

Lowell Weicker, Chairman  
Robert Stafford  
John East  
Donald Nickles



Frank Lautenberg, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped

108 Russell Senate Office Bldg.  
Washington, D.C. 20510  
Robert R. Williams, Editor

FEBRUARY 1983

98-1-1

## ADMINISTRATION'S 1984 BUDGET: NO MASSIVE FUNDING CUTS PROPOSED FOR PROGRAMS SERVING THE DISABLED

The President's Budget Proposal generally calls for level funding of the major service programs for disabled Americans in FY 1984. An exception is the Developmental Disabilities Program where a 32% cut is recommended.

Overall the President's Budget differs sharply from his two prior Budgets in which he suggested major reductions in special education and vocational rehabilitation funding together with sweeping changes in law. All such recommendations were rejected by Congress.

While there are no new references to block grants or program consolidations in the FY '84 Budget Proposal, it is noted that "...the Administration is proposing legislation to reform the [vocational rehabilitation] program, by providing greater State flexibility in direct service delivery along with stricter State accountability to objective standards of program performance.... By 1985, up to one-third of the funds allocated to states would be distributed based primarily on their success in rehabilitating severely disabled individuals."

The President's funding proposals are as listed on the next page.

## NEWS BRIEFS

98-1-1

PAGE 2

\* DOLLAR FIGURES IN THOUSANDS

<u>SPECIAL EDUCATION</u>	1983 ACTUAL	PRESIDENT'S 1984 PROPOSAL
STATE ASSISTANCE		
State Grant Programs	\$970,000	\$998,180
Pre-school incentive grants	25,000	25,000
Deaf-Blind Centers	15,360	9,560
SPECIAL POPULATION PROGRAMS		
Severely handicapped projects	2,880	2,880
Early Childhood Education	16,800	11,800
REGIONAL, VOCATIONAL, ADULT AND SECONDARY PROGRAMS	2,832	2,832
INNOVATION & DEVELOPMENT	12,000	10,800
MEDIA & RESOURCE SERVICE		
Media Services and Captioned Films	12,000	11,520
Regional Resource Centers	2,880	2,880
Recruitment & Information	720	720
SPECIAL ED PERSONNEL DEVELOPMENT	49,300	33,600
SPECIAL STUDIES	480	480
TOTALS	\$1,110,252	\$1,110,252

VOCATIONAL REHABILITATION

REHAB SERVICES		
Basic State Grants	\$943,900	\$943,900
Service Projects	26,094	26,094
Independent Living	17,280	17,280
Training	19,200	19,200
SUBTOTAL	\$1,006,474	\$1,006,474
NATIONAL INSTITUTE OF HANDICAPPED RESEARCH	30,060	30,060
NATIONAL COUNCIL ON THE HANDICAPPED	193	193
TOTALS	\$1,036,727	\$1,036,727

DEVELOPMENTAL DISABILITIES

STATE GRANTS + P&A	50,500	32,000
UAF AND SPECIAL PROJECTS	10,000	9,300
TOTALS.....	\$60,500	\$41,300
SPECIAL INSTI- TUTIONS { GALLAUDET COLLEGE	52,000	55,600
{ NTL. TECH. INSTITUTE FOR THE DEAF	26,300	28,000
{ AMERICAN PRINTING HOUSE FOR THE BLIND	5,000	4,950
COMMITTEE FOR THE PURCHASE FROM THE BLIND & OTHER HANDICAPPED	662	687

\* DOLLAR FIGURES IN THOUSANDS

# NEWS BRIEFS

Lowell Weicker, Chairman  
Robert Stafford  
Paula Hawkins  
Donald Nickles



Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

MARCH 31, 1983

98-1-2

## SENATE HOLDS HEARINGS ON REHAB ACT AND SPECIAL ED DISCRETIONARY PROGRAMS

Two pieces of this nation's major federal legislation for disabled persons- the Vocational Rehabilitation Act of 1973 and the Discretionary Programs of the Education for the Handicapped Act- were the subject of hearings held by the Senate Subcommittee on the Handicapped on February 24, March 21 and March 23, 1983.

The present authorization for both pieces of legislation extends only through 1983 and, therefore, Congress must take action during the current Session if the legislative life of these vital service programs for the disabled is to be continued.

Through its 62 years of existence, the Vocational Rehabilitation Program has evolved into the country's primary service network for vocational training and placement, successfully rehabilitating over 6.4 million disabled people. The Subcommittee, Chaired by Senator Lowell Weicker, Jr., received oral testimony on the major service programs within the Act, including the Basic State Grant. The Act's civil rights provisions, which include Section 504, are not scheduled for review until next year and will remain within the Act as written.

During the hearings, the Department of Education, (DOE) proposed its 1983 Amendments to the Rehab Act. Among the several changes suggested was an amendment to Title I that rewards state performance in rehabilitating the severely disabled as well as amendments that allow DOE greater flexibility in selecting the scope and type of activities funded under Title III (Special Projects.)

DOE's introduction of its 1983 Amendments on March 21 was close on the heels of the Administration's New Federalism Proposal introduced on March 10. This proposal places vocational rehabilitation and 16 other federal programs into a block grant to the states. The proposal allows states the option of participating in a block grant program or continuing with vocational rehabilitation services as mandated in the Rehab Act of 1973. In response to a question from Senator Weicker regarding the Administration's preferences, Gary Bauer, Deputy UnderSecretary for Planning, Budget and Evaluation in DOE, indicated that of the two proposals submitted by the Administration the passage of the block grant legislation is the Administration's higher priority.

Oral testimony offered by rehabilitation experts and consumers from around the country focused on the need for a continued federal role in rehab services. Specifically, witnesses addressed the value of the State Grant Program, Client Assistance, Projects With Industry, Independent Living Centers, Rehab Training, The Helen Keller Center for Deaf-Blind Youths and Adults, and Special Service Projects.

The Discretionary Programs of the Education for the Handicapped Act, the evaluation section of Part B of PL 94-142 and the Pre-school Incentive Program were also reviewed at the hearings. (Neither the State Grants under Part B of PL 94-142 nor the basic framework of the Act were considered.) During the hearings Senator Weicker indicated that he looked to the Act both to hold on to gains that have been made in the past as well as to move forward toward meeting the ultimate goal of affording equal opportunity to all handicapped citizens.

Testifying for DOE, UnderSecretary Bauer endorsed a three year extension for all eight Discretionary Programs with some redirection and change in priorities. Testimony from experts included

recommendations to develop an evaluation component addressing the quality of services provided under EHA and a unification of the fragmented research efforts. The establishment of a new discretionary program on secondary transitional needs of handicapped youth as well as the expansion of the Regional Postsecondary Program were recommended. Extension of the service programs to include children from birth through age 3 as well as the inclusion of statutory language targeting the severely handicapped were other proposals offered by witnesses.

Written testimony on both the Rehab Act and EHA was accepted by the Subcommittee through March 31. Following review of all oral and written statements, the Subcommittee expects to draft a Reauthorization Bill sometime during the month of April.

\* \* \*

#### SECRETARY BELL PUTS A "HOLD" ON FURTHER REGULATORY AND STAFFING CHANGES

In response to a letter from Senators Dan Quayle, Orrin Hatch and Lowell Weicker, Education Secretary Terrel H. Bell announced on March 21 that he has instructed DOE staff to "hold in abeyance any further action on regulations and major personnel changes in the Office of Special Education and Rehabilitative Services until a new Assistant Secretary has been appointed and confirmed." Bell's response to Congressional concern came on the same day Senator Weicker received a letter from Vice President George Bush advising him that the Department of Justice will not issue revised regulations for Section 504 of the Rehabilitation Act. Bell's announcement is also consistent with his comments to Senator Weicker at a hearing of the Labor/HHS Appropriations Subcommittee on March 7, where he indicated that new regulations for PL 94-142 would not be forthcoming before Fall, 1983.

\* \* \*

PWI AND FUNDING FOR THE REMOVAL OF ARCHITECTURAL BARRIERS  
INCLUDED IN EMERGENCY JOBS BILL

In the Emergency Jobs Bill, signed into law by President Reagan on March 24, the House agreed to two Senate amendments that are significant for disabled persons. The final Bill contains an appropriation of \$5 million for Projects With Industry, expanding the FY '83 funding level for this program to \$13 million. In his statement before the Labor/HHS Appropriations Subcommittee on March 10, George Conn, Acting Assistant Secretary for Special Education and Rehabilitative Services, indicated that any increase in funding levels for PWI will be used to "expand the active participation and cooperation of private industry in job development, job modification, training, and placement for disabled persons in competitive employment."

