IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 1949

Mr. Fogarty introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To establish a Federal Commission on Services for the Physically Handicapped, to define its duties, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
2 That there is hereby created and established an agency of
3 the United States, to be known as the Federal Commission
4 on Services for the Physically Handicapped, which shall
5 administer the provisions of this Act, and all activities out-
6 lined under the following titles:
7
8 TITLE I—PURPOSES
9 Sec. 101. The purposes of this Act, in furtherance of
10 the general welfare of the United States, are (a) to provide
11 for maximum extension of medical services, education and
training, vocational guidance, and full employment opportunities to citizens handicapped by physical or mental disability; (b) to provide for a more effective coordination of the functions of the Federal Government relating to the rehabilitation and employment of the handicapped; (c) to establish a Federal Interagency Committee on Rehabilitation and Employment of Handicapped; (d) to establish a National Commission on Employment of Handicapped, composed of organizations and individuals outside of Government, to encourage employment of handicapped; (e) to provide for cooperative enterprises for the handicapped; (f) to provide financial grants to handicapped who are totally and permanently disabled; (g) to provide educational grants to handicapped who require home or special training; to establish the Federal Services to Handicapped Revolving Loan Fund, from which fund States may borrow money at such times as their own funds for vocational rehabilitation is exhausted, and to appropriate an initial sum of $10,000,000 for such revolving loan fund; (h) to establish a Division for Handicapped in the United States Civil Service Commission; (i) to promote public-safety programs, designed to eliminate and prevent conditions which tend to promote injuries and disease, in public buildings, institutions, parks, and so forth; (j) to provide for reports on the handicapped from the United States Public
Health Service, United States Bureau of Mines, United States Coast Guard, Interstate Commerce Commission, and Civil Aeronautics Administration, and other Federal agencies which may now receive, as a part of their functions, reports upon persons disabled through accidents or disease, and for other purposes.

TITLE II—ORGANIZATION

SEC. 201. The Federal Commission on Services for the Physically Handicapped (hereafter termed the Commission) shall be headed by an Administrator who shall be appointed for a term of four years by the President, by and with advice and consent of the Senate. The Administrator shall be paid a salary of $15,000 per annum, and, after consultation with the Advisory Committee on Affairs of the Handicapped (hereinafter described) is hereby authorized and directed to perform all duties, functions, and powers vested in him by this Act. He shall have power to issue such rules and regulations as he may deem necessary to effectuate the purposes of this Act, and to fix the pay of officials and employees in accordance with the Classification Act of 1923, as amended. He may also employ such specialists and consultants as may be required, without reference to civil-service laws. Whenever practicable, persons appointed shall be drawn from otherwise qualified, but physically handicapped applicants.
SEC. 202. The functions of the Federal Security Admin-
istrator, relating to vocational rehabilitation, and the Office of
Vocational Rehabilitation are hereby transferred to the
Commission, together with all funds, personnel, and records.
Hereafter, the Office of Vocational Rehabilitation shall be
abolished, and the Federal Commission on Services for the
Physically Handicapped shall administer the Federal Voca-
tional Training Acts heretofore administered by the Office
of Vocational Rehabilitation, retaining the present personnel
of that agency, and maintaining the present relation with
the States, with such additional functions as may be granted
by this Act.

SEC. 203. There is hereby established an Advisory
Council on Affairs of the Handicapped, to be responsible to
the Administrator in the formulation of administrative poli-
cies, and to advise him on any matters relating to promoting
the purposes of this Act. The Council shall consist of nine
members, who shall be selected by the Administrator, as
follows: Two to be chosen as representatives of the public;
two, as representatives of employers; two, as representatives
of bona fide labor organizations; and three who are, them-
selves, physically handicapped, from bona fide organizations
of the physically handicapped. The Administrator shall be
ex officio Chairman of the Advisory Council, which shall
act in an advisory capacity of the Commission, and shall
meet not less than twice yearly, or oftener, on call of the Chairman. Appointed members shall serve for a period of three years and shall be paid traveling and other necessary expenses and a per diem of $50 per day for each day of actual service.

Sec. 204. There is hereby established a Federal Interagency Committee on Rehabilitation and Employment of Handicapped, which shall comprise qualified representatives to be chosen by the heads of all Federal departments or agencies which now or in future may have a substantial and significant participation in activities dealing with problems of the handicapped.

