation required by section 131 of the act has never been submitted to Congress. This evaluation should have been submitted to Congress no later than 30 months after the date of enactment (November 6, 1978) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments. The conferees expect the Secretary to conduct and complete expeditiously this evaluation of programs authorized by part D, American Indian Vocational Rehabilitation Services. In ad-

dition, the conferees expect the evaluation to include a comparison of the provision of vocational rehabilitation services to American Indians under part D to the provision of vocational rehabilitation services under section 101 to handicapped American Indians residing on large reservations, reservations in remote areas, and reservations spanning more than one State.

MAINTENANCE OF EFFORT

The Senate bill repeals, as of October 1, 1986, the provision of current law which authorizes supplementary Federal funding for States required to overmatch their Federal allotment for vocational rehabilitation services due to the maintenance of effort provision in section 111 of the Act.

The House amendment does not contain a comparable provision. The Senate recedes.

ELIGIBILITY FOR SERVICE

The House amendment deletes the words "beyond any reasonable doubt" from the provision of current law which requires that a finding of ineligibility for services must demonstrate beyond any reasonable doubt that the individual is not capable of achieving a vocational goal.

The Senate bill does not contain a comparable provision. The Senate recedes.

CLIENT ASSISTANCE

The Senate bill requires the establishment of a client assistance program (CAP) in each State by September 30, 1985, as a condition of eligibility for the State grant for vocational rehabilitation services. The bill changes current law to require that the Governor shall designate a public or private agency to administer the program and that such agency shall be independent of the State Vocational Rehabilitation Agency or any agency providing treatment, services or rehabilitation under this Act. The bill authorizes appropriations of \$6 million in fiscal year 1984, \$6.3 million in fiscal year 1985, and \$6.7 million in fiscal year 1986. Funds are to be allotted to States on the basis of relative State population, except that each State shall receive a minimum of \$50,000 and each territory shall receive \$30,000.

The House amendment reauthorizes appropriations for client assistance projects under current law at no less than \$3.5 million of amounts appropriated in excess of \$11,860,000 under section 310 of the Act for fiscal years 1984, 1985, and 1986. In the event that funds appropriated under section 310 do not exceed \$11,860,000, the Commissioner is authorized to utilize such funds to carry out this section.

The House recedes with an amendment to change the effective date from September 30, 1985 to October 1, 1984 and to provide that in States in which section 112 client assistance program grants are now or have been administered in or by the Vocational Rehabilitation Agency, or an agency receiving vocational rehabilitation funds, the independence requirements do not pertain. The

House amendment further requires that the Commissioner of the Rehabilitation Services Administration shall conduct a comprehensive evaluation of the client assistance program and provide the results to Congress no later than February 1, 1986. The House amendment further states the CAPs are prohibited from bringing any class actions.

Through this reauthorization, section 112, which authorized client assistance projects, is changed from a demonstration, discretionary program to a formula State grant program. The conferees concur that such a change is warranted so that handicapped individuals throughout the country may benefit from the services provided by client assistance programs. In authorizing this new State grant program new provisions are established to enhance and strengthen the original purposes of the client assistance program.

The conferees intend that the Governor have the widest range of advice prior to making the placement decision related to the client assistance program. The conferees believe that obtaining input from the Director of the State Vocational Rehabilitation Agency and the Director of the Developmental Disabilities Protection and Advocacy Program, as well as professional and consumer groups prior to the placement decision will assist the Governor in choosing the most appropriate option.

The conferees recognize that CAP projects have been placed in a variety of settings in the past. In order to ensure minimal disruption of such projects, while still ensuring the maximum level of their autonomy, the conferees intend that CAP projects formerly or currently administered and housed in a Vocational Rehabilitation Agency, may be administered and housed in such an agency if the Governor chooses such an option. In States which have never had a section 112 grant administered within such an agency, the Governor must not choose a Vocational Rehabilitation Agency to administer the program. However, nothing in this section shall be interpreted to prohibit the physical location of the Office of Client Assistance in a Vocational Rehabilitation Agency. Nothing in this section would prohibit the placement of a client assistance program with a Developmental Disabilities Council or a Protection and Advocacy Office.

