

103^D CONGRESS
2^D SESSION

H. RES. 351

To agree to the Senate amendment to the bill (H.R. 2339) with an amendment.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1994

Mr. OWENS submitted the following resolution; which was considered and agreed to

RESOLUTION

To agree to the Senate amendment to the bill (H.R. 2339) with an amendment.

1 *Resolved*, That upon adoption of this resolution the
2 bill (H.R. 2339) to revise and extend the programs of the
3 Technology-Related Assistance for Individuals With Dis-
4 abilities Act of 1988, and for other purposes be and is
5 hereby taken from the Speaker's table to the end that the
6 Senate amendment to the text of the bill be and is hereby
7 agreed to with the following amendment:

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Technology-Related Assistance for Individuals With Dis-
4 abilities Act Amendments of 1994”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References.
- Sec. 3. Findings, purposes, and policy.
- Sec. 4. Definitions.

TITLE I—GRANTS TO STATES

- Sec. 101. Program authorized.
- Sec. 102. Development grants.
- Sec. 103. Extension grants.
- Sec. 104. Progress criteria and reports.
- Sec. 105. Administrative provisions.
- Sec. 106. Authorization of appropriations.
- Sec. 107. Repeals.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

- Sec. 201. National classification system.
- Sec. 202. Training and demonstration projects.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

- Sec. 301. Alternative financing mechanisms authorized.

TITLE IV—AMENDMENTS TO OTHER ACTS

- Sec. 401. Individuals with Disabilities Education Act.
- Sec. 402. Rehabilitation Act of 1973.
- Sec. 403. Administrative requirements under the Head Start Act.
- Sec. 404. Technical and conforming amendments.

TITLE V—EFFECTIVE DATE

- Sec. 501. Effective date.

7 **SEC. 2. REFERENCES.**

8 Except as otherwise specifically provided, whenever in
9 this Act an amendment or repeal is expressed in terms
10 of an amendment to, or a repeal of, a section or other
11 provision, the reference shall be considered to be made to

1 a section or other provision of the Technology-Related As-
2 sistance for Individuals With Disabilities Act of 1988 (29
3 U.S.C. 2201 et seq.).

4 **SEC. 3. FINDINGS, PURPOSES, AND POLICY.**

5 (a) SECTION HEADING.—Section 2 (29 U.S.C. 2201)
6 is amended by striking the heading and inserting the fol-
7 lowing:

8 **“SEC. 2. FINDINGS, PURPOSES, AND POLICY.”.**

9 (b) FINDINGS.—Section 2(a) (29 U.S.C. 2201(a)) is
10 amended to read as follows:

11 “(a) FINDINGS.—The Congress finds as follows:

12 “(1) Disability is a natural part of the human
13 experience and in no way diminishes the right of in-
14 dividuals to—

15 “(A) live independently;

16 “(B) enjoy self-determination;

17 “(C) make choices;

18 “(D) pursue meaningful careers; and

19 “(E) enjoy full inclusion and integration in
20 the economic, political, social, cultural, and edu-
21 cational mainstream of American society.

22 “(2) During the past decade, there have been
23 major advances in modern technology. Technology is
24 now a powerful force in the lives of all residents of
25 the United States. Technology can provide important

1 tools for making the performance of tasks quicker
2 and easier.

3 “(3) For some individuals with disabilities,
4 assistive technology devices and assistive technology
5 services are necessary to enable the individuals—

6 “(A) to have greater control over their
7 lives;

8 “(B) to participate in, and contribute more
9 fully to, activities in their home, school, and
10 work environments, and in their communities;

11 “(C) to interact to a greater extent with
12 individuals who do not have disabilities; and

13 “(D) to otherwise benefit from opportuni-
14 ties that are taken for granted by individuals
15 who do not have disabilities.

16 “(4) Substantial progress has been made in the
17 development of assistive technology devices, includ-
18 ing adaptations to existing equipment, that signifi-
19 cantly benefit individuals with disabilities of all ages.
20 Such devices can be used to increase the involvement
21 of such individuals in, and reduce expenditures asso-
22 ciated with, programs and activities such as early
23 intervention, education, rehabilitation and training,
24 employment, residential living, independent living,
25 recreation, and other aspects of daily living.