Sec. 205. (a) The Administrator shall serve as Chairman of the Federal Interagency Committee; shall prepare agendas therefor, and shall effectuate, insofar as may be possible, the programs and policies developed by the Committee.

(b) (1) The purpose of this Committee shall be to develop and effectuate more economical and efficient methods for the administration of activities relating to the handicapped, and to perform and coordinate functions, including research, to develop advanced programs for the blind, deaf, hard of hearing, cardiaees, tuberculous, arthrities, epileptics, poliomyelities, cerebral palsied, amputees, diabetics, and any other large or distinct group of handicapped, such programs to comprehend the following activities:
(2) To collect, tabulate, and make public statistics pertaining to the physically handicapped.

(3) To ascertain what fields of employment are available to the physically handicapped and make such information public at least once yearly.

(4) To acquaint employers in private industry with the special capabilities of the physically handicapped, and encourage their employment, where feasible and practicable, on an equal footing with the nonhandicapped.

(5) To cooperate with public and private agencies, organizations, and individuals, in the medical and vocational rehabilitation and placement in suitable employment of handicapped persons.

Sec. 206. There is hereby established a National Commission on Employment of Handicapped, to consist of organizations and individuals outside of the Federal Government, representing industry, business, labor, veterans, farm, women, welfare, education, religious, civic, fraternal, scientific and professional, and other groups and individuals which, upon invitation of the Administrator, acting for the President of the United States, may voluntarily cooperate in advancing employment of handicapped persons.

Sec. 207. (a) This Commission shall have the right to establish its own rules of procedure and to designate, by proper election, its Chairman and other officers, and the
small staff required to carry on its work, as well as quarters, equipment, and so forth, shall be furnished by the Administrator.

(b) The sum of $250,000, or such part as may be necessary, is hereby authorized to be appropriated, each year, out of the Treasury, from moneys not otherwise appropriated, to carry on the work of this Commission on Employment of the Handicapped, and all funds shall be cleared through the Administrator of the Federal Commission on Services for the Physically Handicapped, upon proper certification by the duly elected head of the National Commission for Employment of the Handicapped.

TITLE III—COOPERATIVE ENTERPRISES FOR HANDICAPPED

Sec. 301. The sum of $10,000,000 is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year 1950, and $5,000,000 annually for each of the five years thereafter, for establishing and maintaining special industries for physically handicapped persons.

Sec. 302. Out of the foregoing sums, the Commission is authorized and empowered to make loans, through its State agencies and affiliates, to persons, corporations, States, Territories, or subdivisions or agencies thereof, and to limited dividend associate organizations organized under the laws
of any State or Territory, for the purpose of financing work projects for physically handicapped persons, primarily drawn from the group regarded as "unfeasible for rehabilitation" who require special conditions of employment and training, such as is now afforded in a very limited way by various so-called handicapped persons' industries, sheltered workshops, and so forth. No single loan shall exceed $20,000, and not less than 25 per centum in amount of all loans shall be granted in rural areas.

Sec. 303. Such loans shall be made on such terms and conditions as the Commission shall determine: Provided, That, except as provided in section 304, all loans shall be self-liquidating in not to exceed twenty-five years, and shall bear interest at a rate equal to the average rate payable by the United States on its obligations having maturity in ten years or more after the dates thereof, issued during the last preceding fiscal year in which any such obligations were issued: Provided further, That no loans for the purchase, construction, enlargement, or operation of any plan shall be made without the consent of the State authority having jurisdiction in the premises first being obtained.

Sec. 304. The Commission is hereby authorized to make loans to finance projects which are not self-liquidating as provided in section 303, upon receiving the written findings of the Administrator that (1) such project cannot be
operated at a profit, (2) any loss will be caused by the
physical handicaps of the persons employed on the project,
(3) such loss will not exceed per centum of the gross
income of the project, (4) the persons employed on the
project will derive substantial nonmonetary benefit there-
from, and (5) no other project has been found which is
feasible for such person or persons and which will contribute
to their well-being.

TITLE IV—GRANTS TO STATES FOR AID TO
THE TOTALLY DISABLED, UNFEASIBLE FOR
REHABILITATION.