The Jobs Bill also contains \$40 million for the removal of architectural barriers in schools. For further information on this provision, contact Dr. Ed Sontag, Acting Director of Special Education Programs at the Department of Education:

ADDRESS: Room 4030  
400 Maryland Avenue, SW  
Washington, D.C. 20202-4714

\* \* \*

# NEWS BRIEFS



Lowell Weicker, Chairman  
Robert Stafford  
Paula Hawkins  
Donald Nickles

Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

May 24, 1983

98-1-3

## MAJOR HANDICAPPED BILLS CLEAR COMMITTEE

On Wednesday, May 18, the Senate Labor and Human Resources Committee, by a unanimous vote of 18-0, approved 2 pieces of legislation of major importance to disabled Americans. Both bills were originated by Senator Lowell Weicker, Jr., Chairman of the Subcommittee on the Handicapped and had previously received the support of the Subcommittee at its May 9 Executive Session.

The bills, S. 1340 and S. 1341, resulted from hearings held earlier this year by the Subcommittee on the need to reauthorize the Vocational Rehabilitation Act of 1973 and discretionary programs under the Education of the Handicapped Act. All programs authorized under both Acts are continued for three years with authorized funding increased an average 5% in each year. Cosponsoring S. 1340, the Rehabilitation Act are Senators Weicker, Randolph, Stafford, Dole, Hawkins, Nickles, Matsunaga, Quayle, Pell, Hatch and Kennedy. Joining Senator Weicker on S. 1341, the Education of the Handicapped Act Amendments are Senators Randolph, Stafford, Dole, Hawkins, Nickles, Matsunaga, Quayle, Hatch and Kennedy. Committee Reports accompanying both bills will be completed by early June with full Senate consideration expected shortly thereafter. Highlights of the two bills are presented below.

### HIGHLIGHTS OF S. 1341,

#### THE EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1983

In addition to continuing all model special education discretionary programs, S. 1341 increases the 1984 ceiling on PL 94-142 Part B State Grants from \$1,017.9 million to \$1,071.85 million. 1984 authorized ceilings for Gallaudet College and The National Technical Institute for the Deaf are raised to \$56.0 million and

NEWS BRIEFS  
98-1-3  
MAY 24, 1983

\$28.0 million respectively. Other amendments under S.1341 will:

- Establish a nationwide network to train and inform parents so that they can participate effectively with professionals in meeting the educational needs of their handicapped children
- Allow Early Childhood and Preschool model demonstration programs to begin serving youngsters at birth
- Establish a new model program to deal with the needs of handicapped youth, particularly the transition from school to postsecondary education, training and work
- Broaden Postsecondary Programs to include all disabilities in addition to the deaf.

HIGHLIGHTS OF S.1340,

REHABILITATION AMENDMENTS OF 1983

S.1340 provides increases in authorized funding for rehabilitation state grants of 5.3% in each of the years 1984, 1985 and 1986. Also increased are the 1984 funding ceilings for the Developmental Disabilities Program with State Grants set at \$45.4 million, Protection and Advocacy \$8.4 million, UAF's at \$7.8 million and Special Projects \$2.6 million. Other provisions of S.1340 will:

- Require evaluation studies and subsequent performance standards for Projects with Industry Programs and Independent Living Centers. Existing PWI grantees are assured continued funding provided they meet the standards, once issued. Independent Living Centers are assured funding through the evaluation process (ending 12/31/84)
- Establish the National Council on the Handicapped as an independent federal agency with both policy making and advisory responsibilities
- mandate a Client Assistance Program (CAP) in each state and independent of the state VR agency. CAPs to act as advisors to clients in resolving issues with VR providers



NEWS BRIEFS  
98-1-3  
MAY 24, 1983

- Provide that the Director of the National Institute of Handicapped Research (NIHR) have "substantial experience in rehabilitation and research administration" and also that NIHR administer spinal cord injury projects and establish research and training centers in the areas of pediatric rehabilitation and Pacific Basin rehabilitation needs
- Require that rehabilitation training funds be spent in accord with an annual manpower needs plan to be submitted to Congress by RSA and also that rehabilitation counselors be trained in the application of the provisions of Section 504 for their clients
- Encourage the RSA Commissioner to make available demonstration monies for private or public agencies to assist mentally retarded persons and handicapped youth to be better prepared for entrance into the labor force.

\* \* \*

#### DECADE FOR THE DISABLED RESOLUTION ENDORSED

The Labor and Human Resources Committee has voted to recommend that the Senate pass Senate Concurrent Resolution 22 concerning the United Nations Decade for Disabled Persons (1983-1992).

The Resolution sponsored by Senator Robert Dole and cosponsored by 32 other Senators calls on the President to take all steps within his authority to implement the objectives expressed in the U.N. proclamation on the Decade.

\* \* \*

# NEWS BRIEFS

Lowell Weicker, Chairman  
Robert Stafford  
Paula Hawkins  
Donald Nickles



Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

July 1, 1983

98-1-4

## SENATE PASSES "EDUCATION OF THE HANDICAPPED ACT AMENDMENTS OF 1983"

By a voice vote on Monday, June 27, the Senate without objection passed S.1341, "The Education of the Handicapped Act Amendments of 1983." S.1341 was the result of two days of hearings held earlier this year by the Senate Subcommittee on the Handicapped. During May the bill, originated by Senator Lowell Weicker, Jr., was reported unanimously by both the Subcommittee on the Handicapped and the full Committee on Labor and Human Resources.

S.1341 reauthorizes the major discretionary programs under the Education of the Handicapped Act as well as the preschool incentive grant programs and the evaluation program for three years. Other programs which were extended and amended include regional resource centers, deaf-blind centers, early childhood education, severely handicapped, postsecondary education, personnel preparation, recruitment and information, research, and media services. In addition to reauthorizing the above programs, the bill increases the 1984 funding ceiling for PL 94-142 basic state grants from \$1,017.9 million to \$1,071.85 million.

Two new initiatives are included in the bill: 1) a program establishing a national network to train and inform parents so they can participate effectively with professionals in meeting the educational needs of their handicapped children; and 2) a program focusing on secondary education services and the transition from school to postsecondary education, training, and work.

NEWS BRIEFS  
98-1-4

The bill also amends the preschool incentive grant program so that services can be provided to handicapped infants at birth.

In a statement to his colleagues, Senator Lowell Weicker, Chairman of the Subcommittee on the Handicapped, stressed that "More than 4 million disabled youngsters are receiving services under our nation's special education law. The law focuses on these youngsters abilities and seeks to develop them fully. The Education of the Handicapped Amendments of 1983 will continue these services, improve them and at the same time give new opportunities for us to learn how these services can be further strengthened."

\* \* \*

#### SENATE CONFIRMS MADELEINE WILL AS ASSISTANT SECRETARY FOR OSERS

On Tuesday, June 28, the Senate confirmed Madeleine Will as the new Assistant Secretary in the Office of Special Education and Rehabilitative Services, U.S. Department of Education. Mrs. Will, who is widely recognized as an articulate voice for disabled citizens in this country, is an active member of the Association for Retarded Citizens (ARC) and has served on the ARC Governmental Affairs Committee. In her confirmation hearing before the Committee on Labor and Human Resources, chaired by Senator Orrin Hatch, Mrs. Will emphasized the need for "... partnership between the Office of Special Education and the Rehabilitation Services Administration, between government at every level and the private sector as well as the community of disabled citizens."

\* \* \*

#### PROPOSED STATE PLAN CONSOLIDATION FOR EHA WITHDRAWN

In January, the Department of Education, in response to Executive Order 12372, proposed regulations with the stated intent of improving the process of intergovernmental review and coordination.

NEWS BRIEFS  
98-1-4

These regulations allow for the consolidation of federally required state plans. The state plan required for the Education for All Handicapped Children Act (Public Law 94-142) was originally included on the list of state plans eligible for consolidation. This mandated state plan, which requires basic information about the States' implementation of PL 94-142, is the key document used to monitor compliance with federal statutory and regulatory requirements.

In a letter on May 18 to Secretary Bell, Senator Weicker indicated that a consolidated state plan for PL 94-142 would only weaken the monitoring and enforcement capabilities of the Department of Education, and thus potentially threaten the guarantees provided to handicapped children under this mandate. Senator Weicker requested that Secretary Bell withdraw the PL 94-142 plan from the list of those eligible for consolidation. On June 16, Secretary Bell responded to Senator Weicker's request by agreeing to withdraw PL 94-142 from eligibility for consolidation.