The conferees believe that CAPs, to the maximum extent possible, encourage and assist handicapped individuals and Vocational Rehabilitation Agencies to resolve their differences through mediation before pursuing administrative and legal remedies.

The conferees believe that a thorough and thoughtful study of the new client assistance program formula grant program is needed to document the variety of approaches to client assistance services and their similarities and differences. The conferees realize that section 112(f) mandates that an annual report be submitted to the Secretary and Congress on the operation of the program during the previous year. However, the conferees intend that section 112(h) be a one-time extensive evaluation study as provided by section 14. It is the intent of the conferees that the annual report, required by section 112(f), continue to be submitted.

INNOVATION AND EXPANSION

The Senate bill amends existing law to delete reference to handicapped individuals who are poor and for whom the State Rehabilitation Agency shares responsibility for their treatment, education, and rehabilitation with other agencies. The Senate bill adds to current law reference to programs which maximize the use of technological innovations in meeting the employment training needs of handicapped youth and adults. Both the Senate bill and the House amendment extend the authorization of appropriations for innovation and expansion grants at such sums as may be necessary through fiscal year 1986.

The House amendment extends from September 30, 1982 until September 30, 1986 the date until which funds appropriated for grants under this section shall remain available.

The conference agreement includes both provisions.

RESEARCH

EXPENSES OF NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

The House amendment extends through fiscal year 1986 the authorization of such sums as may be necessary for the expenses of administering the National Institute of Handicapped Research.

The Senate bill does not contain a comparable provision.

The Senate recedes.

AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH

The Senate bill authorizes appropriations for rehabilitation research of \$36 million for fiscal year 1984, \$38 million for fiscal year 1985 and \$40 million for fiscal year 1986.

The House amendment authorizes such sums as may be necessary through fiscal year 1986 for rehabilitation research.

The House recedes with an amendment setting the authorization of appropriations at \$36 million for fiscal year 1984, \$40 million for fiscal year 1985 and \$44 million for fiscal year 1986.

REQUIREMENTS OF THE DIRECTOR

The Senate bill specifies that the Director of the National Institute of Handicapped Research shall be an individual with substantial experience in rehabilitation and in research administration. The bill also requires the Director to establish a program of pediatric rehabilitation research through a grant to an institution of higher education and to establish, either directly or by way of grant or contract, a research and training center in the Pacific Basin.

The House amendment does not contain a comparable provision. The House recedes.

Historically the need for a research and training center for the handicapped in the Pacific Basin has been overlooked. Given the scarcity of resources for the rehabilitation of the handicapped in this area, the conferees feel that a research and training center should be established, drawing on the existing facilities and resources of the Rehabilitation Hospital in Hawaii, in order that the

unique needs of the handicapped population in Hawaii, Guam and the Trust Territories be met.

GRANTS TO RESEARCH AND TRAINING CENTERS

Both the Senate bill and the House amendment provide that 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.

The conference agreement includes these provisions.

GRANTS FOR FACULTY SUPPORT

The Senate bill provides that grants to research and training centers 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.

The House amendment is identical except that it does not restrict courses to those that are rehabilitation related.

The House recedes.

The conferees intend that such grants for faculty support shall be for the teaching of rehabilitation related courses only, whether such courses are for credit or not for credit.

TECHNICAL AMENDMENT

The Senate bill makes a technical correction to section 204(b)(3) of the Act by striking out "pursuant to section 303(b)" and inserting in lieu thereof "pursuant to sections 310 and 311(b)".

The House amendment strikes out "303(b)" and inserts in lieu thereof "311".

The House recedes with an amendment inserting in lieu thereof "pursuant to sections 310 and 311".