SEC. 401. APPROPRIATION.—For the purpose of en-
abling each State to furnish financial assistance to needy
individuals who are physically or mentally handicapped to
such a degree that they are certified by the State agency
representing the Commission as being unfeasible for reha-
bilitation, there is hereby authorized to be appropriated for
the fiscal year ending June 30, 1950, the sum of $
and there is hereby authorized to be appropriated for each
fiscal year thereafter a sum sufficient to carry out the pur-
poses of sections 401–405 of this Act. The sums made
available under this section shall be used for making pay-
ments to States which have submitted, and had approved
by the Commission, State plans for aid to the totally disabled.

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SEC. 402. STATE PLANS FOR AID TO THE TOTALLY DISABLED.—A State plan for aid to the totally disabled must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) either provide for the designation or establishment of a single State agency to administer the plan, utilizing present State agencies for vocational rehabilitation, as provided for in section 202 of this Act, or provide for the designation of a single State agency to supervise administration of the plan; (3) to provide for payment of $60 per month to each individual certified by the State as totally and permanently disabled, unfeasible for rehabilitation, and without means of livelihood and support; (4) provide that the State, through appropriate agencies, subject to the regulations of the Commission shall at least once each year make a thorough medical examination of all nonfeasible cases to determine whether they are capable of rehabilitation; make a report of all cases found to be capable of rehabilitation to the Commission, discontinue payments to such cases and apply to them the regular processes of rehabilitation, pursuant to the Act of June 2, 1920 (ch. 219, 41 Stat. 735), as amended: Provided, That if any of such cases, determined to be potentially capable of rehabilitation, after treatment or training are found to be incapable of taking care of themselves or earning their own living, then,
upon examination and certification by the States’ agency or agencies representing the Commission, the State shall reenter such unfeasible cases upon its registers and the monthly payment of $60 shall be immediately issued; (5) provide for granting to any individual whose claim for aid is denied an opportunity for a fair hearing before such State agency; (6) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commission shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Commission to be necessary for the proper and efficient operation of the plan; (7) provide that the State agency will make such reports in such form and containing such information as the Commission may, from time to time require, and comply with such provisions as the Commission may, from time to time find necessary to assure the correctness and verification of such reports; (8) provide that the State agency shall, in determining need, take into consideration any other income and resources of an individual claiming aid to the totally disabled; (9) provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of aid to the totally disabled.
13 (b) The Commission shall approve any plan which fulfills the conditions specified in subsection (a), except that it shall not approve any plan which imposes, as a condition of eligibility for aid to the totally disabled under the plan—

   (1) any residence requirement which excludes any resident of the State, who has resided there for one year immediately preceding the application; or

   (2) any citizenship requirement which excludes any citizen of the United States.

(c) The lack of requirement in this title for financial participation by the States in plans for aid to the totally disabled shall not preclude individual States from paying additional benefits to such persons, nor shall applicants for such aid to the totally disabled be debarred from applying for, or receiving other benefits, if such are necessary and justified to provide living expenses, medical costs, care by attendants, and so forth.

SEC. 403. PAYMENTS TO STATES.—(a) From the sums appropriated therefor, the Secretary of the Treasury shall pay to each State which has an approved plan for aid to the totally disabled, for each quarter, beginning with the quarter commencing ————, (1) an amount, which shall be used exclusively as aid to the totally disabled, equal to the multiple of $60 times the number of monthly payments made
during each quarter to individuals certified by the State
agency representing the Commission, pursuant to section 402
(not including any individual who had been reported by the
State to the Commission as capable of rehabilitation unless
such individual has been subsequently found to be incapable
of rehabilitation) and (2) an amount equal to the total of the
sums expended during such quarter as found necessary by the
Commission for the proper and efficient administration of the
State plan, which shall be used for paying the costs of admin-
istering the State plan or for aid to the totally disabled, or
both, and for no other purposes.

(b) The method of computing and paying such amounts
shall be as follows:

(1) The Commission shall, prior to the beginning of
each quarter, estimate the amount to be paid to the State
for such quarter under the provisions of subsection (a),
such estimate to be based on (A) a report filed by the
State containing its estimate of the total sum to be expended
in such quarter in accordance with the provisions of such
subsection, and stating the amount appropriated or made
available by the State and its political subdivisions for such
expenditure in such quarter, and if such amount is less than
the State's proportionate share of the total sum of such esti-
mated expenditures, the source or sources from which the
difference is expected to be derived, (B) records showing
the number of handicapped individuals in the State, and (C)
such other investigation as the Administrator may find
necessary.