\* \* \*

#### ADMINISTRATION OPPOSES MOST MAJOR PROVISIONS OF REHABILITATION ACT REAUTHORIZATION

Education Secretary Bell, in a June 23 letter, has expressed the Administration's opposition to most major provisions of S.1340, The Rehabilitation Act Amendments of 1983. The Administration earlier this year had simultaneously proposed both a block grant repeal of the Rehabilitation Act and a law requiring more restrictive federal control of vocational rehabilitation funding. Neither proposal has been acted upon by Congress, while S.1340 was favorably reported by the Senate Labor and Human Resources Committee on May 18.

The Administration opposes the 5.3% increase in authorized state grant funding as "excessive" and objects to required evaluations of Projects with Industries and Independent Living

NEWS BRIEFS  
98-1-4

Center Programs because "we (the Department) must have the administrative flexibility to assess our information needs and establish our evaluation priorities accordingly". Independent client assistance programs in all states are opposed as "... an unnecessary expenditure of Federal funds". A required annual manpower report on how rehab training funds are to be used is "not necessary", and specific provisions designed to allocate federal demonstration dollars to help mentally retarded youth enter the labor force is described as "... additional and unnecessary authority (which) would complicate administration of the Act". The Administration also "strongly opposes" making the National Council on the Handicapped an independent agency and allowing state rehabilitation agencies to compete for new Projects with Industries funding.

\* \* \*

# NEWS BRIEFS



Lowell Weicker, Chairman  
Robert Stafford  
Paula Hawkins  
Donald Nickles

Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

July 28, 1983

98-1-5

## SENATE PASSES "REHABILITATION AMENDMENTS OF 1983"

The reauthorization of this nation's major federal legislation for the vocational training of handicapped persons, The Vocational Rehabilitation Act of 1973, passed the Senate by unanimous voice vote on Tuesday, July 26th.

S.1340, originated by Senator Lowell Weicker, continues the basic state grant programs for three years with an average funding increase of 5.3% in each year. Other major provisions of the bill focus on improving services for the individual handicapped client. In a Senate statement, Senator Weicker emphasized that "the changes that are made in this bill are to strengthen, stabilize, and ensure continuation of the successful vocational rehabilitation services offered under the Act." The client-centered provisions of S.1340 include: 1) a new and independent role for client assistance programs, mandating a client assistance program that is independent of service providers in every state; 2) establishing The National Council on the Handicapped as an independent agency within the federal government and expanding its role in reviewing and evaluating policies and programs within the executive branch that concern disabled citizens; 3) research and training centers that focus on pediatric rehabilitation and the unique rehabilitation needs of the Pacific Basin; and 4) new demonstration programs to assist mentally retarded persons and handicapped youth to be better prepared to enter the work force.

S.1340 also increases 1984 funding ceilings for the Developmental Disabilities Program with state grants set at \$45.4 million, protection and advocacy at \$8.4 million, University Affiliated Facilities at \$7.8 million, and special projects at \$2.6 million.

\* \* \*

## ADDITIONAL FY 1983 FUNDING PASSED BY CONGRESS

Over \$52 million in additional funding will be available during the present fiscal year for programs serving the disabled if the President signs the 1983 Supplemental Appropriations Bill just passed by Congress. The additional funds are the result of three initiatives offered by Senator Lowell Weicker and one by Senator Orrin Hatch which were passed by the Senate and accepted by House Conferees.

The items included in the Bill are:

- 1) An additional \$47.9 million in special education grants to states raising the Federal per child amount for the '83-'84 school year from \$236.09 to \$248.28. (Weicker)
- 2) An additional \$2.12 million for Independent Living Centers thus restoring dollars taken previously by RSA from Special Recreation and Severely Handicapped Projects and used for the Centers. (Weicker)
- 3) An additional \$1.25 million for Regional Resource Centers increasing the '83 funding from \$2.88 million to \$4.13 million. (Hatch)
- 4) An additional \$1.5 million for the establishment of 2 new Research and Training Centers in pediatric rehabilitation and Pacific Basin rehabilitation needs. (Weicker)

\* \* \*

## SECTION 504 AMICUS BRIEF FILED

Seven Senators and Seven Congressmen\* have submitted an Amicus Brief to the Supreme Court in the LeStrange v Consolidated Rail Corporation case contending that Section 504 does indeed cover employment discrimination generally and not merely in limited instances where federal job funding is provided. The case is scheduled for the October term of the Court.

\*Senators Cranston, Dole, Hatch, Kennedy, Pell, Stafford and Weicker

\*Congressmen Biaggi, Edwards, Ford, Jeffords, Miller, Murphy and Williams

\* \* \*

# NEWS BRIEFS

Lowell Weicker, Chairman  
Robert Stafford  
John East  
Donald Nickles



Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped

10B Russell Senate Office Bldg.  
Washington, D.C. 20510  
Robert R. Williams, Editor

October 7, 1983

98-1-6

## STOPGAP FY '84 FUNDING BILL SIGNED INTO LAW

Federal funding for programs serving handicapped Americans will remain essentially at the FY '83 levels for at least the first few weeks of FY 1984 (beginning October 1). This is the result of a House-Senate Conference on the Continuing Resolution. While the Senate approved increased funding levels as recommended by Appropriations Subcommittee Chairman, Lowell Weicker, Jr., for Vocational Rehabilitation, Special Education and Developmental Disabilities Programs, Conferees decided on the lower of House and Senate levels at least until action is completed on a regular Appropriations Bill. (see article below)

\* \* \*

## VOC REHAB BILLS HEADED FOR CONFERENCE

The House has passed its version of legislation reauthorizing Vocational Rehabilitation services and called for a Conference with the Senate which has also passed a VR reauthorization bill. Complicating the Conference work are Title IV and V of the House passed bill which contain an estimated \$2 billion dollars in increases for new and existing education and human services programs and threats of a Presidential veto if these Titles are accepted by the Senate. As of this date further action is awaiting appointment of Senate Conferees.

\* \* \*

## FY '84 APPROPRIATIONS BILLS MOVE THROUGH CONGRESS

Both the House and Senate have completed action on FY 1984 Labor, Health, Human Services and Education Appropriations Bills. This legislation once enacted into law will replace the Continuing Resolution, presently in place, as the funding vehicle for FY 1984 and will, if enacted, be the first Labor-HHS Bill since 1979. Ahead lies a House-Senate Conference to iron out the differences in the two bills and action by the President. Funding level differences for major programs serving disabled Americans are as follows:

(please turn to page 2)



# NEWS BRIEFS

98-1-6

PAGE 2

COMPARISON FY 1984 LABOR-HHS-EDUCATION APPROPRIATIONS BILLS			
<u>SPECIAL EDUCATION</u>	<u>SENATE</u>	<u>HOUSE</u>	<u>ACTUAL FY '83</u>
State Grant Programs	* \$1,071,850	\$1,017,900	\$1,017,900
Preschool Incentive Grants	26,330	25,000	25,000
Deaf-Blind Centers	14,000	15,360	15,360
Severely Handicapped Projects	4,000	2,880	2,880
Early Childhood Education	21,100	16,800	16,800
Regional, Vocational, Adult and Secondary Programs	5,000	2,832	2,832
Innovation and Development	15,000	12,000	12,000
Media Services and Captioned Films	14,000	11,520	12,000
Regional Resource Centers	4,500	5,000	4,130
Recruitment and Information	1,000	720	720
Personnel Development	55,540	49,300	49,300
Special Studies	3,100	480	480
Secondary Education and Transitional Services	6,000	--	--
Unspecified Discretionary Funds	--	45,000	--
TOTALS	\$1,241,420	\$1,204,792	\$1,159,402
<u>VOCATIONAL REHABILITATION</u>			
Basic State Grants	\$ 993,900	**defer	\$ 943,900
Service Projects	37,600	defer	31,094
Independent Living	19,400	defer	19,400
Training	22,000	defer	19,200
National Institute of Handicapped Research	36,000	defer	31,560
National Council on the Handicapped	500	defer	193
Evaluations	2,000	defer	--
TOTAL	\$ 1,111,400	defer	\$1,045,347
<u>DEVELOPMENTAL DISABILITIES</u>			
State Grants	\$ 45,400	\$ 43,180	\$ 43,180
Protection and Advocacy	8,400	7,320	7,320
University Affiliated Facilities	7,800	7,027	7,500
Special Projects	2,600	2,294	2,500
TOTAL	\$ 64,200	\$ 59,821	60,500
<u>SPECIAL INSTITUTIONS</u>			
Gallaudet College	\$ 56,000	\$ 52,000	\$ 52,000
National Technical Institute for the Deaf	28,000	26,300	26,300
American Printing House for the Blind	5,500	5,000	5,000

\* DOLLAR FIGURES IN THOUSANDS

\*\* WHILE THE HOUSE HAS DEFERRED CONSIDERATION OF VOCATIONAL REHABILITATION PROGRAMS PENDING ENACTMENT OF REAUTHORIZING LEGISLATION, THE HOUSE REPORT STATES A DETERMINATION TO ASSURE CONTINUED FUNDING IN THE INTERIM. THIS SUGGESTS THAT THE HOUSE FAVORS FUNDING AT THE FY 1983 LEVEL FOR THE INTERIM PERIOD.