1 “(5) Most States have technology-related assist-
2 ance programs carried out under this Act. In spite
3 of the efforts made by such programs, there remains
4 a need to support systems change and advocacy ac-
5 tivities in order to assist States to develop and im-
6 plement consumer-responsive, comprehensive state-
7 wide programs of technology-related assistance for
8 individuals with disabilities of all ages.

9 “(6) Notwithstanding the efforts of such State
10 technology-related assistance programs, there is still
11 a lack of—

12 “(A) resources to pay for assistive tech-
13 nology devices and assistive technology services;

14 “(B) trained personnel to assist individuals
15 with disabilities to use such devices and serv-
16 ices;

17 “(C) information among individuals with
18 disabilities and their family members, guard-
19 ians, advocates, and authorized representatives,
20 individuals who work for public agencies, or for
21 private entities (including insurers), that have
22 contact with individuals with disabilities, edu-
23 cators and related service personnel, technology
24 experts (including engineers), employers, and
25 other appropriate individuals about the avail-

1 ability and potential of technology for individ-
2 uals with disabilities;

3 “(D) aggressive outreach to
4 underrepresented populations and rural popu-
5 lations;

6 “(E) systems that ensure timely acquisi-
7 tion and delivery of assistive technology devices
8 and assistive technology services, particularly
9 with respect to children;

10 “(F) coordination among State human
11 services programs, and between such programs
12 and private entities, particularly with respect to
13 transitions between such programs and entities;
14 and

15 “(G) capacity in such programs to provide
16 the necessary technology-related assistance.

17 “(7) Many individuals with disabilities cannot
18 access existing telecommunications and information
19 technologies and are at risk of not being able to ac-
20 cess developing technologies. The failure of Federal
21 and State governments, hardware manufacturers,
22 software designers, information systems managers,
23 and telecommunications service providers to account
24 for the specific needs of individuals with disabilities
25 results in the exclusion of such individuals from the

1 use of telecommunications and information tech-
2 nologies and results in unnecessary costs associated
3 with the retrofitting of devices and product systems.

4 “(8) There are insufficient incentives for the
5 commercial pursuit of the application of technology
6 devices to meet the needs of individuals with disabili-
7 ties, because of the perception that such individuals
8 constitute a limited market.

9 “(9) At the Federal level, there is a lack of co-
10 ordination among agencies that provide or pay for
11 the provision of assistive technology devices and
12 assistive technology services. In addition, the Fed-
13 eral Government does not provide adequate assist-
14 ance and information with respect to the use of
15 assistive technology devices and assistive technology
16 services to individuals with disabilities and their
17 family members, guardians, advocates, and author-
18 ized representatives, individuals who work for public
19 agencies, or for private entities (including insurers),
20 that have contact with individuals with disabilities,
21 educators and related services personnel, technology
22 experts (including engineers), employers, and other
23 appropriate individuals.”

24 (c) PURPOSES.—Section 2(b) (29 U.S.C. 2201(b)) is
25 amended to read as follows:

1 “(b) PURPOSES.—The purposes of this Act are as fol-
2 lows:

3 “(1) To provide financial assistance to the
4 States to support systems change and advocacy ac-
5 tivities designed to assist each State in developing
6 and implementing a consumer-responsive com-
7 prehensive statewide program of technology-related
8 assistance, for individuals with disabilities of all
9 ages, that is designed to—

10 “(A) increase the availability of, funding
11 for, access to, and provision of, assistive tech-
12 nology devices and assistive technology services;

13 “(B) increase the active involvement of in-
14 dividuals with disabilities and their family mem-
15 bers, guardians, advocates, and authorized rep-
16 resentatives, in the planning, development, im-
17 plementation, and evaluation of such a pro-
18 gram;

19 “(C) increase the involvement of individ-
20 uals with disabilities and, if appropriate, their
21 family members, guardians, advocates, or au-
22 thorized representatives, in decisions related to
23 the provision of assistive technology devices and
24 assistive technology services;

1 “(D) increase the provision of outreach to
2 underrepresented populations and rural popu-
3 lations, to enable the two populations to enjoy
4 the benefits of programs carried out to accom-
5 plish purposes described in this paragraph to
6 the same extent as other populations;

