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Legislation affecting the handicapped enacted during the Second Session of the 90th Congress (1968) is presented along with tabular data on the legislative history of each law. Laws relating to education are the Vocational Education Amendments, Higher Education Amendments, Early Education Assistance, and To Increase the Size of the Board of Directors at Callaudet College. Public health laws listed are Health Services and Facilities Amendments and Establishment of National Eye Institute. Vocational Rehabilitation Amendments, Elimination of Architectural Barriers to the Physically Handicapped, and the White House Conference on Aging are included under social and rehabilitation services. (RP)
a summary of Selected Legislation relating to the Handicapped 1968
Discrimination Prohibited

Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Therefore, the mental retardation grants program, like every program or activity receiving financial assistance from the Department of Health, Education, and Welfare, must be operated in compliance with this law.
INTRODUCTION

During the period beginning with the 88th Congress, First Session (1963) and the adjournment of the 90th Congress, Second Session (1968) there were 35 major laws enacted which affect the handicapped. The laws enacted prior to 1968 are discussed in a booklet entitled, "A Summary of Selected Legislation Relating to the Handicapped 1963-1967," available from the Superintendent of Documents, Washington, D.C., 30 cents per copy. The material that follows serves as a supplement to that publication and includes legislation enacted during the 90th Congress, Second Session.

Tabular data on the legislative history of each law is included for those persons who wish to trace the development of a particular bill through the legislative process. This data will be found in the Appendix on page 12.

All of the laws reviewed are administered by the U.S. Department of Health, Education, and Welfare.

The laws reviewed have been grouped into three major service categories: Education, Public Health and Social and Rehabilitation Services. It is hoped that such an arrangement will help the reader more easily find his area of special interest.
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1. VOCATIONAL EDUCATION AMENDMENTS OF 1968 (P.L. 90-576)

Public Law 90-576 was enacted into law on October 16, 1968. This law amends the Vocational Education Act of 1963. It retains the comprehensive State grant provision on a continuing basis and authorizes new programs for 5 years. The law authorizes appropriations of $355 million for fiscal year 1969, $565 million for fiscal year 1970, $675 million each for fiscal years 1971 and 1972, and $565 million for fiscal year 1973. These authorizations are for State Vocational Education Programs and Research and Training in Vocational Education. There are also special authorizations for certain categorical programs.

MAJOR PROVISIONS

*State Advisory Councils:* This legislation provides that any State which desires to receive a grant under this title for any fiscal year shall establish a State Advisory Council. The responsibilities of this council shall include:

1. Advising the State Board on the development of, and policy matters arising in, the administration of the State plan.

2. Evaluating vocational education programs, services, and activities assisted under this title and publishing and distributing the results thereof.

3. Preparing and submitting through the State Board to the Commissioner of Education and to the National Council an annual evaluation report which evaluates the effectiveness of vocational education programs, services and activities and recommends such changes as may be warranted by the evaluations.

This legislation specifies that State Advisory Councils shall include as members persons who have special knowledge, experience or qualifications with respect to the special educational needs of physically or mentally handicapped persons.

*National Advisory Council on Vocational Education:* Public Law 90-576 creates a National Advisory Council on Vocational Education. This Council shall:

1. Advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of programs supported under this title.

2. Review the administration and operation of vocational education programs under this title.
(3) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

This law specifies that the Council shall include in its membership persons who are experienced in the education and training of handicapped persons.

Definition of Handicapped: These amendments define handicapped as follows:

"The term 'handicapped', when applied to persons, means persons who are mentally retarded, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled or other health impaired persons who by reason thereof require special education and related services."

Designation of State Funds for Programs for Handicapped Persons: This legislation provides that at least 10 percent of each State's allotment of funds appropriated for any fiscal year beginning after June 30, 1969, shall be used only for vocational education for handicapped persons who, because of their handicapping condition, cannot succeed in the regular vocational education program without special educational assistance or who would require a modified vocational education program.