# NEWS BRIEFS



Lowell Weicker, Chairman  
Robert Stafford  
Paula Hawkins  
Donald Nickles

Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

October 21, 1983

98-1-7

## APPROPRIATIONS BILL CLEARS CONGRESS

House and Senate Conferees on October 20th completed action on the FY 1984 Appropriations Bill for the Departments of Labor, Health and Human Services and Education. The Conference Agreement then was quickly approved and sent to the President for his action.

If signed into law, 1984 will mark the first time since 1978 that a bill for these Departments has been enacted (the intervening years' funding was contained in a series of continuing resolutions). Labor-HHS Appropriations Subcommittee Chairman Lowell Weicker stressed the value of a bill over continuing resolutions noting that it will allow federal, state and local governments as well as private service providers more certainty on the funds available while at the same time having allowed Congress to more firmly establish funding priorities.

Funding levels for 1984 under the Labor-HHS Bill are as follows:

<u>FISCAL YEAR 1984 APPROPRIATIONS</u>		
<u>SPECIAL EDUCATION</u>	<u>ACTUAL FY 1983</u>	<u>FY 1984 LABOR-HHS APPROPRIATIONS BILL</u>
State Grant Program	* \$1,017,900	\$1,043,875
Preschool Incentive Grant	25,000	26,330
Deaf-Blind Centers	15,360	15,000
Severely Handicapped Projects	2,880	4,000
Early Childhood Education	16,800	21,100
Regional, Vocational, Adult and Secondary Programs	2,832	5,000
Innovation and Development	12,000	15,000
Media Services and Captioned Films	12,000	14,000
Regional Resource Centers	4,130	4,500
Recruitment and Information	720	1,000
Personnel Development	49,300	55,540
Special Studies	480	3,100
Secondary Education and Transitional Services	--	6,000
TOTAL	\$1,159,402	\$1,214,445

(over)

NEWS BRIEFS

PAGE 2

FISCAL YEAR 1984 APPROPRIATIONS- CONT.

<u>VOCATIONAL REHABILITATION</u>	<u>ACTUAL FY 1983</u>	<u>FY 1984 LABOR-HHS APPROPRIATIONS BILL</u>
Basic State Grant	*\$ 943,900	\$ 993,900
Service Projects	31,094	37,600
Independent Living	19,400	19,400
Training	19,200	22,000
National Institute of Handicapped Research	31,560	36,000
National Council on the Handicapped	193	500
Evaluations	--	2,000
TOTAL	\$1,045,347	\$1,111,400
<u>DEVELOPMENTAL DISABILITIES</u>		
State Grant	\$ 43,180	\$ 43,750
Protection and Advocacy	7,320	8,400
University Affiliated Facilities.	7,500	7,413
Special Projects	2,500	2,447
TOTAL	\$ 60,500	\$ 62,010
<u>SPECIAL INSTITUTIONS</u>		
Gallaudet College	\$ 52,000	\$ 52,000
National Technical Institute for the Deaf	26,300	26,300
American Printing House for the Blind	5,000	5,000

\* DOLLAR FIGURES IN THOUSANDS

\* \* \* \*

REHAB REAUTHORIZATION CONTINUES TO BE HELD HOSTAGE

In spite of being passed by both the Senate and House, S.1340, The Vocational Rehabilitation Amendments of 1983, remains in limbo as a result of disagreement over non rehabilitation amendments added by the House. The House amendments call for non rehab spending increases of \$2.0 billion and Senator Orrin Hatch while supportive of the rehab provisions refuses to appoint Senate Conferees until agreement is reached to drop the House amendments.

Handicapped Subcommittee Chairman Lowell Weicker has urged that the Rehab Bill be quickly passed. "Disabled Americans seeking job training and other services cannot continue to be held hostage." stated Weicker.

# NEWS BRIEFS

Lowell Weicker, Chairman  
Robert Stafford  
Paula Hawkins  
Donald Nickles



Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

NOVEMBER 25, 1983

98-1-8

## CONGRESS PASSES S.1341, EHA AMENDMENTS OF 1983 CONFERENCE ON REHAB ACT PROMISED FOR EARLY 1984

In the final hours before the November 18th adjournment both Houses of Congress voted final approval of S.1341, The Education of the Handicapped Act Amendments of 1983. Originated by Senator Lowell Weicker, S.1341 is effective on passage and establishes a new Secondary and Transitional Program for Handicapped Youth (\$6.0 million) and a statutorily mandated Parent Training and Information Program (\$5.5 million); allows the Preschool and Early Childhood Programs to begin serving disabled youngsters at birth; emphasizes preservice training for special education personnel; substantially revises federal and state reporting and evaluation activities and continues all other special ed. discretionary activities for three years. (1984-1986, inclusive)

House Amendments to the Weicker bill provide for an increased Congressional role in any future proposals to revise special ed regulations; establish a new advisory committee on special ed and provide for a study of a possible change in the term "severely emotionally disturbed" to "behaviorally disordered". The House also added authorization amounts for vocational rehabilitation state grants and discretionary programs for three and one years respectively. A Conference on the language of the Vocational Rehabilitation Reauthorization Bill (S.1340) will be held in January.

S.1341 now awaits action by the President.

\* \* \* \* \*

## PROTECTION OF RETARDED RIGHTS QUESTIONED

During a November 17th Hearing before the Subcommittee on the Handicapped, Chairman Lowell Weicker questioned the chief federal civil rights official, Assistant Attorney General William Bradford Reynolds, on the Justice Department's recent record concerning the civil rights of institutionalized mentally retarded persons. Chairman Weicker introduced into the record Justice Department correspondence documenting contin-

## NEWS BRIEFS

PAGE 2

uing abuse of retarded people. The Subcommittee also heard testimony from former Justice Department attorneys and a recognized expert on care for the retarded on the Department's apparent reversal of a long standing commitment to protect the retarded from harm.

While admitting abuse of the retarded was probably continuing even as the Hearing took place, Reynolds defended his policy of lengthy and as yet largely unproductive negotiations with state officials instead of direct court action on the retarded's behalf.

Chairman Weicker contrasted Justice's policy of negotiating on behalf of retarded adults with the speedy court action Reynolds has taken in the Baby Jane Doe Case and promised a full investigation of institutions as well as further hearings with Department of Health and Human Services officials who fund such institutions.

\* \* \* \* \*

### ADDITIONAL FUNDS APPROPRIATED

While the Labor-HHS Appropriations Bill establishes FY '84 funding for major federal programs serving the disabled, the 1984 Continuing Resolution signed into law earlier this month provides \$38.7 million in additional funds for four programs as follows:

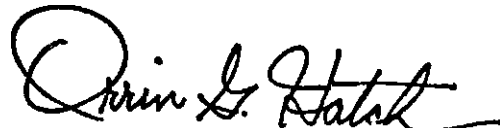
	<u>Actual '83</u>	<u>Labor-HHS Approp. Bill '84</u>	<u>Continuing Resolution '84</u>
Special Education State Grant	*\$1017.9	\$1043.875	\$1068.875
Vocational Rehab State Grant	943.9	993.9	1003.9
Gallaudet College	52.0	52.0	54.0
Nat'l Tech. Institute for the Deaf	26.3	26.3	28.0

\*Amounts in millions

\* \* \* \* \*

**United States Senate**

COMMITTEE ON  
LABOR AND HUMAN RESOURCES  
WASHINGTON, D.C. 20510  
OFFICIAL BUSINESS

  
U.S.S.

# NEWS BRIEFS



Lowell Weicker, Chairman  
Robert Stafford  
Paula Hawkins  
Donald Nickles

Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

FEBRUARY 3, 1984

98-2-1

## REHAB ACT EXTENSION CLEARED BY CONFEREES

House-Senate Conferees on February 1 reached final agreement on S.1340, legislation continuing the Rehabilitation Act for three years. The Conferees' Agreement is now expected to be approved quickly by both Houses and sent to the President. The measure had been stalled for five months because of a series of non rehab funding increases added by the House. Once these were dropped Conferees reached an accord on the Rehab Act itself.

