

JEF HR 1119
Nat Soc Crippled
Children

April 23, 1959

Dean W. Roberts, M.D.
Executive Director
National Society for
Crippled Children and Adults
2023 West Ogden Avenue
Chicago 12, Illinois

Dear Doctor Roberts:

Your letter of April 8 with further regard to my bill, H.R. 1119 has been received and I have delayed replying until I could go into the matter of the questions you have raised rather thoroughly. Needless to say I am most appreciative of your comments concerning the language of H.R. 1119 as it pertains to Title II, Workshops and Other Rehabilitation Facilities.

With regard to the term "Public and Other Non-Profit", I am advised this is one used in a number of laws setting up grant and aid programs, that for instance, it appears in Section IV(a)(1) of Public Law 565(Research and Demonstration), Section XI(a)(8) of Public Law 565, which defines facilities that may be established from basic vocational rehabilitation funds, and in Section 621 of the Hospital Survey and Construction Act, under which our nationwide program of hospital construction has been carried on. It is my understanding the term has an established legal meaning and can be used with confidence in the way it will be interpreted, and it is considered appropriate to convey the purpose for which funds are appropriated under this title shall be used since it was the intention that grants could be made both to state agencies or to voluntary agencies.

It is considered that in a program of this kind there must be a state authority of some kind to approve projects since it is necessary to assure that facilities develop according to an accepted pattern based upon the needs of an entire state and it is not likely that Congress would establish

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such a program without a provision of this kind. With respect to facilities to be used chiefly in the vocational rehabilitation of the handicapped, it appears that the state rehabilitation agency would be the proper agency to exercise this supervision. In a sense, it may appear that this could sometimes make this agency both "judge and jury," but apparently there is no way to avoid this, since the principle of state control of these programs is essential. Incidentally, I am told, this has not been a problem in the Hospital Survey and Construction Act, under which comparable state authorities, usually administered in Public Health Departments, have had responsibility for proving applications for grants for hospitals, and, more recently, for rehabilitation facilities, nursing homes, chronic illness hospitals, and diagnostic centers.

What the reaction to a suggestion that a requirement of priority to voluntary organizations be included in the bill would be, I do not know, since Congress usually leaves these decisions to the states with as little restriction as possible, and it appears state rehabilitation agencies, in general, seem little inclined to operate their own rehabilitation facilities, possibly preferring that they be operated by voluntary organizations.

While I believe the basic principles of my legislation is sound, it is certainly not my position that H.R. 1119 cannot be improved and I feel that the hearings may bring out facts that will result in many revisions. Your expression of interest in this legislation is most encouraging and I am always pleased to have your views and comments.

Kindest regards,

Sincerely,

John E. Fogarty
Member of Congress