Training of Teachers of the Handicapped: Public Law 85-926 is amended to permit relevant agencies and institutions other than higher education and State agencies to receive grants to enable them to participate in the education of professionals to work with the handicapped. Examples of such institutions and agencies could be the university-affiliated facilities for the mentally retarded, regional educational laboratories, State institutions and agencies related to mental health.

2. HIGHER EDUCATION AMENDMENTS OF 1968 (P.L. 90-575)

Public Law 90-575 was enacted into law on October 16, 1968.

This law extends and revises the National Defense Education Act of 1958, the Higher Education Facilities Act of 1963, the Higher Education Act of 1965, the International Education Act of 1966, and related acts.

MAJOR PROVISIONS

Student Financial Assistance: The Commissioner of Education, under the new law, is authorized to make grants or contracts with institutions of higher learning to enable them to develop and carry out a program of Special Services for Disadvantaged Students. These programs of special services are for students who are enrolled in or accepted by the institution receiving the grant and who, by reason of deprived educational, cultural, or economic background, or physical handicap, are in need of such services to help them initiate or continue their post-secondary education.

The new amendments transfer the Upward Bound program from the Office of Economic Opportunity to the Office of Education in fiscal year 1970. Upward Bound is a demonstration program which provides intensive and concentrated educational opportunities to disadvantaged and impoverished youth.
Loan Forgiveness:—The 1966 Higher Education Law amended the student loan forgiveness provisions of the National Defense Education Act by providing for cancellation of loans made to students who later teach handicapped children. The rate of cancellation was 15% of the loan for each full year spent teaching the handicapped. The 1968 amendments extended this forgiveness feature for two additional years. The loan forgiveness provisions shall apply only to loans made prior to July 1, 1970.

Acquisition of Equipment to be Used in Programs for Educationally-Deprived Children:—P.L. 90-575 authorizes grants to local educational agencies for the acquisition of equipment and materials designed to meet the special educational needs of educationally-deprived children.

3. HANDICAPPED CHILDREN’S EARLY EDUCATION ASSISTANCE ACT OF 1968 (P.L. 90-538)

Public Law 90-538 was enacted into law on September 30, 1968.

This act will: support experimental preschool and early education programs for handicapped children which show promise of promoting a comprehensive and strengthened approach to the special problems of such children, including activities and services designed to encourage the intellectual, emotional, physical, mental, social and language development of handicapped children; encourage the participation of the parents of these children in assisting the professional educators in the development and operation of such programs; and acquaint the community with the problems and potentials of its handicapped children.

MAJOR PROVISIONS

Program Authorized:—The Act enables the Commissioner of Education to make grants or contracts to public and private nonprofit agencies for the development and implementation of experimental programs. These grants will be distributed on a broad geographical basis throughout the Nation. This does not mean that there necessarily must be a single program in each State. It is even conceivable that some States will combine their resources and develop regional centers.

The model preschool program should stimulate all areas of the handicapped child’s development including his emotional, physical, intellectual and social needs. In fact, the report of the House Committee on Education and Labor on this measure urged that programs encompass not only all disabilities, but all age groups from birth to 6 years of age.

The portion of the Act dealing with participation of parents has two major purposes: (1) to provide the parents with counseling and guidance on how they can effectively respond to the special needs of their handicapped children; and (2) to provide supportive supplementary programs which will aid parents in better coping with problems as they arise.

Another aim of the Act is to acquaint the community with the problems and potentials of handicapped children. This feature is included in the belief that society, including educators, too often underestimates the capacities of these children and, as a result, often limits their opportunities to develop and function as constructive members of our society.
The Act directs that each program be coordinated with the local school system in the community being served. Dissemination of information, inservice training and other aspects of the model programs will be designed to encourage the development of successful early education programs throughout the State and neighboring areas. Where possible, new demonstration programs will be established in settings so that they may be used for the training of teachers, speech pathologists and audiologists, clinicians, psychologists, physicians, and other supportive personnel whose contributions are required in affecting good early childhood education of the handicapped.