The Conference Agreement continues the state grant program with authorized funding increases of 9.4 percent, 7.7 percent and 7.7 percent for '84, '85 and '86 respectively. Existing PWI and Independent Living Centers grantees are guaranteed funding through 1986, Client Assistance Programs are required in all states, the National Council on the Handicapped is established as an independent federal agency and the Helen Keller National Center becomes a distinct special institution.

Senator Lowell Weicker, Chairman of the Subcommittee on the Handicapped which originated S.1340, expressed satisfaction with the Conferees' Agreement. Noting that the bill had to compete with various alternatives including a block grant proposal and had been delayed by the unrelated amendments, the Senator stated, "Fortunately these misguided efforts have failed and an improved program of services will soon be in place. I am very pleased that in the end disabled people's needs have come first."

# PRESIDENT'S FY '85 BUDGET REQUEST

The President has sent his FY '85 Budget Request to Congress including recommendations for some reductions in funding for Programs serving disabled Americans. The President's request together with present funding levels are below:

<u>SPECIAL EDUCATION</u>	<u>1984 Appropriated</u>	<u>1985 President's Request</u>
State Grant	\$1068.875 *	\$1068.875*
Preschool Incentive Grant	26.330	26.330
Deaf-Blind Centers	15.000	12.000
Severely Handicapped Projects	4.000	4.000
Early Childhood Education	21.100	21.100
Regional, Vocational, Adult and Postsecondary Programs	5.000	5.000
Innovation and Development	15.000	12.000
Media Services and Captioned Films	14.000	14.000
Regional Resource Centers	4.500	4.500
Recruitment and Information	1.000	1.000
Personnel Development	55.540	37.640
Special Studies	3.100	2.000
Secondary Education and Transitional Services	6.000	6.000
<b>TOTAL</b>	<b>\$1239.445</b>	<b>\$1214.445</b>
<u>VOCATIONAL REHABILITATION</u>		
Basic State Grant	\$1003.900	\$1003.900
Service Projects	37.600	31.200
Independent Living	19.400	21.000
Training	22.000	5.000
National Institute of Handicapped Research	36.000	30.060
National Council on the Handicapped	.500	0
Evaluation	2.000	.500
<b>TOTAL</b>	<b>\$1121.400</b>	<b>\$1091.660</b>
<u>DEVELOPMENTAL DISABILITIES</u>		
State Grant	\$ 43.750	\$ 53.800
Protection and Advocacy	8.400	
University Affiliated Facilities	7.413	
Special Projects	2.447	10.400
<b>TOTAL</b>	<b>\$ 62.010</b>	<b>\$ 64.200</b>
<u>SPECIAL INSTITUTIONS</u>		
Gallaudet College	\$ 54.000	\$ 56.690
National Technical Institute for the Deaf	28.000	31.400
American Printing House for the Blind	5.000	5.000

\* All \$ amounts in millions

# NEWS BRIEFS



Lowell Weicker, Chairman  
Robert Stafford  
Paula Hawkins  
Donald Nickles

Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

MARCH 15, 1984

98-2-2

## INCREASED FUNDING RECOMMENDED FOR FY 1985

In the first formal response to the Administration's FY 1985 Budget Request for programs serving disabled Americans, Handicapped Subcommittee Chairman, Lowell Weicker, Jr. and Ranking Member, Jennings Randolph have recommended that the Congressional Budget allow for funding increases for the fiscal year beginning next October 1. "It is our belief," said Weicker and Randolph, "that these programs are of critical importance to this nation's handicapped citizens and represent a wise and cost effective investment."

The recommendations and comparisons are as follows:

	<u>Actual FY '84</u>	<u>Administration Budget FY '85</u>	<u>Weicker/Randolph FY '85</u>
Special Education	\$1239.645*	\$1214.445	\$1334.695
Voc. Rehabilitation	1119.6	1087.96	1249.9
Developmental Dis- abilities	62.01	64.2	82.0
Gallaudet College	54.0	56.69	56.69
Ntl. Tech. Insti- tute for Deaf	28.0	31.4	31.4
American Printing House	5.0	5.0	5.5
Helen Keller National Center	3.7	3.7	4.2
National Council on Handicapped	.5	0	.53

\* All amounts in millions of dollars

\*

\*

\*



## NEWS BRIEFS

PAGE 2  
98-2-2

### VOCATIONAL REHABILITATION AMENDMENTS SIGNED INTO LAW

President Reagan on February 22, 1984 signed S.1340, The Rehabilitation Amendments of 1984 into law. The new statute, Public Law 98-221 contains both substantial changes in law and increased, authorized funding for the vocational rehabilitation program in fiscal years 1984-1986, inclusive. Copies of the new law and a limited number of copies of the Conference Report explaining the provisions of P.L. 98-221 are available through this Subcommittee.

\* \* \*

### SUBCOMMITTEE MEMBERSHIP CHANGES

As a result of the election of Senator Dan Evans to succeed the late Senator Henry Jackson, various Senate Committee assignments have been made. Among them, Senator Paula Hawkins will leave the Subcommittee on the Handicapped to become Chairman of the Subcommittee on Alcoholism and Drug Abuse. Joining the Subcommittee on the Handicapped will be Senator Strom Thurmond of South Carolina.

\* \* \*

### OVERSIGHT HEARING HELD ON DEVELOPMENTAL DISABILITIES ACT

The Subcommittee on the Handicapped held a Hearing on February 23, 1984 to review recommendations concerning reauthorization of the Developmental Disabilities Act. Presenting testimony were Dr. Jean Elder, Commissioner of the Developmental Disabilities Administration and representatives of State DD Councils, Protection and Advocacy Offices, University Affiliated Facilities, Special Projects and a consortium of disability organizations.

All witnesses called for continuation of the Act as a federal categorical program with increased funding. Chairman Weicker stated that he would introduce legislation to reauthorize the Developmental Disabilities Act within the near future.

\* \* \*

# NEWS BRIEFS

Lowell Weicker, Chairman  
Robert Stafford  
Donald Nickles  
Strom Thurmond



Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

MAY 10, 1984

98-2-3

## DEVELOPMENTAL DISABILITIES BILL WINS APPROVAL

The Subcommittee on the Handicapped and the Senate Labor and Human Resources Committee this week voted to approve S.2573, The Developmental Disabilities Act of 1984, thus clearing the bill for action by the full Senate. S.2573, sponsored by Senator Lowell Weicker and cosponsored by Senators Stafford, Hatch, Leahy, Kennedy, Randolph, Matsunaga and Grassley continues the Developmental Disabilities Program for three years (FY 1985-1987, inclusive) at substantially increased funding levels with various improvements.

"The Developmental Disabilities Law has not been substantially changed since 1978," noted Weicker. "With S.2573, additional services and protections necessary for today's developmentally disabled citizens are established and the necessary funding authorized. I am hopeful the full Senate will support this most important legislation."

Major provisions of S.2573 include:

State DD Planning Councils-- Beginning October 1, 1985, a minimum of 65% of Council funds are to be used for employment related services plus either child development or alternative community living activities with case management specific to each priority included within that priority's definition. All three priorities may be selected when appropriated funds total \$60 million. Minimum funding for states is increased to \$300,000 and FY '85 funding is set at \$54.5 million (up from \$45.5 million in FY '84)

## NEWS BRIEFS

PAGE 2  
98-2-3

Protection and Advocacy Offices-- P&A's are to be provided state ICF/MR annual surveys and corrective plans and under certain circumstances can gain access to institutionalized persons' records. Redesignation of a state's P&A Office can only be for good cause. Minimum state funding is increased to \$100,000 and FY '85 funding set at \$15.0 million.(increased from \$8.4 million in FY '84).

University Affiliated Facilities-- A modest cost of living increase is to be provided before new UAF's or satellites are established and outreach and demonstration activities in integrated settings are required. Authorized funding increases from \$7.8 million in FY '84 to \$9.4 million in FY '85.

Special Projects-- Special Project grant funds may not be consolidated by the Department of Health and Human Services with other non DD grants; a one time study of ICF/MR facilities is required and authorized funding is increased from \$2.4 million in FY '84 to \$3.2 million in FY '85.

# NEWS BRIEFS

Lowell Weicker, Chairman  
Robert Stafford  
Donald Nickles  
Strom Thurmond



Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

JUNE 22, 1984

98-2-4

## SENATE SUBCOMMITTEE MOVES FY 1985 FUNDS FOR HANDICAPPED

The Senate Labor, Health and Human Services and Education Appropriations Subcommittee, Chaired by Senator Lowell Weicker, Jr., voted on June 19 to approve a funding package for the next fiscal year (beginning 10/1/84) which includes substantial increases for federal programs serving disabled Americans. Among highlights of the Bill are increases of \$114 million for vocational rehabilitation state grants and \$66 million for special education state grants. Vocational Rehabilitation Training funds are increased to \$24 million and Special Education Personnel Preparation to \$61 million.