7 “(E) increase and promote coordination
8 among State agencies, and between State agen-
9 cies and private entities, that are involved in
10 carrying out activities under this title, particu-
11 larly providing assistive technology devices and
12 assistive technology services, that accomplish a
13 purpose described in another subparagraph of
14 this paragraph;

15 “(F)(i) increase the awareness of laws,
16 regulations, policies, practices, procedures, and
17 organizational structures, that facilitate the
18 availability or provision of assistive technology
19 devices and assistive technology services; and

20 “(ii) facilitate the change of laws, regula-
21 tions, policies, practices, procedures, and orga-
22 nizational structures, that impede the availabil-
23 ity or provision of assistive technology devices
24 and assistive technology services;

1 “(G) increase the probability that individ-
2 uals with disabilities of all ages will, to the ex-
3 tent appropriate, be able to secure and main-
4 tain possession of assistive technology devices
5 as such individuals make the transition between
6 services offered by human service agencies or
7 between settings of daily living;

8 “(H) enhance the skills and competencies
9 of individuals involved in providing assistive
10 technology devices and assistive technology
11 services;

12 “(I) increase awareness and knowledge of
13 the efficacy of assistive technology devices and
14 assistive technology services among—

15 “(i) individuals with disabilities and
16 their family members, guardians, advo-
17 cates, and authorized representatives;

18 “(ii) individuals who work for public
19 agencies, or for private entities (including
20 insurers), that have contact with individ-
21 uals with disabilities;

22 “(iii) educators and related services
23 personnel;

24 “(iv) technology experts (including en-
25 gineers);

1 “(v) employers; and

2 “(vi) other appropriate individuals;

3 “(J) increase the capacity of public agen-
4 cies and private entities to provide and pay for
5 assistive technology devices and assistive tech-
6 nology services on a statewide basis for individ-
7 uals with disabilities of all ages; and

8 “(K) increase the awareness of the needs
9 of individuals with disabilities for assistive tech-
10 nology devices and for assistive technology serv-
11 ices.

12 “(2) To identify Federal policies that facilitate
13 payment for assistive technology devices and
14 assistive technology services, to identify Federal poli-
15 cies that impede such payment, and to eliminate in-
16 appropriate barriers to such payment.

17 “(3) To enhance the ability of the Federal Gov-
18 ernment to provide States with—

19 “(A) technical assistance, information,
20 training, and public awareness programs relat-
21 ing to the provision of assistive technology de-
22 vices and assistive technology services; and

23 “(B) funding for demonstration projects.”.

24 (d) POLICY.—Section 2 (29 U.S.C. 2201) is amended
25 by adding at the end the following:

1 “(c) POLICY.—It is the policy of the United States
2 that all programs, projects, and activities receiving assist-
3 ance under this Act shall be consumer-responsive and shall
4 be carried out in a manner consistent with the principles
5 of—

6 “(1) respect for individual dignity, personal re-
7 sponsibility, self-determination, and pursuit of mean-
8 ingful careers, based on informed choice, of individ-
9 uals with disabilities;

10 “(2) respect for the privacy, rights, and equal
11 access (including the use of accessible formats), of
12 such individuals;

13 “(3) inclusion, integration, and full participa-
14 tion of such individuals;

15 “(4) support for the involvement of a family
16 member, a guardian, an advocate, or an authorized
17 representative, if an individual with a disability re-
18 quests, desires, or needs such support; and

19 “(5) support for individual and systems advo-
20 cacy and community involvement.”.

21 **SEC. 4. DEFINITIONS.**

22 Section 3 (29 U.S.C. 2202) is amended—

23 (1) by redesignating paragraphs (1) through
24 (8) as paragraphs (2), (3), (7), (8), (10), (11), (13),
25 and (14), respectively;

1 (2) by inserting before paragraph (2) (as redesi-
2 gnated by paragraph (1)) the following:

3 “(1) **ADVOCACY SERVICES.**—The term ‘advocacy services’, except as used as part of the term
4 ‘protection and advocacy services’, means services—
5 ‘protection and advocacy services’, means services—

6 “(A) provided to assist individuals with
7 disabilities and their family members, guard-
8 ians, advocates, and authorized representatives
9 in accessing assistive technology devices and
10 assistive technology services; and