The Act provides for a Federal share of up to 90 percent of the cost of a project. The non-Federal share may be in cash or in kind. The requirement of a non-Federal share is designed to encourage a commitment of community and other public and private agencies to the success of the programs through tangible involvement from the program's inception.

Evaluation:—P.L. 90-538 authorizes the Commissioner to provide, either directly or through contract with independent organizations, a thorough and continuing evaluation of the effectiveness of each program assisted. Each program will be expected to include in its planning an evaluation component to help in the continuous improvement of the program. In addition, the Commissioner is expected to provide an overall evaluation of the total program once it has had time to become operational.

The evaluation aspect of this legislation is important in that it is advantageous for the educational community to compare programs which are both effective and ineffective so that successful approaches can be replicated and ineffective attempts can be avoided.

Definition of Handicapped Children:—Handicapped children for the purposes of this Act are defined as: mentally retarded, hard-of-hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health-impaired children who by reason thereof require special education and related services.

Appropriations Authorized:—The Act authorizes the appropriation of $1 million for fiscal year 1969, $10 million for fiscal year 1970, and $12 million for fiscal year 1971. The sums appropriated for the first year will be used primarily as planning funds for demonstration projects. It is estimated that the $1 million will support the planning phases for these centers.

4. TO INCREASE THE SIZE OF THE BOARD OF DIRECTORS OF GALLAUDET COLLEGE (P.L. 90-415)

Public Law 90-415 was enacted into law on July 23, 1968.

MAJOR PROVISIONS

Gallaudet College was established in 1864 when President Lincoln signed its charter. For over 100 years, this institution has been the only liberal arts college for the deaf in the world.
The Board of Directors of Gallaudet College has rendered yeoman service down through the years. The Directors in a large measure have been responsible for the progress achieved and the level of academic excellence attained by Gallaudet. In the Class of 1968 there were 98 graduates. These graduates came from 31 different States and four foreign nations.

Gallaudet College operates as a private college chartered by the Congress of the United States. It has a self-perpetuating Board of Directors.

The Act, by adding eight new members to the Board of Directors, will make it possible to involve persons from the fields of medicine, communications technology, special education, and higher education.

This legislation will give national scope to the membership of the Gallaudet College Board of Directors, and will thereby better reflect the character and quality of Gallaudet as a national institution.

P.L. 90-415 provides for increasing the size of the Board of Directors of Gallaudet College from 13 to 21 members.

5. HEALTH SERVICES AND FACILITIES AMENDMENTS OF 1968 (P.L. 90-574)

Public Law 90-574 was enacted into law on October 15, 1968.

The Amendments extend five existing programs and authorize one new program relating to health services. The Amendments extend: the Regional Medical Program; the Migrant Health Program; the Hill-Burton Hospital Facilities and Construction Program; and the Solid Waste Disposal Act. P.L. 90-574 authorizes a new program for the treatment of alcoholics and narcotic addicts in Community Mental Health Centers.

MAJOR PROVISIONS

Regional Medical Programs:—This program was established in 1965 to assist the Nation's health resources in making available to all Americans the advances of medical science against heart disease, cancer, stroke and related diseases.

In addition to extending the basic authorities of the Regional Medical Programs for two years, the new Act provides that up to one percent of the appropriation for any fiscal year beginning with 1970 may be used by the Secretary for evaluation of the program. The Act makes clear that Regional Medical grants can be awarded to a combination of Regional Medical Program agencies for carrying on a Regional Medical Program.

A new authority will permit grants to any public or private nonprofit agency or institution for services which will be of substantial value and use to any two or more Regional Medical Programs. Another authorizes the use of funds to permit the full participation of Federal hospitals.