The Bill also includes an initial \$5 million start up amount for Independent Living Services (Part A) and \$534,000 to Health Care Finance Administration for the hiring of at least one developmental disabilities specialist in each DHHS Region to monitor ICFMR's and to assist states in the areas of quality assurance and community waivers.

FY '85 funding for the Developmental Disabilities Program itself will not be dealt with by the Subcommittee until the reauthorization of this Program has been passed by Congress.

A comparison of the Senate Bill and the current funding levels is as follows:

(Over)

<u>SPECIAL EDUCATION</u>	<u>FY 1984 Appropriated</u>	<u>FY 1985-Senate Labor/HHS Bill</u>
State Grant	\$1068.875*	\$1135.145*
Preschool Incentive Grant	26.330	28.000
Deaf-Blind Centers	15.000	15.000
Severly Handicapped Projects	4.000	4.300
Early Childhood Education	21.000	22.500
Regional, Vocational, Adult and Postsecondary Programs	5.000	5.300
Innovation and Development	15.000	16.000
Media Services and Captioned Films	14.000	16.500
Regional Resource Centers	4.500	6.000
Recruitment and Information	1.000	1.050
Personnel Development	55.540	61.000
Special Studies	3.070	3.270
Secondary Education and Transitional Services	6.000	6.330
TOTAL	\$1239.415	\$1320.395
<u>VOCATIONAL REHABILITATION</u>		
Basic State Grant	\$1003.900	\$1117.500
Projects with Industry	13.000	14.400
Severely Disabled	12.135	13.600
Migrants/Indians	1.665	1.665
Client Assistance	6.000	6.300
Recreation	2.000	2.100
Independent Living — Training	— 19.400 —	— 27.000**
National Institute of Handicapped Research	37.500	40.000
Evaluation	2.000	2.000
TOTAL	\$1119.600	\$1248.565
<u>DEVELOPMENTAL DISABILITIES</u>		
State Grant	\$ 43.750	Not Considered
Protection and Advocacy	8.400	Not Considered
University Affiliated Facilities	7.413	Not Considered
Special Projects	2.447	Not Considered
TOTAL	\$ 62.010	Not Considered
<u>SPECIAL INSTITUTIONS/RELATED AGENCIES</u>		
Gallaudet College	\$ 54.000	\$ 56.700
National Technical Institute for the Deaf	28.000	31.400
American Printing House for the Blind	5.000	5.500
Helen Keller Center	3.700	4.200
National Council on the Handicapped	.500	.750

\* Dollar amounts in millions

\*\*Includes \$5.0 million for Part A, Services and \$22.0 million for  
Part B, Centers



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 98<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 130

WASHINGTON, MONDAY, JUNE 11, 1984

No. 78

## Senate

### THE RIGHTS OF MENTALLY RETARDED CITIZENS

● Mr. WEICKER. Mr. President, the President's Committee on Mental Retardation (PCMR), by vote of its membership, adopted a resolution which is both timely and necessary. That resolution reaffirms the position of current law and the repeatedly expressed intent of this and previous Congresses that disabled citizens, particularly those living in Government-funded and operated institutions, are indeed entitled to education and training services in the least restrictive setting.

In and of itself, this reaffirmation by PCMR is noteworthy.

But even more significant is the fact that the 15-member committee, all Presidential appointees, have called on the President to reverse the ill-founded and wrongheaded policies of his own Justice Department in a current Halderman against Pennhurst lawsuit.

The PCMR resolution most adequately discusses the Justice Department's position and I urge all of our colleagues to read and to support PCMR in this regard. I commend PCMR for demonstrating the courage of their convictions, and I ask that the resolution be printed in today's Record at the conclusion of these remarks.

The resolution follows:

#### THE PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

#### RESOLUTION CONCERNING THE RIGHTS OF MENTALLY RETARDED CITIZENS AND THE NECESSARY SUPPORTING ROLE OF THE U.S. DEPARTMENT OF JUSTICE

Whereas, the United States Department of Justice on April 24, 1984, filed a brief in the United States Court of Appeals for the Third Circuit in the case of *Halderman v. Pennhurst Center* concerning the conditions of confinement in the Pennhurst institution for mentally retarded persons; and

Whereas, this brief has reversed at least fourteen years of bipartisan support for the fundamental right to liberty of mentally retarded citizens of the United States by, for the first time, denying the existence of any Federal right of retarded citizens, who are entrusted to the care of State Governments, to the habilitative care which affords such citizens a reasonable opportunity to acquire and maintain basic life skills in the setting

"least restrictive" of personal liberty and consistent with their needs; and

Whereas, such complete reversal of the policies of all Presidential Administrations on this issue since 1970 seriously threatens the substantial advances made in protection of such mentally retarded citizens; and

Whereas, the Department of Justice in 1970, in the administration of President Richard M. Nixon, adopted a policy and program of active litigation in support of such rights of retarded citizens throughout the United States and has continued such effort during the Administrations of President Gerald R. Ford, President Jimmy Carter and, until this time, of President Ronald Reagan; and

Whereas, the Department of Justice, in the past and consistent with National Policy, has supported the rights of mentally retarded citizens to habilitative care, in the least restrictive placement, in Federal Courts throughout the United States; and

Whereas, the President's Committee on Mental Retardation, at its meeting in Boca Raton, Florida in May 1984, has thoroughly reviewed the history of the past precedent setting efforts of the Department of Justice in this regard and the nature of the damage which will be accorded to the protection of the rights of retarded citizens of the United States by the present brief of the Department; now

*Be it therefore resolved*, that the mentally retarded citizens of the United States, whose care and training is entrusted to the State governments throughout this Nation, have a right to receive such habilitative care as will afford them a reasonable opportunity to acquire and maintain life skills, and that such habilitative care be provided in that setting least restrictive of the liberty of such citizens consistent with their capacities and needs so that the mentally retarded citizens of the United States shall best realize their Constitutional rights; and

*Be it further resolved*, that the President is hereby urged to direct the Department of Justice to withdraw its brief espousing a reversal of policy and adhere to the consistent policy as set forth above in support of the fundamental rights of the mentally retarded citizens of this Nation; and

*Be it further resolved*, that a copy of this resolution be sent to the President, through the Chairperson of the Committee, and, subsequently to individuals and organizations concerned with this issue.●

# NEWS BRIEFS



Lowell Weicker, Chairman  
Robert Stafford  
Donald Nickles  
Strom Thurmond

Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

AUGUST 17, 1984

98-2-5

## CONDITIONS IN INSTITUTIONS FOUND APPALLING

TESTIMONY PRESENTED ON JULY 31 BY HHS SECRETARY HECKLER AT THE SECOND IN A SERIES OF HEARINGS CONDUCTED BY THE SUBCOMMITTEE ON THE HANDICAPPED INDICATED THAT THE FEDERAL REQUIREMENTS FOR SAFETY, CARE AND TREATMENT OF RETARDED CITIZENS LIVING IN STATE OPERATED, FEDERALLY SUPPORTED INSTITUTIONS ARE NOT BEING MET.

AT THE HEARING SUBCOMMITTEE CHAIRMAN LOWELL WEICKER ISSUED A SUBCOMMITTEE STAFF REPORT RESULTING FROM SITE VISITS TO INSTITUTIONS. ABUSE AND NEGLECT, LACK OF ACTIVE TREATMENT, AND INAPPROPRIATE PLACEMENT WERE FOUND. PROMPTED BY THE SUBCOMMITTEE, HHS RECENTLY SURVEYED 17 INSTITUTIONS AND FOUND SIMILAR DEFICIENCIES.

THE SECRETARY WHO CALLED THE FINDINGS "APPALLING" OUTLINED STEPS TO FORCE STATE COMPLIANCE WITH FEDERAL STANDARDS AND PROMISED TO DOUBLE FEDERAL INVESTIGATIONS. IN RESPONSE TO A QUESTION FROM CHAIRMAN WEICKER, HECKLER INDICATED 45 ADDITIONAL INSPECTORS WOULD BE REQUIRED TO MONITOR INSTITUTIONS ADEQUATELY AND WEICKER PROMISED TO INCLUDE FUNDING FOR THEM IN THE 1985 HHS APPROPRIATIONS BILL. WEICKER ALSO NOTED HIS PENDING LEGISLATION TO PROVIDE AT LEAST ONE DEVELOPMENTAL DISABILITIES PROGRAM SPECIALIST IN EACH HHS REGIONAL OFFICE AND TO MAKE PUBLIC THROUGH EACH STATE'S DEVELOPMENTAL DISABILITIES COUNCILS AND PROTECTION AND ADVOCACY OFFICES THE ANNUAL SURVEY OF EACH INSTITUTION WITHIN THAT STATE.