11 “(B) provided through—

12 “(i) individual case management for
13 individuals with disabilities;

14 “(ii) representation of individuals with
15 disabilities (other than representation with-
16 in the definition of protection and advocacy
17 services);

18 “(iii) training of individuals with dis-
19 abilities and their family members, guard-
20 ians, advocates, and authorized representa-
21 tives to successfully conduct advocacy for
22 themselves; or

23 “(iv) dissemination of information.”;

24 (3) in paragraph (3)(E) (as redesignated by
25 paragraph (1)), by striking “family” and all that fol-

1 lows and inserting “the family members, guardians,
2 advocates, or authorized representatives of such an
3 individual; and”;

4 (4) by inserting after paragraph (3) (as redesign-
5 nated by paragraph (1)) the following:

6 “(4) COMPREHENSIVE STATEWIDE PROGRAM OF
7 TECHNOLOGY-RELATED ASSISTANCE.—The term
8 ‘comprehensive statewide program of technology-re-
9 lated assistance’ means a statewide program of tech-
10 nology-related assistance developed and implemented
11 by a State under title I that—

12 “(A) addresses the needs of all individuals
13 with disabilities, including members of
14 underrepresented populations and members of
15 rural populations;

16 “(B) addresses such needs without regard
17 to the age, type of disability, race, ethnicity, or
18 gender of such individuals, or the particular
19 major life activity for which such individuals
20 need the assistance; and

21 “(C) addresses such needs without requir-
22 ing that the assistance be provided through any
23 particular agency or service delivery system.

24 “(5) CONSUMER-RESPONSIVE.—The term
25 ‘consumer-responsive’ means, with respect to an en-

1 tity, program, or activity, that the entity, program,
2 or activity—

3 “(A) is easily accessible to, and usable by,
4 individuals with disabilities and, when appro-
5 priate, their family members, guardians, advo-
6 cates, or authorized representatives;

7 “(B) responds to the needs of individuals
8 with disabilities in a timely and appropriate
9 manner; and

10 “(C) facilitates the full and meaningful
11 participation of individuals with disabilities (in-
12 cluding individuals from underrepresented pop-
13 ulations and rural populations) and their family
14 members, guardians, advocates, and authorized
15 representatives, in—

16 “(i) decisions relating to the provision
17 of assistive technology devices and assistive
18 technology services; and

19 “(ii) the planning, development, im-
20 plementation, and evaluation of the com-
21 prehensive statewide program of tech-
22 nology-related assistance.

23 “(6) DISABILITY.—The term ‘disability’ means
24 a condition of an individual that is considered to be
25 a disability or handicap for the purposes of any Fed-

1 eral law other than this Act or for the purposes of
2 the law of the State in which the individual re-
3 sides.”;

4 (5) by striking paragraph (7) (as redesignated
5 by paragraph (1)) and inserting the following:

6 “(7) INDIVIDUAL WITH A DISABILITY; INDIVID-
7 UALS WITH DISABILITIES.—

8 “(A) INDIVIDUAL WITH A DISABILITY.—

9 The term ‘individual with a disability’ means
10 any individual—

11 “(i) who has a disability; and

12 “(ii) who is or would be enabled by an
13 assistive technology device or an assistive
14 technology service to minimize deteriora-
15 tion in functioning, to maintain a level of
16 functioning, or to achieve a greater level of
17 functioning in any major life activity.

18 “(B) INDIVIDUALS WITH DISABILITIES.—

19 The term ‘individuals with disabilities’ means
20 more than one individual with a disability.”;

21 (6) in paragraph (8) (as redesignated by para-
22 graph (1))—

23 (A) by striking “section 435(b)” and in-
24 serting “section 1201(a)”; and

1 (B) by striking “1965” and inserting
2 “1965 (20 U.S.C. 1141(a))”;

3 (7) by inserting after paragraph (8) (as redesignig-
4 nated by paragraph (1)) the following:

5 “(9) PROTECTION AND ADVOCACY SERVICES.—
6 The term ‘protection and advocacy services’ means
7 services that—