(2) The Commission shall then certify to the Secretary
of the Treasury the amount estimated by the Commission,
(A) reduced or increased, as the case may be, by any sum
which he finds that his estimate for any prior quarter was
greater or less than the amount which should have been paid
to the State under subsection (a) for such quarter, and (B)
reduced by a sum equivalent to the pro rata share to which
the United States is equitably entitled, as determined by
the Commission, of the net amount recovered during a prior
quarter by the State or any political subdivision thereof with
respect to aid to the totally disabled furnished under the
State plan; except that such increase or reduction shall not
be made to the extent that such sums have been applied to
make the amount certified for any prior quarter greater or
less than the amount estimated by the Commission for such
prior quarter: Provided, That any part of the amount re-
covered from the estate of a deceased recipient which is not
in excess of the amount expended by the State or any
political subdivision thereof for the funeral expenses of the
deceased shall not be considered as a basis for reduction under
the clause (B) of this paragraph.
(3) The Secretary of the Treasury shall, thereupon, through the Fiscal Service of the Treasury Department, and prior to audit or settlement by the General Accounting Office, pay to the State, at the time or times fixed by the Administrator, the amount so certified.

SEC. 404. CHANGE IN OR FAILURE TO COMPLY WITH PLANS; STOPPING PAYMENTS.—In the case of any State plan for aid to the totally disabled which has been approved by the Commission, if the Commission, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of such plan, finds that in the administration of the plan there is a failure to comply substantially with any provisions required by section 402 of this Act to be included in the plan, or that the plan has been so changed or administered as to impose any residence or citizenship requirement prohibited by section 402 (b), the Commission shall notify such State agency that further payments will not be made to the State until the Commission is satisfied that such prohibited requirement is no longer so imposed, and there is no longer any such failure to comply. Until he is so satisfied, the Administrator of the Commission shall make no further certification to the Secretary of the Treasury with respect to such State.

SEC. 405. The Commission, upon compilation of reports received from State agencies administering this program,
shall report to the President, and to the Congress, each year, upon the number and type of unfeasible cases, and the disposition made thereof.

TITLE V—EDUCATIONAL GRANTS FOR UNFEASIBLE CASES

Sec. 501. There is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000,000 for the fiscal year 1950, and $2,000,000 annually, thereafter, and from the amounts hereunder appropriated, the Commission is authorized and empowered, through its State agencies, to make outright grants to local nonprofit educational groups, including local school boards providing special services to handicapped, organized with the objective of affording a means of teaching and training physically handicapped persons, commonly known as shut-ins, whose disabilities confine them to their homes, or beds. Grants shall be made pro rata on the basis of population: Provided, That not less than 25 per centum of all grants in any fiscal year shall be made to groups located in rural areas.

TITLE VI—FEDERAL SERVICES TO HANDICAPPED REVOLVING LOAN FUND

Sec. 601. There is hereby established the Federal Services to Handicapped Revolving Loan Fund, which upon application by States, shall provide loans to States
at such times as State funds for vocational rehabilitation are
exhausted, to replenish such State funds for vocational
rehabilitation and enable such work to be carried on without
interruption.

(a) Loans shall be made on pro rata basis of popula-
tion, and not less than 25 per centum of such loans must
be used by States obtaining loans for vocational rehabilita-
tion in rural areas.

(b) The sum of $10,000,000 is hereby authorized to
be appropriated, out of the Treasury from funds not other-
wise appropriated, to establish said fund, and loans may be
made from the fund, by the States, immediately after the
fiscal year beginning July 1, 1949.

(c) States obtaining such loans shall pay interest at
the rate of 2 per centum per annum to the Federal Govern-
ment, to amortize cost of operation of the revolving loan
fund.

(d) States subscribing to such loans shall repay, in full,
within thirty days after adjournment of State legislatures
which have met following consummation of such loans.

(e) The fund shall be administered by the Administra-
tor of the Federal Commission on Services for the Physically
Handicapped, under such rules and regulations as he may
prescribe.

(f) The Administrator is hereby authorized and directed
to appoint such staff and assistants as may be required to
operate the fund, and report, in detail, upon operation of
the fund, including a statement of all receipts and disburse-
ments, to the President and to Congress, at the beginning
of each regular session of the Congress.