GRANTS FOR INNOVATIVE RESEARCH

The Senate bill authorizes the Director of the National Institute of Handicapped Research to make grants to conduct a rehabilitation research program to test new concepts and innovative ideas, demonstrate research results of higher potential benefits, purchase prototype aids and devices for evaluation, develop unique rehabilitation training curricula, and be responsible to special initiatives of the Director. No single payment is to exceed \$50,000 and the total amount available in any fiscal year for these special grants is not to exceed five percent of the total research funds available under section 204. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.

The House amendment does not contain a comparable provision.

The House recedes with an amendment striking the word "payment" and inserting in lieu thereof the word "grants".

SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

Both the Senate bill and the House amendment extend the authorization of appropriations of such sums as may be necessary for the purpose of making grants and contracts for construction, staffing and planning assistance for rehabilitation facilities through fiscal year 1986. Amounts appropriated for construction or staffing grants under this section shall remain available for expenditure prior to October 1, 1987.

The conference agreement includes these provisions.

VOCATIONAL TRAINING

Both the Senate bill and the House amendment extend the authorization of such sums as may be necessary through fiscal year 1986 for grants to States and public or nonprofit organizations and agencies for providing vocational training services to handicapped individuals, especially those with the most-severe handicaps, in public or nonprofit rehabilitation facilities.

The conference agreement includes this provision.

PERSONNEL TRAINING

The Senate bill provides that trained rehabilitation personnel are to include individuals specifically trained to deliver services to persons who may benefit from independent living services and individuals specifically trained to deliver services in client assistance programs. Training provided to rehabilitation counselors is to include training in the applicability of the provisions of section 504.

The House amendment does not contain a comparable provision. The House recedes.

In amending section 304(a) of the Act the conferees agree that rehabilitation counselors receive training in the applicability of section 504. It is the intent of the conferees that such training enable counselors to inform their clients on section 504 protections as they relate to programs under this Act. While such training should also touch on the general applicability of section 504 to other Federal programs, it is not the conferees' intent to require extensive training in section 504 applicability other than in its relation to programs under this Act.

TARGETING OF TRAINING PROJECTS

Both the Senate bill and the House amendment strike from section 304(b) of the Act the provision relating to the utilization of grants or contracts for a balanced program to meet the medical, vocational and other personnel training needs of public and private rehabilitation programs and institutions. Both the Senate bill and the House amendment provide in lieu thereof the requirement that grants and contracts shall be targeted to areas of personnel shortage.

The conference agreement includes this provision.

It is the intent of the conferees that the term "personnel shortage" as used in section 304(b) and 304(c) apply not only to shortages

in numbers of personnel, but also to deficiencies in levels of personnel skills. The conferees recognize that it is essential to maintain and upgrade the skills of presently employed personnel, as well as to increase the number of personnel in shortage areas, in order to meet current and projected vocational rehabilitation service needs.

For the purpose of ensuring high quality peer review of training grants, the conferees expect the Department of Education to allocate sufficient fund from within the salaries and expenses account of its budget. The conferees believe that competency, independence of judgement and adequate time to review all materials are vital, and expect such standards to be established and maintained.

The conferees wish to clarify that the phrase "other fields contributing to the rehabilitation of handicapped individuals" in section 304(b) includes the field of rehabilitation dentistry.

ALLOCATION OF TRAINING FUNDS

Both the Senate bill and the House amendment add to section 304(c) of the Act the requirement that the Commissioner submit to Congress, along with the budget submission for the succeeding fiscal year, a report which justifies in detail how the training funds for the previous year have been allocated by professional discipline and other program areas. The report shall contain findings on personnel shortages, how funds will be allocated in the succeeding year and how the findings of personnel shortages justify such allocations.

The conference agreement includes these provisions.

It is the intent of the conferees that the Commissioner shall be responsible for gathering accurate information for the report required by this section, and shall not depend solely on information which may be collected from organizations representing professional disciplines.

QUALIFIED PERSONNEL

The Senate bill inserts the word "qualified" before "personnel" each time it appears in section 304(a) of current law.

The House amendment inserts the word "qualified" before "personnel" where it first appears in sections 304(a) and (c).

The Senate recedes.