THE SUBCOMMITTEE IS CONTINUING ITS INVESTIGATIONS.

\* \* \*

## SUPREME COURT ISSUES SPECIAL EDUCATION DECISIONS

ON JULY 5TH, THE U.S. SUPREME COURT ISSUED DECISIONS REQUIRING LOCAL SCHOOL SYSTEMS TO PROVIDE CATHETERIZATION SERVICES TO HANDICAPPED YOUNGSTERS AS NEEDED BUT DENYING PARENTS THE OPPORTUNITY TO RECOVER LEGAL FEES INCURRED IN SUCCESSFUL SUITS UNDER THE EDUCATION OF THE HANDICAPPED ACT.

NEWSBRIEF

98-2-5  
PAGE 2

RESPONDING AS SOON AS CONGRESS RECONVENED, SENATE HANDICAPPED SUBCOMMITTEE CHAIRMAN LOWELL WEICKER AND HOUSE SELECT EDUCATION SUBCOMMITTEE CHAIRMAN AUSTIN MURPHY, JOINTLY INTRODUCED IDENTICAL BILLS-- S.2859 AND H.R.6014-- TO ALLOW THE COURTS TO AWARD REASONABLE ATTORNEYS' FEES TO PARENTS IN SUCCESSFUL LAWSUITS.

THE LEGISLATION HAS ALREADY ATTRACTED THE COSPONSORSHIP OF 8 SENATORS AND 20 CONGRESSMEN AND WEICKER EXPRESSED THE HOPE THAT STRONG SUPPORT FROM PARENTS AND PARENT GROUPS WOULD ENCOURAGE BOTH HOUSES OF CONGRESS TO PASS THE LEGISLATION PRIOR TO CONGRESS' ADJOURNMENT. HE NOTED THAT OVER 90 DIFFERENT FEDERAL LAWS ALLOW THE RECOVERY OF LEGAL FEES AND THAT PARENTS OF HANDICAPPED CHILDREN SHOULD BE PROVIDED THE SAME OPPORTUNITY AS THEY PRESS FOR THEIR RIGHTS UNDER LAW.

\* \* \*

ADDITIONAL FUNDS VOTED FOR HANDICAPPED PROGRAMS

BOTH THE HOUSE AND SENATE HAVE PASSED A SUPPLEMENTAL APPROPRIATIONS BILL FOR THE CURRENT FISCAL YEAR (ENDING 9/30/84) WHICH INCLUDES ADDITIONAL FUNDS FOR PROGRAMS SERVING DISABLED PEOPLE. THE PROGRAMS AFFECTED ARE:

	<u>*ADDITIONAL AMOUNTS</u>	<u>NEW TOTAL FY '84</u>
VOCATIONAL REHAB STATE GRANT	\$33.900	\$1037.800
HELEN KELLER CENTER	.300	4.000
REGIONAL RESOURCE CENTERS	1.200	5.700
GALLAUDET COLLEGE	2.000	56.000
UNIVERSITY AFFILIATED FACILITES	.387	7.800

\*ALL AMOUNTS IN MILLION OF DOLLARS

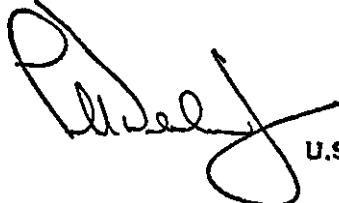
**United States Senate**

COMMITTEE ON  
LABOR AND HUMAN RESOURCES

WASHINGTON, D C 20510

OFFICIAL BUSINESS

SUBCOMMITTEE ON THE HANDICAPPED

 U.S.S.



# NEWS BRIEFS



Lowell Weicker, Chairman  
Robert Stafford  
Donald Nickles  
Strom Thurmond

Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

AUGUST 28, 1984

98-2-6

## 1985 SPENDING BILLS AWAIT FINAL ACTION

Federal spending for fiscal year 1985 (beginning 10/1/84) will likely receive final Congressional approval during September. Legislation appropriating funds for the Departments of Labor, Health and Human Services, Education and related agencies has been passed by the House. The counterpart Senate Labor-HHS Bill has been approved at the subcommittee and committee levels and awaits Floor action. Following Senate passage a House-Senate Conference will iron out differences in the two measures.

At present the House and Senate funding levels are:

	<u>FY '84 Actual</u>	<u>FY '85 House Bill</u>	<u>FY '85 Senate Bill</u>
<u>SPECIAL EDUCATION</u>			
State Grant	*\$1068.875	\$1125.000	\$1135.145
Preschool Incentive Grant	26.330	29.330	28.000
Deaf-Blind Centers	15.000	15.000	15.000
Severely Handicapped Projects	4.000	4.000	4.300
Early Childhood Education Regional, Vocational, Adult and Postsecondary Programs	21.100	21.100	22.500
Innovation and Development	5.000	5.000	5.300
Media Services and Captioned Films	15.000	15.000	16.000
Regional Resource Centers	14.000	14.000	16.500
Recruitment and Information	5.700	4.500	6.000
Personnel Development	1.000	1.000	1.050
Special Studies	55.540	55.540	61.000
Secondary Education and Transitional Services	3.070	3.070	3.270
	<u>6.000</u>	<u>6.000</u>	<u>6.330</u>
TOTAL	\$1239.415	\$1298.540	\$1320.395
<u>VOCATIONAL REHABILITATION</u>			
Basic State Grant	\$1037.800	\$1092.800	\$1117.500
Projects with Industry	13.000	13.000	14.400
Severely Disabled	12.135	14.635	13.600
Migrants/Indians	1.665	1.665	1.665
Client Assistance	6.000	5.100	6.300
Recreation	2.000	2.000	2.100
Independent Living	19.400	22.000	27.000
Training	22.000	20.000	24.000
National Institute of Handicapped Research	37.500	38.000	40.000
Evaluation	<u>2.000</u>	<u>2.000</u>	<u>2.000</u>
TOTAL	\$1153.500	\$1211.200	\$1248.565

(Over)

NEWSBRIEF

98-2-6  
PAGE 2

	FY '84 <u>Actual</u>	FY '85 <u>House Bill</u>	FY '85 <u>Senate Bill</u>
<u>DEVELOPMENTAL DISABILITIES</u>			
State Grant	*\$43.750	**Not considered	Not considered
Protection and Advocacy	8.400	"	"
University Affiliated			
Facilities	7.800	"	"
Special Projects	<u>2.447</u>	"	"
TOTAL	\$62.397		

SPECIAL INSTITUTIONS/  
RELATED AGENCIES

Gallaudet College	\$56.000	\$58.700	\$56.700
National Technical			
Institute for the Deaf	28.000	31.400	31.400
American Printing House			
for the Blind	5.000	5.500	5.500
Helen Keller Center	4.000	4.200	4.200
National Council on			
the Handicapped	.500	.500	.750

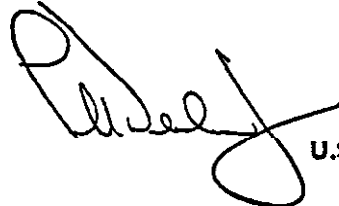
\*Dollar amounts in millions.

\*\* Developmental Disabilities Programs will not be appropriated under the Labor-HHS Bill unless Conference Agreement is reached on the differing House and Senate Reauthorization Bills.

\* \* \* \* \*

**United States Senate**

COMMITTEE ON  
LABOR AND HUMAN RESOURCES  
WASHINGTON, D C. 20510  
OFFICIAL BUSINESS

 U.S.S.

# NEWS BRIEFS



Lowell Weicker, Chairman  
Robert Stafford  
Donald Nickles  
Strom Thurmond

Jennings Randolph, Ranking Member  
Thomas Eagleton  
Spark Matsunaga

United States Senate Subcommittee on the Handicapped  
113 Hart Senate Office Bldg.  
Washington, D.C. 20510

OCTOBER 19, 1984

98-2-7

## FUNDS VOTED FOR PROGRAMS SERVING THE DISABLED

Before adjourning, the 98th Congress approved a funding measure for FY '85 (10/1/84-9/30/85) which includes increased federal support for programs serving disabled Americans. This increased support had been recommended by Handicapped Subcommittee Chairman Lowell Weicker and Ranking Member Jennings Randolph.