8 “(A) are described in part C of the Devel-
9 opmental Disabilities Assistance and Bill of
10 Rights Act (42 U.S.C. 6041 et seq.), the Pro-
11 tection and Advocacy for Mentally Ill Individ-
12 uals Act (42 U.S.C. 10801 et seq.), or section
13 509 of the Rehabilitation Act of 1973 (29
14 U.S.C. 794e); and

15 “(B) assist individuals with disabilities
16 with respect to assistive technology devices and
17 assistive technology services.”;

18 (8) in paragraph (11) (as redesignated by para-
19 graph (1))—

20 (A) by striking “several States” and in-
21 serting “several States of the United States”;

22 (B) by striking “Virgin Islands” and in-
23 serting “United States Virgin Islands”; and

24 (C) by striking “the Trust Territory of the
25 Pacific Islands” and inserting “the Republic of

1 Palau (until the Compact of Free Association
2 with Palau takes effect)”;

3 (9) by inserting after such paragraph (11) the
4 following:

5 “(12) SYSTEMS CHANGE AND ADVOCACY AC-
6 TIVITIES.—The term ‘systems change and advocacy
7 activities’ means efforts that result in laws, regula-
8 tions, policies, practices, or organizational structures
9 that promote consumer-responsive programs or enti-
10 ties and that facilitate and increase access to, provi-
11 sion of, and funding for, assistive technology devices
12 and assistive technology services on a permanent
13 basis, in order to empower individuals with disabili-
14 ties to achieve greater independence, productivity,
15 and integration and inclusion within the community
16 and the work force.”;

17 (10) in paragraph (13) (as redesignated by
18 paragraph (1))—

19 (A) by striking “functions performed and
20 activities carried out under section 101” and in-
21 sserting “assistance provided through systems
22 change and advocacy activities”; and

23 (B) by inserting “any of subparagraphs
24 (A) through (K) of” before “section 2(b)(1)”;
25 and

1 (11) by amending paragraph (14) (as redesignated by paragraph (1)) to read as follows:

2 “(14) UNDERREPRESENTED POPULATION.—
3 The term ‘underrepresented population’ includes a
4 population such as minorities, the poor, and persons
5 with limited-English proficiency.”.

7 **TITLE I—GRANTS TO STATES**

8 **SEC. 101. PROGRAM AUTHORIZED.**

9 (a) GRANTS TO STATES.—Section 101(a) (29 U.S.C.
10 2211(a)) is amended—

11 (1) by inserting after “provisions of this title”
12 the following: “to support systems change and advocacy activities designed”; and
13

14 (2) by striking “to develop and implement” and
15 inserting “in developing and implementing”.

16 (b) ACTIVITIES.—Section 101 (29 U.S.C. 2211) is
17 amended by striking subsections (b) and (c) and inserting
18 the following:

19 “(b) ACTIVITIES.—Any State that receives a grant
20 under section 102 or 103 shall use the funds made available through the grant to accomplish the purposes described in section 2(b)(1) and, in accomplishing such purposes, may carry out any of the following systems change
23 and advocacy activities:
24

1 “(1) MODEL SYSTEMS AND ALTERNATIVE
2 STATE-FINANCED SYSTEMS.—The State may sup-
3 port activities to increase access to, and funding for,
4 assistive technology, including—

5 “(A) the development, and evaluation of
6 the efficacy, of model delivery systems that pro-
7 vide assistive technology devices and assistive
8 technology services to individuals with disabil-
9 ities, that pay for such devices and services, and
10 that, if successful, could be replicated or gen-
11 erally applied, such as—

12 “(i) the development of systems for
13 the purchase, lease, other acquisition, or
14 payment for the provision, of assistive
15 technology devices and assistive technology
16 services; or

17 “(ii) the establishment of alternative
18 State or privately financed systems of sub-
19 sidies for the provision of assistive tech-
20 nology devices and assistive technology
21 services, such as—

22 “(I) a loan system for assistive
23 technology devices;

24 “(II) an income-contingent loan
25 fund;

1 “(III) a low-interest loan fund;

2 “(IV) a revolving loan fund;

3 “(V) a loan insurance program;

4 or

5 “(VI) a partnership with private
6 entities for the purchase, lease, or
7 other acquisition of assistive tech-
8 nology devices and the provision of
9 assistive technology services;