The conferees emphasize that the term "qualified personnel" as used in these sections refers to staff having met existing certification and/or licensure requirements of appropriate State and/or national certification boards, and is not intended to require licensure and/or certification where it is not presently required.

AUTHORIZATION OF APPROPRIATIONS FOR TRAINING

The Senate bill authorizes for training \$22 million for fiscal year 1984, \$26.9 million for fiscal year 1985, and \$28.3 million for fiscal year 1986.

The House amendment authorizes such sums as may be necessary for fiscal years 1984 through 1986.

The House recedes with an amendment setting the authorization of appropriations for training at \$22 million for fiscal year 1984, \$27 million for fiscal year 1985, and \$31 million for fiscal year 1986.

COMPREHENSIVE REHABILITATION CENTERS

Both the Senate bill and the House amendment extend through fiscal year 1986 the authorization of appropriations of such sums as may be necessary for comprehensive rehabilitation centers under section 305 of the Act.

The conference agreement includes this provision.

AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS

The Senate bill authorizes for appropriations for special projects, other than the Helen Keller National Center and special recreation projects, \$12.9 million for fiscal year 1984, \$13.6 million for fiscal year 1985, and \$14.3 million for fiscal year 1986.

The House amendment authorizes for appropriations for special projects such sums as may be necessary for fiscal years 1984 through 1986. The House amendment deletes the reference to funding for the Helen Keller National Center.

The House recedes. In a subsequent amendment, the Senate recedes on deleting the reference to the Helen Keller National Center.

SPINAL CORD INJURY PROJECTS

The Senate bill strikes reference to spinal cord injuries from section 311(a)(1) of the Act, which authorizes the Commissioner to establish special projects for severely handicapped persons who can benefit from comprehensive services. The Senate bill authorizes the Director of the National Institute of Handicapped Research to make grants to pay all or part of the cost of special projects and demonstrations for spinal cord injuries, and requires the Director to coordinate such grants with the Commissioner.

The House amendment does not contain a comparable provision. The House recedes.

MENTAL RETARDATION GRANTS

The Senate bill authorizes the Commissioner to make special project grants to assist individuals with mental retardation to enter the labor force. Grants are to include training, work site modification, use of new technology, coordination with business and industry, and follow-up services for persons placed in employment.

The House amendment does not contain a comparable provision. The Senate recedes.

The conferees are aware of the critical unmet vocational needs of mentally retarded persons. In order to begin to meet these needs, the conferees intend that the Commissioner target some funds authorized for projects under section 311 to projects for mentally retarded persons. These projects should include job search assistance; on-the-job training; job development including work site modification and use of advanced learning technology for skills training;

dissemination of information on program activities to business and industry; and follow-up services for individuals placed in employment.

JOB TRAINING FOR HANDICAPPED YOUTH

The Senate bill authorizes the Commissioner to make grants for special projects and demonstrations, including research and evaluation, to provide job training for handicapped youths. Projects shall be designed to demonstrate cooperative efforts among local educational agencies, business and industry, vocational rehabilitation programs, organizations representing labor and local economic development programs. Projects are required to be coordinated with other projects assisted under section 626 of the Education of the Handicapped Act.

The House amendment does not contain a comparable provision. The House recedes.

SPECIAL RECREATION GRANTS

The Senate bill authorizes appropriations for special recreation grants under section 316 of the Act at \$2.0 million for fiscal year 1984, \$2.1 million for fiscal year 1985, and \$2.2 million for fiscal year 1986.

The House amendment does not contain a comparable provision. The House recedes.

NATIONAL COUNCIL ON THE HANDICAPPED

ESTABLISHMENT OF INDEPENDENT COUNCIL

The Senate bill removes the National Council from within the Department of Education and places it "within the executive branch" of the Federal Government.