Migrant Health:—Prior to the enactment of the migrant workers health law in 1962, few of the Nation's migrant families received anything more than emergency health care. Today, 115 migrant health projects are in operation in 36 States and Puerto Rico, serving approximately 300,000 people. All projects provide sanitation workers and health education programs. The 1965 extension of the migrant health act added hospitalization services, and funds became available for this purpose in 1967.
For the migrant who is unable to secure medical care on his own and is ineligible for public assistance, these projects are virtually the sole source of health services.

The 1968 amendments continue the program for an additional two years, with authorizations of $9 million and $15 million, which should permit a significant increase in services.

Hospital Construction and Modernization:—Since 1946 Federal assistance has been given to States and their communities in the construction of hospitals and other health facilities under the Hill-Burton Act. As a result of that construction, facilities for medical care are being made accessible to individuals in communities across the country.

The new legislation provides for a one year, $295 million extension of the current Hill-Burton Hospital Facilities and Construction program which was to expire as of June 30, 1969.

Rehabilitation of Alcoholics and Narcotics Addicts:—P.L. 90-574 authorizes a two-year grant program for building and staffing facilities for preventing and treating alcoholism, using the same types of mechanisms as provided in the Community Mental Health Centers Act.

The new legislation also amends the Community Mental Health Centers Act by authorizing the construction, staffing, and the training of personnel for facilities for the treatment of narcotic addicts, as well as related surveys and demonstrations, but subject to limitations comparable to those in the existing Community Mental Health Centers programs. The new legislation also provides for use of 1 percent of Community Mental Health Centers' funds (including funds under the new provisions on alcoholism and narcotic addiction) for evaluation of the program.

Section 402 of the Narcotics Adult Rehabilitation Act of 1966, which provided for programs for the rehabilitation of narcotic addicts, is repealed.

6. ESTABLISHMENT OF NATIONAL EYE INSTITUTE (P.L. 90-489)

Public Law 90-489 was enacted into law on August 16, 1968.

This law established a new Institute in the National Institutes of Health, known as the National Eye Institute, which is responsible for conducting and supporting research for new treatment, cures and training relating to blinding eye diseases and visual disorders.

MAJOR PROVISIONS

Establishment of National Eye Institute:—P.L. 90-489 adds a new Part F to Title IV of the Public Health Service Act, providing for the establishment of a National Eye Institute. The Secretary is authorized to establish a National Eye Institute which will conduct and support research relating to blinding eye diseases and visual disorders, including research and training in special health problems and requirements of the blind.

Establishment of an Advisory Council:—The new legislation provides for establishment of an Advisory Council to advise, consult with, and make recommendations to the Secretary on matters relating to the activities of the Institute.
Functions of National Eye Institute:—P.L. 90-489 specifies the functions of the National Eye Institute. P.L. 90-489 changed the name of the National Institute for Neurological Diseases and Blindness to the “Institute for Neurological Diseases.” However, subsequent legislation (P.L. 90-639) again changed the name of that Institute to the “National Institute of Neurological Diseases and Stroke.”

7. VOCATIONAL REHABILITATION AMENDMENTS OF 1968 (P.L. 90-391)

Public Law 90-391 was enacted into law on July 7, 1968.

MAJOR PROVISIONS

Grants to States for Vocational Rehabilitation Services:—The amendments extend through fiscal year 1971 the authorizations for appropriations for Section 2 grants to States for vocational rehabilitation services. Prior to the new amendments there were authorizations through fiscal year 1970. $700 million is authorized for allotment among States in 1971. The Federal share is increased to 80 percent, effective fiscal year 1970.

Establishment of Minimum Allotments to States:—To increase efficiency, expand rehabilitation services and reach a greater number of clients, a base of $1 million has been fixed under Section 2 to assist States in achieving these goals.

Construction of Rehabilitation Facilities:—The amendments provide that Section 2 funds may be utilized for new construction as well as expansion and/or alteration of existing buildings. A limitation of 10 percent of Section 2 allotments has been established for financing new construction. A “maintenance of effort” provision is included to assure that other services presently provided under Section 2 will not be diminished.