10 “(B) the demonstration of assistive tech-
11 nology devices, including—

12 “(i) the provision of a location or loca-
13 tions within the State where—

14 “(I) individuals with disabilities
15 and their family members, guardians,
16 advocates, and authorized representa-
17 tives;

18 “(II) education, rehabilitation,
19 health care, and other service provid-
20 ers;

21 “(III) individuals who work for
22 Federal, State, or local government
23 entities; and

24 “(IV) employers,

1 can see and touch assistive technology de-
2 vices, and learn about the devices from
3 personnel who are familiar with such de-
4 vices and their applications;

5 “(ii) the provision of counseling and
6 assistance to individuals with disabilities
7 and their family members, guardians, ad-
8 vocates, and authorized representatives to
9 determine individual needs for assistive
10 technology devices and assistive technology
11 services; and

12 “(iii) the demonstration or short-term
13 loan of assistive technology devices to indi-
14 viduals, employers, public agencies, or pub-
15 lic accommodations seeking strategies to
16 comply with the Americans with Disabil-
17 ities Act of 1990 (42 U.S.C. 12101 et
18 seq.) and section 504 of the Rehabilitation
19 Act of 1973 (29 U.S.C. 794); and

20 “(C) the establishment of information sys-
21 tems about, and recycling centers for, the redis-
22 tribution of assistive technology devices and
23 equipment that may include device and equip-
24 ment loans, rentals, or gifts.

1 “(2) INTERAGENCY COORDINATION.—The State
2 may support activities—

3 “(A) to identify and coordinate Federal
4 and State policies, resources, and services, re-
5 lating to the provision of assistive technology
6 devices and assistive technology services, includ-
7 ing entering into interagency agreements;

8 “(B) to convene interagency work groups
9 to enhance public funding options and coordi-
10 nate access to funding for assistive technology
11 devices and assistive technology services for in-
12 dividuals with disabilities of all ages, with spe-
13 cial attention to the issues of transition (such
14 as transition from school to work, and transi-
15 tion from participation in programs under part
16 H of the Individuals with Disabilities Education
17 Act (20 U.S.C. 1471 et seq.), to participation
18 in programs under part B of such Act (20
19 U.S.C. 1411 et seq.)) home use, and individual
20 involvement in the identification, planning, use,
21 delivery, and evaluation of such devices and
22 services; or

23 “(C) to document and disseminate infor-
24 mation about interagency activities that pro-
25 mote coordination with respect to assistive tech-

1 nology devices and assistive technology services,
2 including evidence of increased participation of
3 State and local special education, vocational re-
4 habilitation, and State medical assistance agen-
5 cies and departments.

6 “(3) OUTREACH.—The State may carry out ac-
7 tivities to encourage the creation or maintenance of,
8 support, or provide assistance to, statewide and com-
9 munity-based organizations, or systems, that provide
10 assistive technology devices and assistive technology
11 services to individuals with disabilities or that assist
12 individuals with disabilities in using assistive tech-
13 nology devices and assistive technology services.
14 Such activities may include outreach to consumer or-
15 ganizations and groups in the State to coordinate
16 the activities of the organizations and groups with
17 efforts (including self-help, support groups, and peer
18 mentoring) to assist individuals with disabilities and
19 their family members, guardians, advocates, or au-
20 thorized representatives, to obtain funding for, and
21 access to, assistive technology devices and assistive
22 technology services.

23 “(4) EXPENSES.—The State may pay for ex-
24 penses, including travel expenses, and services, in-
25 cluding services of qualified interpreters, readers,

1 and personal care assistants, that may be necessary
2 to ensure access to the comprehensive statewide pro-
3 gram of technology-related assistance by individuals
4 with disabilities who are determined by the State to
5 be in financial need.