The House amendment also removes the Council from within the Department of Education, but places it "within the Federal Government

The Senate recedes with an amendment providing that the Council may accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, USC; accept, employ and dispose of any money or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest or otherwise; enter into contracts and cooperative agreements with government agencies, private firms, institutions and individuals for the conduct of research, preparation of reports and other activities; use not more than 10 percent of its available funds for official representation and reception; and that there be transferred from the amount available to the Office of Special Education and Rehabilitation Services, \$500,000 in fiscal year 1984 to be available to the Council.

TRANSFER OF SECRETARY'S RESPONSIBILITIES

The House amendment provides that on the effective date of these amendments, the National Council on the Handicapped would be an independent agency within the Federal Government

and would not be an agency within any department or agency of the United States. All responsibilities relating to the Council which are vested in the Secretary of Education would be transferred to the Chairman of the Council.

The Senate bill does not contain a comparable provision.

The Senate recedes.

RECIPIENTS OF COUNCIL ADVICE

The Senate bill deletes from those to whom the Council provides advice on the development of programs under this Act the Commissioner, the Secretary, and the appropriate Assistant Secretary of Health, Education, and Welfare and inserts in lieu thereof the President and the Congress.

The House amendment does not contain a comparable provision.

The House recedes with an amendment retaining the Commissioner and changing "the appropriate Assistant Secretary of Health, Education, and Welfare" to "the appropriate Assistant Secretary of the Department of Education".

The conferees recommend that the annual report of the National Council be compiled on a fiscal year basis.

COUNCIL EMPLOYEES AND EXECUTIVE DIRECTOR

The Senate bill provides that the National Council may appoint an Executive Director, who shall be appointed from among individuals who are experienced in the planning or operation of programs for handicapped individuals. The Executive Director, rather than the Council as in present law, is authorized to hire up to seven technical and professional employees to assist the Council to carry out its duties.

The House amendment does not contain a comparable provision.

The House recedes.

STUDY OF FEDERAL ASSISTANCE TO HANDICAPPED INDIVIDUALS

The House amendment establishes separate authority for a National Commission on Federal Assistance to Disabled Americans to examine Federal legislation which affects disabled persons, identify barriers to integration and independence, and provide Congress and the President with specific recommendations on statutory revisions to improve current legislation. The Commission would be required to submit an interim report within 12 months of its first meeting and to submit a final report of its recommendations no later than 18 months after its first meeting. The Commission would be composed of 16 members appointed to represent the major executive departments and Congressional committees which administer and oversee Federal programs for handicapped individuals.

The Senate bill does not contain a comparable provision.

The House recedes with an amendment requiring the National Council on the Handicapped to carry out an examination of legislation affecting handicapped persons and to submit a report to the President and the Congress recommending legislative proposals no later than February 1, 1986.

The conferees recognize that there are a multitude of Federal programs that benefit Americans with disabilities. These programs are authorized through the Social Security Act, the Developmental Disabilities and Bill of Rights Act, the Rehabilitation Act, as well as legislation pertaining to education, housing, transportation, and food acquisition assistance. These various programs have eligibility criteria and other requirements that may not always complement opportunities and services available through other programs. Moreover, social, economic, and technological changes in the past several years have altered the level of need for specific services, the amount of service available, and the system by which such services are delivered.

The conferees direct the National Council on the Handicapped to assess Federally-funded programs for persons with handicaps to identify in Federal legislation unwarranted and/or unintentional barriers to opportunities for such persons and to determine how such barriers may be removed. Examples of areas which should be explored include the relationship between: income maintenance programs and rehabilitation and jobs programs; institutional care programs and community-based programs such as independent living; and education programs and job training services.

The conferees intend that the Council shall make legislative proposals based on its analyses of current law. The conferees expect that the Council shall make legislative recommendations to Congress which will promote the full integration of persons with disabilities in the workplace, in the family, and in the community.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

The Senate bill extends the authorization of the Board through fiscal year 1984.

The House amendment extends the authorization of the Board through fiscal year 1986.

The Senate recedes.

EMPLOYMENT OPPORTUNITIES FOR HANDICAPPED INDIVIDUALS

COMMUNITY SERVICE EMPLOYMENT OPPORTUNITIES

Both the Senate bill and the House amendment extend the authorization of appropriations of such sums as may be necessary through fiscal year 1986 for the community service employment pilot program for handicapped individuals under title VI, part A of this Act.