The FY '84 and FY '85 amounts by programs are:

	1984 <u>Actual</u>	1985 <u>Appropriations Bill/ Continuing Resolution</u>
<u>SPECIAL EDUCATION</u>		
State Grant	*\$1068.875	*\$1135.145
Preschool Incentive Grant	26.330	29.000
Deaf-Blind Centers	15.000	15.000
Severely Handicapped Projects	4.000	4.300
Early Childhood Education	21.100	22.500
Regional, Vocational, Adult and Postsecondary Programs	5.000	5.300
Innovation and Development	15.000	16.000
Media Services and Captioned Films	14.000	16.500
Regional Resource Centers	5.700	6.000
Recruitment and Information	1.000	1.025
Personnel Development	55.540	61.000
Special Studies	3.070	3.170
Secondary Education and Transitional Services	6.000	6.330
TOTAL	\$1240.615	\$1321.270
<u>VOCATIONAL REHABILITATION</u>		
Basic State Grant	\$1037.800	\$1100.000
Projects with Industry	13.000	14.400
Severely Disabled	12.135	14.635
Migrants/Indians	1.665	1.665
Client Assistance	6.000	6.300
Recreation	2.000	2.100
Independent Living	19.400	27.000
Training	22.000	22.000
National Institute of Handicapped Research	37.500	39.000
Evaluation	2.000	2.000
TOTAL	\$1153.500	\$1229.100

(Over)

NEWSBRIEFS

	1984 <u>Actual</u>	1985 <u>Appropriations Bill/ Continuing Resolution</u>
<u>DEVELOPMENTAL DISABILITIES</u>		
State Grant	*\$ 43.750	*\$ 50.250
Protection and Advocacy	8.400	13.750
University Affiliated		
Facilities	7.800	9.000
Special Projects	<u>2.447</u>	<u>2.700</u>
TOTAL	\$ 62.397	\$ 75.700
<u>SPECIAL INSTITUTIONS/ RELATED AGENCIES</u>		
Gallaudet College	\$ 56.000	\$ 58.700
National Technical		
Institute for the Deaf	28.000	31.400
American Printing House		
for the Blind	5.000	5.500
Helen Keller Center	4.000	4.200
National Council on		
the Handicapped	<u>.500</u>	<u>.750</u>
TOTAL (\$\$ AMT IN MILLIONS)	\$ 93.500	\$ 100.550
	* * * *	*

PRESIDENT SIGNS DEVELOPMENTAL DISABILITIES ACT

On Friday, October 19, the President signed The Developmental Disabilities Act of 1984 into law.

Sponsored by Senate Subcommittee on the Handicapped Chairman Lowell Weicker, Jr. and House Subcommittee on Health & The Environment Chairman Henry Waxman, the new law completely rewrites and extends the DD Program through Sept. 30, 1987 with substantial increased funding and several new components. Funding of state councils is increased almost 20% in the present fiscal year, and employment related activities are required in each state by late 1986. Protection & Advocacy Systems receive a 64% increase in funds overall with no state P&A office receiving less than \$150,000 beginning this year. P&A's also are to receive state ICF/MR annual surveys and corrections plans within 30 days of their being completed.

A complete copy of the new DD Law and an explanation of its provisions are contained in Conference Report #98-1074, individual copies of which may be obtained through the Subcommittee on the Handicapped.

\* \* \* \*

CLIENT ASSISTANCE PROGRAMS NOW REQUIRED IN ALL STATES

Beginning on October 1 of this year, ALL states are required to have a Client Assistance Program (CAP) to advise and assist vocational rehabilitation clients, and those who wish to receive rehab services. CAP services include informing disabled people of their rights to all Rehab Act services and assisting persons to receive such services. CAPS assistance includes both administrative and, if necessary, legal assistance to disabled people.

(A listing of CAP programs by state is attached to this issue of Newsbriefs.)

\* \* \* \*

CAPS- CLIENT ASSISTANCE PROGRAMS

<u>STATE</u>	<u>AGENCY</u>	<u>TELEPHONE</u>
Alabama	State Dept. of Ed. (Montgomery) Div. of Rehab & Child. Ser.	205:281-8780
Alaska	Alaska Mgmt. Tech.,(Juneau)	907:586-3944
American Samoa	Office of Voc. Rehab. (Pago Pago)	684:633-1805
Arizona	Center for Law in Public Interest (Phoenix)	602:252-4904
Arkansas	Advocacy Services, INC. (Little Rock)	501:371-2171
California	Cal. Dept. of Rehab. (Sacramento)	916:445-3971
Colorado	CAP, Dpt. of Social Services (Denver)	303:866-2652
Connecticut	Protection & Advocacy Office (Hartford)	203:566-7616
Delaware	CAP, United Cerebral Palsy (Wilmington)	302:656-8131
Dist. of Col. (DC)	Infor. Center for Handicapped	202:347-4986
Florida	Inspector Gen'l Office (Tallahassee)	904:488-9070
Georgia	Dpt. of Human Resources, Rehab (Atlanta)	404:656-2621
Guam	Marianas ARC (Tamuning)	
Hawaii	Prot.& Advoc. (Honolulu)	800:946-2922
Idaho	CO-AD, Inc. (Boise)	208:334-4181
Illinois	Dpt. of Rehab. Services (Springfield)	217:782-2093/ 5374
Indiana	Ind. P&A, Cms for DD (Indianapolis)	317:232-1150
Iowa	Easter Seal Society (DesMoines)	515:274-1529
Kansas	Dpt. of Social & Rehab Services (Topeka)	913:296-3911
Kentucky	Educ. and Humanities Cabinet (Frankfort)	502:564-4770
Louisiana	Adv. Center for Elderly & Disabled (New Orleans)	504: 522-2337
Maine	Advoc. for DD (Hallowell)	207:289-2395
Maryland	Dpt. of Ed. (Baltimore)	301:659-2713/ TTY- 659-2714
Massachusetts	DD Law Center (Boston)	617:723-8455
Michigan	Dpt. of Labor (Lansing)	517:373-2062

Minnesota	Legal Aid Society (Minne.)	612:332-1441
Mississippi	Easter Seal Society (Jackson)	601:982-7051
Missouri	DD P & A Services, Inc. (Jefferson City)	314:893-3333
Montana	DD/ Montana Advoc. Prgm, Inc. (Helena)	406:444-3889
Nebraska	Dpt. of Ed., Rehab Services (Lincoln)	402:471-2961
Nevada	Dpt. Human Resources, Rehab. (Carson City)	702:885-4440
New York	State Cmsn for Mentally Disabled (Albany)	518:473-7378
North Carolina	Div. Voc. Rehab (Raleigh)	919:773-3364
North Dakota	Dpt. Human Services (Bismark)	701:224-2907
New Hampshire	Gov.'s Cmsn for Handicapped (Concord)	603:271-2773
New Jersey	DD-Dpt. of Public Advocates (Trenton)	609:292-9742
New Mexico	P & A System (Albuquerque)	505:243-8831
No. Mariana Islands	Catholic Social Services (Saipan)	
Ohio	Gov. Advocacy for Disabled (Columbus)	614:466-9956
Oklahoma	Office of Handicapped Concerns (Oklahoma City)	405:521-3756
Oregon	Cmsn for the Handicapped (Salem)	503:378-4545
Pennsylvania	SE Penn. Legal Services (Philadelphia)	215:735-5107
Puerto Rico	Dpt. of Consumer Affairs (Santurce)	609:727-8536
Rhode Island	Dpt. of Social & Rehab Services (Providence)	401:421-7005
So. Carolina	SC P&A System (Columbia)	803:245-1600
So. Dakota	SD Advocacy Project (Pierre)	605:224-8294
Tennessee	Adv. for Citizens with Handicaps (Nashville)	615:327-0697
Texas	Texas Law Center (Austin)	512:475-1234
Utah	Legal Center (Salt Lake City)	801:363-1387
Vermont	Voc. Rehab Services (Waterbury)	802:241-2189
Virginia	Advoc. for DD (Richmond)	804:786-7134
Virgin Islands	Cmte on Advocacy for DD (St. Croix)	609:772-1200
Washington	Div. of Voc. Rehab, Social Ser. (Seattle)	206:284-1037
West Virginia	WV Advocates for DD (Charleston)	304:346-0847
Wisconsin	Gov. Cmte for People with DD (Madison)	608:266-5378
Wyoming	DD P&A, Inc. (Cheyenne)	307:632-3496