TITLE VII—UNITED STATES CIVIL SERVICE
COMMISSION

Sec. 701. There is hereby established in the United
States Civil Service Commission a Division for the Physically
Handicapped, with a chief, and such staff as may be re-
quired. It shall be the duty of the Division to deal with
problems attendant upon the recruitment, examination, and
appointment of physically handicapped applicants for em-
ployment in the Federal civil service. It is declared to
be the policy of the Congress that no citizen, otherwise
qualified, shall be denied the right to examination and
appointment by reason of physical disability.

Sec. 702. The expense of the operation and adminis-
tration of the Division for the Physically Handicapped shall
hereafter be included in the regular appropriations for the
Civil Service Commission. Such sums as are necessary for
the establishment and operation of the Division are hereby
authorized to be appropriated.
TITLE VIII—AID TO THE BLIND

Sec. 801. Operations under this Act shall continue present aids to blind, through commissions, bureaus, or divisions for blind now established. Benefits now received by the blind shall not prejudice nor debar the blind from seeking or receiving such additional benefits as may be made available under this Act, nor shall anything in this Act be construed as abolishing or limiting any benefits now received by the blind.

TITLE IX—PROMOTION OF PUBLIC SAFETY PROGRAMS

Sec. 901. The Commission is authorized and directed to cooperate with all Federal agencies in devising and arranging proper safeguards to life and limb in public buildings, public institutions, and public parks, and assisting in the development of programs to eliminate conditions tending to promote disease or cause injury, on Federal properties.

(a) The Commission shall collaborate and cooperate with the Public Buildings Administration, and assist in planning proper assignments of safety engineers and sanitary engineers, who may, with the consent of the agency having jurisdiction, at the direction of the Public Buildings Administration, inspect and report on any and all buildings used by the Federal Government.

(b) The Commission may also cooperate with the
American Institute of Architects and other interested groups and individuals, with a view to having public and other buildings constructed or remodeled, with ramps, in addition to stairs and/or elevators, and with railings to facilitate the free and safe movement of lame and crippled persons.

TITLE X—REPORTS ON HANDICAPPED FROM FEDERAL AGENCIES

Sec. 1001. The United States Public Health Service, United States Bureau of Mines, United States Coast Guard, Interstate Commerce Commission, Civil Aeronautics Administration, and other Federal agencies which may now receive, as a regular part of their functions, reports upon persons disabled through accidents or disease, in local, State, or regional epidemics of disease, or in disasters in mines, sinking or disabling of ships, railroad accidents, aviation crashes, shall transmit to the Federal Commission on Services for the Physically Handicapped a report upon such epidemics, or accidents, and, as far as may be possible or practicable, submit the names and addresses of those severely disabled by reason of such epidemics or accidents, as soon after such occurrences as may be possible.

TITLE XI—GENERAL PROVISIONS

Sec. 1101. The term "States", as used in this Act, means any of the States of the Union; also Alaska, Hawaii, Puerto Rico, Virgin Islands, and the District of Columbia.
Sec. 1102. For the purpose of administering this Act and for the purpose of making the investigations, studies, publications, and reports herein provided for, including cost of personal services in the District of Columbia, and elsewhere, stenographic recording and translating services, including such services rendered on a contractual basis, without regard to section 3709 of the Revised Statutes; traveling expenses for attendance at meetings when specifically authorized by the Administrator, supplies and equipment, purchase and exchange of medical and reference books, directories, periodicals, newspapers, and press clippings; purchase, operation, and maintenance of motor-propelled vehicles; printing and binding (in addition to that otherwise provided by law), and for all other necessary expenses in carrying out the provisions of this Act, there are hereby authorized to be appropriated for each fiscal year such sums as the Congress may determine to be necessary.

Sec. 1103. The provisions of this Act shall not apply and the Government shall not be liable for claims in the cases of persons who are adequately provided for financially, by means such as the following:

(1) Recovery of large amounts on suits for damages in personal-injury cases.

(2) Payment of special compensation for injury or
disease, covered by State laws, or by special Federal
enactment.

(3) Other conditions under which disabled persons are
provided adequate compensation and assistance.

Sec. 1104. If any provision of this Act, or the appli-
cation thereto to any person or circumstance is held invalid,
the remainder of the Act, and the application of such provi-
sions to other persons and circumstances shall not be affected
thereby.

Sec. 1105. This Act shall be known as the "Federal Aid
to the Physically Handicapped Act".

Sec. 1106. All laws or parts of laws in conflict with
this Act are hereby repealed.

Sec. 1107. This Act shall be effective ninety days after
the date of enactment.