The conference agreement includes this provision.

ELIGIBILITY TO ENTER AGREEMENTS

Both the Senate bill and the House amendment provide that designated State units are eligible to enter into projects with industry agreements.

The conference agreement includes this provision.

AUTHORIZATION OF APPROPRIATIONS FOR PROJECTS WITH INDUSTRY

The Senate bill authorizes appropriations for projects with industry at \$13 million for fiscal year 1984, \$14.4 million for fiscal year 1985, and \$15.2 million for fiscal year 1986. Both the Senate bill and the House amendment authorize such sums as may be necessary for business opportunities for handicapped individuals under section 622 of the Act.

The House amendment authorizes appropriations of such sums as may be necessary for fiscal years 1984 through 1986 for projects with industry.

The House recedes.

STANDARDS FOR PROJECTS WITH INDUSTRY

The Senate bill requires the Commissioner to develop and publish performance standards for projects with industry (PWI) by July 1, 1984. The standards must be approved by the National Council on the Handicapped. The provision requires continued funding of projects which meet performance standards as stringent as the standards established by the Commissioner and included in the project agreement. Projects receiving assistance on the date of enactment of this section shall continue to receive assistance until October 1, 1984, unless the Commissioner determines that there is substantial failure to comply with the agreement.

The House amendment does not contain a comparable provision.

The House recedes with an amendment to require that PWI agreements include a description of an evaluation plan which at the end of each year of a funding cycle reflects at a minimum the numbers and types of handicapped individuals assisted, the types of assistance provided, the sources of funding, the percentage of resources committed to each type of assistance provided, the extent to which the employment status and earning power of handicapped individuals changed following assistance, the extent of capacity building activities, and comparison with prior year activities.

The House amendment further requires the Commissioner, not later than February 1, 1985, to develop and publish standards for evaluation consistent with the above to assist each recipient to evaluate the operation of its project. The Commissioner shall conduct a comprehensive evaluation of the PWI program and submit a report, including recommendations, to Congress on February 1, 1986. In developing standards for evaluation the Commissioner shall consider recommendations from State Vocational Rehabilitation Agencies, current PWI recipients, professional organizations representing industry and handicapped individuals, individuals assisted by the projects, and labor organizations.

The House amendment further requires that no such standards may be established unless approved by the National Council on the Handicapped. The Council shall have up to 90 days to approve such standards and may be deemed to have approved them if the Department of Education has not received notification of approval or disapproval from the Council within 90 days. Council decisions on standards shall occur at regularly scheduled meetings and shall be the result of a simple majority of those present.

Parties to present agreements under this section shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the agreement.

It is the intent of the conferees that the report due to Congress no later than February 1, 1986 shall be used in the development of reauthorization legislation which must be enacted by October 1, 1986. Therefore, it is imperative that the Commissioner honor this submission date for the report.

EQUITABLE DISTRIBUTION

The Senate bill requires the Commissioner, to the extent practicable, to assure an equitable distribution of payments for projects with industry among the States.

The House amendment does not contain a comparable provision. The House recedes.

COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING

STANDARDS FOR INDEPENDENT LIVING CENTERS

The Senate bill requires that performance standards for independent living centers funded under title VII, part B, be developed and published by July 1, 1984, and that the Commissioner make recommendations for the improvement and continuation of each center and for the support of new centers. The standards must have the approval of the National Council on the Handicapped. Each center receiving assistance at the time of the enactment of this provision shall continue to receive assistance until a final evaluation report is submitted, unless there has been a substantial failure to comply with the approved application.

The House amendment does not contain a comparable provision.

