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WHITE HOUSE STAFFING MEMORANDUM



DATE: 8-11-93 ACTION/CONCURRENCE/COMMENT DUE BY: ASAP

Enrolled Bill S. 1295 - Rehabilitation Act

SUBJECT: Amendments of 1993 → *file*

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REMARKS:

RESPONSE:

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
Ext. 2702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

88 12319 P3:0

THE DEPUTY DIRECTOR

August 10, 1993

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill S. 1295 - Rehabilitation Act Amendments
of 1993
Sponsors - Sen. Harkin (D) IA and 2 others

Last Day for Action

August 17, 1993 - Tuesday

Purpose

Makes technical and conforming amendments to the Rehabilitation Act of 1973 and Education of the Deaf Act of 1986.

Agency Recommendations

| | |
|---|------------------------------|
| Office of Management and Budget | Approval |
| Department of Education (ED) | Approval |
| Architectural and Transportation Barriers Compliance Board (ATBCB) | Approval |
| Committee for Purchase From People Who Are Blind or Severely Disabled (CPPBSD) | Approval (Informally) |
| National Council on Disability (NCD) | Approval (Informally) |
| Department of Justice | No objection (Informally) |
| Department of the Treasury | No objection (Informally) |
| Department of Health and Human Services | Defers to ED (Informally) |

Discussion

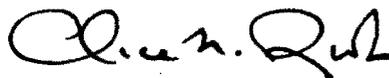
The Rehabilitation Act of 1973 authorizes Federal assistance to States and public and nonprofit entities for the vocational rehabilitation of individuals with disabilities. It also authorizes research and demonstration programs as well as independent living services to assist individuals with severe disabilities. These programs are administered by ED. In addition, the Rehabilitation Act authorizes appropriations for other rehabilitation programs administered by ED, the Helen Keller National Center, the NCD, and the ATBCB. The Education of the Deaf Act of 1986 (EDA) authorizes Federal funding for Gallaudet University and the National Technical Institute for the Deaf, postsecondary institutions that provide education and training to individuals who are deaf or hard of hearing.

In 1992, Congress enacted legislation to reauthorize and amend substantially the Rehabilitation Act and the EDA: (1) the Rehabilitation Act Amendments of 1992 (P.L. 102-569) and (2) the Education of the Deaf Act Amendments of 1992 (P.L. 102-421).

S. 1295 makes technical and conforming amendments to the Rehabilitation Act and the EDA as amended in 1992. In addition, it makes conforming changes to the Individuals with Disabilities Education Act and the Wagner-O'Day Act, which authorizes the CPPBSD. The most significant provisions of S. 1295 are summarized in an attachment to ED's views letter.

Conclusion and Recommendations

We join ED, the ATBCB, the NCD, and the CPPBSD in recommending approval of S. 1295, which passed the Senate and House by voice vote. ED states that S. 1295 will "clarify interpretive issues that have arisen in the implementation of the extensive 1992 amendments." The Department also notes that the bill "will . . . help improve administration of the programs."



Alice M. Rivlin
Deputy Director

for Lem Panetta

Enclosures



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

August 5, 1993

Honorable Leon E. Panetta
Director
Office of Management and Budget
Washington, DC 20503

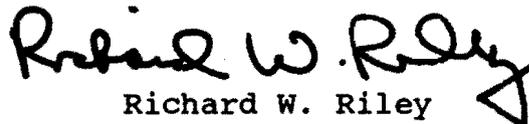
Dear Mr. Panetta:

I am writing in response to your request for my views on S. 1295, a bill that contains both the "Rehabilitation Act Amendments of 1993" (title I) and the "Education of the Deaf Act Amendments of 1993" (title II).

S. 1295 would make technical and conforming amendments to the Rehabilitation Act of 1973 and the Education of the Deaf Act. Both these Acts were reauthorized and significantly amended in 1992 by the 102d Congress. Many of the amendments in S. 1295 would clarify interpretive issues that have arisen in the implementation of the extensive 1992 amendments. Clarification of these issues will, of course, help improve administration of the programs. I have attached a summary of the most significant provisions of S. 1295 to this letter.

I am pleased that congressional staff consulted the Department extensively on many of the provisions in S. 1295 and that the bill is a product of good bipartisan cooperation. For all of these reasons, I recommend the President sign S. 1295.