6 “(5) STATEWIDE NEEDS ASSESSMENT.—The
7 State may conduct a statewide needs assessment
8 that may be based on data in existence on the date
9 on which the assessment is initiated and may in-
10 clude—

11 “(A) estimates of the numbers of individ-
12 uals with disabilities within the State, cat-
13 egorized by residence, type and extent of dis-
14 abilities, age, race, gender, and ethnicity;

15 “(B) in the case of an assessment carried
16 out under a development grant, a description of
17 efforts, during the fiscal year preceding the
18 first fiscal year for which the State received
19 such a grant, to provide assistive technology de-
20 vices and assistive technology services to indi-
21 viduals with disabilities within the State, includ-
22 ing—

23 “(i) the number of individuals with
24 disabilities who received appropriate

1 assistive technology devices and assistive
2 technology services; and

3 “(ii) a description of the devices and
4 services provided;

5 “(C) information on the number of individ-
6 uals with disabilities who are in need of
7 assistive technology devices and assistive tech-
8 nology services, and a description of the devices
9 and services needed;

10 “(D) information on the cost of providing
11 assistive technology devices and assistive tech-
12 nology services to all individuals with disabil-
13 ities within the State who need such devices
14 and services;

15 “(E) a description of State and local public
16 resources and private resources (including in-
17 surance) that are available to establish a
18 consumer-responsive comprehensive statewide
19 program of technology-related assistance;

20 “(F) information identifying Federal and
21 State laws, regulations, policies, practices, pro-
22 cedures, and organizational structures, that fa-
23 cilitate or interfere with the operation of a
24 consumer-responsive comprehensive statewide
25 program of technology-related assistance;

1 “(G) a description of the procurement poli-
2 cies of the State and the extent to which such
3 policies will ensure, to the extent practicable,
4 that assistive technology devices purchased,
5 leased, or otherwise acquired with assistance
6 made available through a grant made under
7 section 102 or 103 are compatible with other
8 technology devices, including technology devices
9 designed primarily for use by—

10 “(i) individuals who are not individ-
11 uals with disabilities;

12 “(ii) individuals who are elderly; or

13 “(iii) individuals with particular dis-
14 abilities; and

15 “(H) information resulting from an inquiry
16 about whether a State agency or task force
17 (composed of individuals representing the State
18 and individuals representing the private sector)
19 should study the practices of private insurance
20 companies holding licenses within the State that
21 offer health or disability insurance policies
22 under which an individual may obtain reim-
23 bursement for—

24 “(i) the purchase, lease, or other ac-
25 quisition of assistive technology devices; or

1 “(ii) the use of assistive technology
2 services.

3 “(6) PUBLIC AWARENESS PROGRAM.—

4 “(A) IN GENERAL.—The State may—

5 “(i) support a public awareness pro-
6 gram designed to provide information re-
7 lating to the availability and efficacy of
8 assistive technology devices and assistive
9 technology services for—

10 “(I) individuals with disabilities
11 and their family members, guardians,
12 advocates, or authorized representa-
13 tives;

14 “(II) individuals who work for
15 public agencies, or for private entities
16 (including insurers), that have contact
17 with individuals with disabilities;

18 “(III) educators and related serv-
19 ices personnel;

20 “(IV) technology experts (includ-
21 ing engineers);

22 “(V) employers; and

23 “(VI) other appropriate individ-
24 uals and entities; or

1 “(ii) establish and support such a pro-
2 gram if no such program exists.

3 “(B) CONTENTS.—Such a public aware-
4 ness program may include—

5 “(i) the development and dissemina-
6 tion of information relating to—

7 “(I) the nature of assistive tech-
8 nology devices and assistive tech-
9 nology services;

10 “(II) the appropriateness, cost,
11 and availability of, and access to,
12 assistive technology devices and
13 assistive technology services; and

14 “(III) the efficacy of assistive
15 technology devices and assistive tech-
16 nology services with respect to en-
17 hancing the capacity of individuals
18 with disabilities;

19 “(ii) the development of procedures
20 for providing direct communication among
21 public providers of assistive technology de-
22 vices and assistive technology services and
23 between public providers and private pro-
24 viders of such devices and services (includ-
25 ing employers); and

1 “(iii) the development and dissemina-
2 tion of information relating to the use of
3 the program by individuals with disabilities
4 and their family members, guardians, ad-
5 vocates, or authorized representatives, pro-
6 fessionals who work in a field related to an
7 activity described in this section, and other
8 appropriate individuals.