The House recedes with an amendment to require that applications for grants under this section contain an evaluation plan which shall, at the end of each year of a funding cycle, reflect at least the following: numbers and types of individuals assisted; extent to which individuals with varying handicapping conditions were served; types of services provided; sources of funding; percentage of resources committed to each type of service provided; how services contributed to the maintenance of or increased independence of handicapped individuals; extent to which handicapped individuals participate in management and decision-making in the center; extent of capacity building activities, including collaboration with other agencies and organizations; extent of catalytic activities to promote community awareness, involvement and assistance; extent of outreach efforts and impact of such efforts; and a comparison, when appropriate, of prior year activities with most recent year activities.

The House amendment further provides that the Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the above provisions to assist each center to review and evaluate its operation. The Commissioner shall conduct a comprehensive evaluation of the program and submit a report to Congress no later than February 1, 1986. The

report shall include recommendations for the improvement and continuation of grantees and for the support of new centers. In conducting the evaluation, the Commissioner shall apply standards consistent with the standards required by this section. In developing standards to be used by the grantees and to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations from national organizations representing handicapped individuals and independent living programs, from independent living centers, from professionals serving handicapped individuals, and from individuals, associations and organizations engaged in research in independent living.

No standards may be established unless approved by the National Council on the Handicapped. The Council shall have up to 90 days to approve such standards and may be deemed to have approved them if the Department of Education has not received notification of approval or disapproval within the 90 days. Council decisions on standards shall occur at regularly scheduled meetings and shall be the result of a simple majority of those present.

Grantees receiving assistance upon the date of enactment 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.

It is the intent of the conferees that the report due to Congress no later than February 1, 1986 shall be used in the development of reauthorization legislation which must be enacted by October 1, 1986. Therefore, it is imperative that the Commissioner honor this submission date for the report.

AUTHORIZATION OF APPROPRIATIONS FOR INDEPENDENT LIVING SERVICES

The Senate bill authorizes appropriations of such sums as may be necessary through fiscal year 1986 for title VII, part A, comprehensive State services for independent living; and for part C, services for older blind individuals, and strikes the provision in current law that not in excess of 10% of the amount appropriated for part A shall be available to carry out the provisions of part C of this title. The bill authorizes appropriations of \$21 million for each of the fiscal years 1984 through 1986 for part B, independent living centers.

The House amendment authorizes such sums as may be necessary through fiscal year 1986 for part A, comprehensive State services; part B, independent living centers; and part D, protection and advocacy. The House amendment retains the current law provision setting aside 10% of part A appropriations for part C.

The House recedes with an amendment providing such sums as may be necessary for part A, part C and part D, through fiscal year 1986, and setting the authorization of appropriations for part B at \$21 million for fiscal year 1984, \$22 million for fiscal year 1985, and \$23 million for fiscal year 1986.

The conferees wish to strongly endorse the full implementation of the independent living concept through funding for part of title VII, which authorizes a statewide comprehensive service delivery system for the severely handicapped. Cooperatively with the cen-

ters funded through part B of this title, services made available through part A would enhance, expand and stabilize the independent living program. Although only five years old, independent living centers have demonstrated that there are cost-effective alternatives to institutional care for the severely handicapped and that persons with the most severe disabilities can improve their capacity to function in the employment market or in preparation for employment. Until a statewide delivery system is implemented, however, the benefits of independent living services will be available to only a small percentage of severely handicapped persons who are in need of them in order to lead full and productive lives. The conferees urge a sufficient appropriation for part A of title VII in fiscal year 1985 to permit a meaningful start-up of the statewide independent living program.

TECHNICAL AND CONFORMING AMENDMENTS

The House amendment makes a technical correction, redesignating section 731 of part E of the Act as section 741, and strikes a reference to "Comprehensive Employment and Training Act of 1973" and inserts in lieu thereof "Job Training Partnership Act".

The Senate bill does not contain a comparable provision.

The Senate recedes.

HELEN KELLER NATIONAL CENTER

The Senate bill authorizes appropriations for the Helen Keller National Center, as it is presently administered under section 313 of the Act, at \$3.7 million for fiscal year 1984, \$3.9 million for fiscal year 1985, and \$4.1 million for fiscal year 1986.