Private Contributions for Construction or Establishment of Facilities:—This law authorizes the use of voluntary funds for construction as well as for establishment of a public or nonprofit rehabilitation facility.

Grants to States for Innovations:—The amendments extend the program of grants to States for innovation of vocational rehabilitation facilities. The Federal share in these projects is 90 percent for the first 3 years and 75 percent for the fourth and fifth years. Appropriation authority is extended with authorizations of $3.2 million for 1969, $6 million for 1970 and $10 million for 1971.

Grants to States for Special Projects:—The amendments extend the authorization for specialized projects in the areas of research, demonstration, expansion and training of rehabilitation personnel. The authority for projects under this section is expanded to include: (1) projects for rehabilitation service to the mentally retarded; (2) projects with industry for training the handicapped; (3) grants for training manpower for agencies serving the handicapped; and (4) grants for developing new career opportunities for the

State Plan Requirements:—Public Law 90-391 makes a number of modifications in State plan requirements for participation in the vocational rehabilitation program. The principal ones are:

(1) Waiver of the “sole agency” and “statewide” requirement. This authorizes State vocational rehabilitation agencies to share funding and administrative responsibility with other State agencies.

(2) Statewide planning - This provision proposes that a plan requirement specify that a State vocational rehabilitation agency conduct a continual planning operation as part of its regular program and that such planning be financed under Section 2.

(3) Construction - A requirement is made that if a State plan includes provision for construction of rehabilitation facilities, it must not contemplate construction when the Federal payment exceeds 10 percent of the State’s allotment. In addition, Federal standards and the Hill-Burton matching rates applicable to construction in Section 12 of the Vocational Rehabilitation Act will be applicable to new construction with Section 2 funds.

Evaluation of the Vocational Rehabilitation Program:—Provision is made for ongoing evaluation of the vocational rehabilitation program. The purpose of such evaluation is to insure proper program development through focusing on areas of special needs.

Rehabilitation Facilities Construction and Staffing:—Public Law 90-391 extends the program for rehabilitation facilities construction and staffing as provided for in Section 12. This program enables public and private non-profit organizations to expend Federal funds for part of the costs of building new facilities, acquiring existing structures, purchasing land and expanding and renovating current facilities.

The program also enables newly constructed rehabilitation facilities to utilize Federal funds to acquire necessary staff to implement programming. Federal funds for staff are available on a declining scale for 4 years and 3 months, beginning with 75 percent during the first 15 months and decreasing to 30 percent during the last 12 months.


Vocational Evaluation and Work Adjustment:—Public Law 90-391 establishes a program to serve the disadvantaged (including youth of school age with mental or physical disabilities), as well as persons who have behavioral problems, are gross under-achievers, or are socially maladjusted as a result of environmental deprivation.

The focal point for the program will be a vocationally-oriented rehabilitation facility, since the availability of work for clients undergoing evaluation and adjustment is a most important element in many cases. Such a facility may be operated by a State vocational rehabilitation agency, or by a voluntary agency under contract from the State agency.
President's Committee on Employment of the Handicapped:—Public Law 90-391 increases the limitation on the amount authorized to be appropriated for the work of the President's Committee on Employment of the Handicapped from $500,000 to $1 million.

8. ELIMINATION OF ARCHITECTURAL BARRIERS TO THE PHYSICALLY HANDICAPPED IN CERTAIN FEDERALLY-FINANCED BUILDINGS (P.L. 90-480)

Public Law 90-480 was enacted into law on August 12, 1968. This Act is designed to ensure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped.