Sincerely,


Richard W. Riley

Summary of Important Provisions of
S. 1295

Title I of the bill would make amendments to the Rehabilitation Act Amendments of 1992 (P.L. 102-569), which reauthorized the Rehabilitation Act of 1973 (the Act). Title I would make significant technical changes to the Act, as amended, including changes that would clarify that:

(1) the definition of "individual with a disability," as applied to titles II (relating to research and training programs) and VII (relating to Independent Living Services and Centers programs) of the Act, does not require an employment outcome;

(2) the carryover provision set forth in section 19 of the Act applies to the Older Blind and the Protection and Advocacy of Individual Rights (PAIR) programs only when they become formula grant programs;

(3) the set-aside for innovation and expansion grant purposes comes only from Basic State Program funds and does not include the Client Assistance Program (CAP) allotment;

(4) while appointments may be made to a State Rehabilitation Advisory Council (SRAC) by an entity other than the Governor, that entity must have broad appointment authority under State law and not merely limited appointment authority over personnel within its own agency (e.g., the State VR agency would not qualify as an appointing agency);

(5) funds used to reimburse members of the SRAC for expenses do not come out of CAP or American Indian grant funds;

(6) recruitment (relating to the training and demonstration program under title III) is not limited to persons already employed and that an employment goal is the basis of the title III recruitment and training program;

(7) vocational rehabilitation clients who need protection and advocacy services beyond the scope of services provided by CAP are eligible for PAIR, States that receive continuation funds in FY 1993 for the PAIR program are not eligible to apply for new awards in FY 1993, and that States that have a protection and advocacy system housed in a State agency may take only five percent for administrative costs;

(8) the requirement that a State-designated unit provide administrative services to Centers for Independent Living applies only when the Center program is being administered by the State;

(9) the Departmental on-site compliance review of Centers for Independent Living is required only when Federal funding

exceeds State funding and when the State fails to submit and obtain approval of an application to administer the program, and is not required to duplicate State on-site compliance reviews; and

(10) the funding method required for the Centers for Independent Living program for fiscal year 1993 awards will be the same for fiscal year 1994 and entities that received funding prior to 1993 will receive continuation awards if they become private nonprofit agencies by October 1, 1993.

Title I of the bill would also clarify the operation of the CAP, Innovation and Expansion program, PAIR, and Title VII formula allocations and provide an authorization of appropriations for the training authority in title III of the Act.

Title II of the bill would make technical and conforming amendments to the Education of the Deaf Act, including an amendment regarding the auditing and reporting requirements for the National Technical Institute for the Deaf (NTID). That amendment (in section 204 of the bill) would clarify that the institution of higher education with which the Secretary has an agreement to operate NTID (currently the Rochester Institute of Technology) is required to conduct an annual independent audit containing specific schedules and analyses for all NTID funds, and also to report, on a Federal fiscal year basis, such additional financial information on NTID as requested by the Secretary.

Title III of the bill would make conforming changes to other Federal laws.



United States Architectural and Transportation Barriers Compliance Board

1331 F Street, NW • Washington, DC 20004-1111 • 202-272-5434 (Voice) • 202-272-5449 (TDD) • 202-272-5447 (FAX)

AUG - 5 1993

Mr. Bernard H. Martin,
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Martin:

The U.S. Architectural and Transportation Barriers Compliance Board (Access Board) recommends that the enrolled bill S-1295, the "Rehabilitation Act Amendments of 1993", be approved by President Clinton. The Access Board was established by the Section 502 of the Rehabilitation Act of 1973. S-1295 includes a change in the level of compensation for public Board members and experts and consultants hired by the Access Board.

Section 502 originally provided that public Board members, as well as experts and consultants hired by the Access Board, are entitled to receive compensation at rates not to exceed the daily rates prescribed for GS 18 of the General Schedule. 29 U.S.C. §792(a)(5)(A) and (f). However, the Federal Employees Pay Comparability Act of 1990 abolished grades GS-16 through 18 of the General Schedule. The Federal Employees Pay Comparability Act of 1990 further provided that any reference to the rate of pay for GS-18 of the General Schedule shall be considered a reference to the maximum rate payable under 5 U.S.C. §5376 which is level IV of the Executive Schedule.

During consideration of the Rehabilitation Act Amendments of 1992, the level of compensation for public Board members and experts and consultants hired by the Access Board was changed to level 4 of the Senior Executive Service Schedule, instead of level IV of the Executive Schedule. S-1295 makes a technical correction to restore the level of compensation for public Board members, as well as experts and consultants hired by the Access Board, to that provided in the Federal Employees Pay Comparability Act of 1990. It is our understanding that Congress did not intend to reduce the level of compensation for public Board members, as well as experts and consultants hired by the Access Board. Therefore, we urge the President to sign S-1295.

I hope that these views are helpful to the Office of Management and Budget. Should you have any question about this matter, please contact our Executive Director, Mr. Lawrence W. Roffee at (202) 272-5434 extension 14.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen K. Parker".

Kathleen K. Parker
Chairman