The House amendment removes the authority for the Helen Keller National Center from the Rehabilitation Act by repealing section 313 and establishes a separate authorization for the Center under a Helen Keller National Center Act. The Center would continue to be administered by the Secretary of Education. The House amendment authorizes such sums as may be necessary for fiscal year 1984 and for each of the four subsequent fiscal years as appropriations for the Helen Keller National Center for Deaf-Blind Youths and Adults.

The Senate recedes with an amendment setting the authorization of appropriations for the Center at \$4.0 million for fiscal year 1984, \$4.2 million for fiscal year 1985, and \$4.3 million for fiscal year 1986.

EFFECTIVE DATE

The Senate bill is effective upon enactment.

The House amendment makes the provisions of titles I through III effective October 1, 1983.

The House recedes.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT

The Senate bill would increase the authorization for fiscal year 1984 for the four programs under the Developmental Disabilities Assistance and Bill of Rights Act. The Senate bill would raise the

total authorization of appropriations to \$64.2 million for fiscal year 1984 for these programs.

The House amendment does not contain a comparable provision.
The House recedes.

MODIFICATION OF CERTAIN RECONCILIATION ACT LIMITS

The House amendment contains increases in the authorization of appropriations for: Chapter 1 of the Education Consolidation and Improvement Act of 1981; the impact aid program (P.L. 81-815); the Vocational Education Act of 1963; the Adult Education Act; the National Foundation on the Arts and Humanities Act of 1965; the Museum Services Act; the Community Services Block Grant Act; the Low-Income Home Energy Assistance Act of 1981; the supplemental food program for women, infants and children under section 17 of the Child Nutrition Act of 1966; the Education of the Handicapped Act; and the National Technical Institute for the Deaf Act. The House amendment further contains a revision in the Low-income Energy Assistance Program which provides for a change in the distribution of funds for the program.

The Senate bill does not contain a comparable provision.

The House recedes.

SPECIAL IMPACT AID FOR IMMIGRANT CHILDREN EDUCATION

The House amendment contains a program of grants to States to educate immigrant children. Such sums as may be necessary are authorized for fiscal year 1984 through 1986. Funds are distributed on the basis of numbers of immigrant children in qualifying districts, with a maximum payment of \$500 per student. Any Federal funds received by a school district for any such children due to their status would be deducted from the school district's grant under this program.

The Senate bill does not contain a comparable provision.

The House recedes.

For consideration of the Senate bill exclusive of title II:

CARL D. PERKINS,
WILLIAM D. FORD,
MARIO BIAGGI,
IKE ANDREWS,
PAUL SIMON,
GEO. MILLER,
AUSTIN J. MURPHY,
BALASAR CORRADA,
PAT WILLIAMS,
RAY KOGOVSEK,
JOHN N. ERLNBORN,
STEVE BARTLETT,
BILL GOODLING,
STEVE GUNDERSON,
TOM COLEMAN,

Additional Education and Labor Committee members to be conferees on title I of the Senate bill and modifications committed to conference:

DALE E. KILDEE,
HOWARD C. NIELSON,

Additional Energy and Commerce Committee members to serve jointly with Education and Labor Committee members on section 402(c)(8) of title IV of the House amendment and modifications committed to conference:

JOHN D. DINGELL,
JAMES SCHEUEEE,
RICHARD OTTINGER,
PHILIP R. SHARP,
ED MARKEY,
TOM LUKEN,
JAMES T. BROYHILL,
TOM CORCORAN,
CARLOS J. MOORHEAD,

As exclusive conferees on title II of the Senate bill and modification committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
JAMES T. BROYHILL,
Managers on the Part of the House.

ORRIN HATCH,
LOWELL P. WEICKER, Jr.,
ROBERT T. STAFFORD,
PAULA HAWKINS,
DON NICKLES,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
THOMAS F. EAGLETON,
SPARK MATSUNAGA,
Managers on the Part of the Senate.

COUNCIL ON DEVELOPMENTAL DISABILITIES

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DEPT. OF MENTAL RETARDATION
Developmental Disabilities Program