MAJOR PROVISIONS

The Federal Government has recognized for some time the need to rehabilitate and employ as many of the physically handicapped as possible. These people constitute a tremendous asset of our country which is not being fully utilized. Early recognition of this need led to the establishment of a Presidential Committee on Employment of the Handicapped in 1961. In addition, in 1965 the National Commission on Architectural Barriers to Rehabilitation of the Handicapped was created and its report "Design for All Americans" was transmitted on January 8, 1968, to Congress. P.L. 90-480 is a response to the recommendations made in the report.

Public Buildings - Accessibility to Physically Handicapped:—The term building means any building or facility (other than a privately-owned residential structure or buildings on a military installation designed and constructed for able-bodied military personnel) intended for public use must be accessible to the physically handicapped.

Standards:—In order to ensure that physically handicapped people have access to and use of buildings, structures and facilities subject to this Act, appropriate standards will be developed by the Secretary of Health, Education, and Welfare in consultation with:

The Administrator of General Services;  
The Secretary of Housing and Urban Development; and  
The Secretary of Defense.

Applicability:—Every building designed, constructed or altered, after the effective date of standards issued under this Act, must be in compliance with these standards.

Waiver:—The Administrator of General Services, the Secretary of Housing and Urban Development and the Secretary of Defense, with respect to standards relating to their agencies, may under certain conditions waive a standard when it is deemed necessary; surveys may also be conducted to ensure compliance with such standards.
9. WHITE HOUSE CONFERENCE ON AGING (P.L. 90-526)

Public Law 90-526 was enacted into law September 28, 1968. This law provides for a White House Conference on Aging to be called by the President of the United States in 1971.

MAJOR PROVISIONS

The purpose of the White House Conference on Aging is to stimulate joint efforts by the Federal Government, the States and their citizens to develop recommendations and plans for action which will serve the purposes of:

a. assuring middle-aged and older persons equal opportunity with others to engage in gainful employment which they are capable of performing;

b. enabling retired persons to enjoy incomes sufficient for health and for participation in family and community life as self-respecting citizens;

c. providing housing suited to the needs of older persons and at the prices they can afford to pay;

d. assisting middle-aged and older persons to make the preparation, develop skills and interests, and find social contacts which will make the gift of added years of life a period of reward and satisfaction;

e. stepping up research designed to relieve old age of its burdens of sickness, mental breakdown, and social ostracism; and

f. evaluating progress made since the last White House Conference on Aging, and examining the changes which the next decade will bring in the character of the problems confronting older persons.

The President of the United States is authorized to call a White House Conference on Aging in 1971 in order to develop recommendations for further research and action in the field of aging. The Conference shall be planned and conducted by the Secretary of Health, Education, and Welfare.

A final report of the White House Conference on Aging shall be submitted to the President not later than one hundred and twenty days following the date on which the Conference is called. The findings and recommendations of the report shall be made available to the public.
The Secretary shall, within 90 days after the submission of the final report, transmit to the President and the Congress his recommendations for the administrative action and the legislation necessary to implement the recommendations contained in the report.

Advisory Committees:—The Secretary is directed to establish an Advisory Committee of 28 members to the White House Conference on Aging.

Authorization:—For the purposes of carrying out a White House Conference on Aging, the sum of $1,900,000 is authorized.
## APPENDIX

### HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(90th Congress, 2nd Session)

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| Health Services and Facilities Amendments of 1968 | HR 15758 | 3/5/68 | IFC | LPW | 7/19/68 | 7/24/68 | 1752 | 1454 | H.6452 | S.9560 | 7/22/68 | 7/27/68 | 10/15/68 | 90-574 |

1 Where only one bill is shown, the other body of Congress considered this same bill and passed it with, or without amendments.
2 When no committee is shown, this means unanimous consent of the Senate was obtained to consider the bill on the floor without referring it to committee.
3 When a committee number is not shown, it means the House Report was used by the Senate.

Table of Committee Abbreviations:

- IFC - Interstate and Foreign Commerce
- CPW - Public Works
- EdL - Education and Labor
- LPW - Labor and Public Welfare

Source: Congressional Record, 90th Congress, 2nd Session.