9 “(7) TRAINING AND TECHNICAL ASSISTANCE.—
10 The State may carry out directly, or may provide
11 support to a public or private entity to carry out,
12 training and technical assistance activities—

13 “(A) that—

14 “(i) are provided for individuals with
15 disabilities and their family members,
16 guardians, advocates, and authorized rep-
17 resentatives, and other appropriate individ-
18 uals; and

19 “(ii) may include—

20 “(I) training in the use of
21 assistive technology devices and
22 assistive technology services;

23 “(II) the development of written
24 materials, training, and technical as-
25 sistance describing the means by

1 which agencies consider the needs of
2 an individual with a disability for
3 assistive technology devices and
4 assistive technology services in devel-
5 oping, for the individual, any individ-
6 ualized education program described
7 in section 614(a)(5) of the Individuals
8 with Disabilities Education Act (20
9 U.S.C. 1414(a)(5)), any individualized
10 written rehabilitation program de-
11 scribed in section 102 of the Rehabili-
12 tation Act of 1973 (29 U.S.C. 722),
13 any individualized family service plan
14 described in section 677 of the Indi-
15 viduals with Disabilities Education
16 Act (20 U.S.C. 1477), and any other
17 individualized plans or programs;

18 “(III) training regarding the
19 rights of the persons described in
20 clause (i) to assistive technology de-
21 vices and assistive technology services
22 under any law other than this Act, to
23 promote fuller independence, produc-
24 tivity, and inclusion in and integration
25 into society of such persons; and

1 “(IV) training to increase
2 consumer participation in the identi-
3 fication, planning, use, delivery, and
4 evaluation of assistive technology de-
5 vices and assistive technology services;
6 and
7 “(B) that—
8 “(i) enhance the assistive technology
9 skills and competencies of—
10 “(I) individuals who work for
11 public agencies, or for private entities
12 (including insurers), that have contact
13 with individuals with disabilities;
14 “(II) educators and related serv-
15 ices personnel;
16 “(III) technology experts (includ-
17 ing engineers);
18 “(IV) employers; and
19 “(V) other appropriate personnel;
20 and
21 “(ii) include taking actions to facili-
22 tate the development of standards, or,
23 when appropriate, the application of such
24 standards, to ensure the availability of
25 qualified personnel.

1 “(8) PROGRAM DATA.—The State may support
2 the compilation and evaluation of appropriate data
3 related to a program described in subsection (a).

4 “(9) ACCESS TO TECHNOLOGY-RELATED INFOR-
5 MATION.—

6 “(A) IN GENERAL.—The State may de-
7 velop, operate, or expand a system for public
8 access to information concerning an activity
9 carried out under another paragraph of this
10 subsection, including information about
11 assistive technology devices and assistive tech-
12 nology services, funding sources and costs of
13 such assistance, and individuals, organizations,
14 and agencies capable of carrying out such an
15 activity for individuals with disabilities.

16 “(B) ACCESS.—Access to the system may
17 be provided through community-based entities,
18 including public libraries, centers for independ-
19 ent living (as defined in section 702(1) of the
20 Rehabilitation Act of 1973 (29 U.S.C.
21 796a(1))), and community rehabilitation pro-
22 grams (as defined in section 7(25) of such Act
23 (29 U.S.C. 706(25))).

1 “(C) SYSTEM.—In developing, operating,
2 or expanding a system described in subpara-
3 graph (A), the State may—

4 “(i) develop, compile, and categorize
5 print, large print, braille, audio, and video
6 materials, computer disks, compact discs
7 (including compact discs formatted with
8 read-only memory), information that can
9 be used in telephone-based information
10 systems, and such other media as techno-
11 logical innovation may make appropriate;

12 “(ii) identify and classify existing
13 funding sources, and the conditions of and
14 criteria for access to such sources, includ-
15 ing any funding mechanisms or strategies
16 developed by the State;

17 “(iii) identify existing support groups
18 and systems designed to help individuals
19 with disabilities make effective use of an
20 activity carried out under another para-
21 graph of this subsection; and

22 “(iv) maintain a record of the extent
23 to which citizens of the State use or make
24 inquiries of the system established in sub-

1 paragraph (A), and of the nature of such
2 inquiries.

3 “(D) LINKAGES.—The information system
4 may be organized on an interstate basis or as
5 part of a regional consortium of States in order
6 to facilitate the establishment of compatible,
7 linked information systems.

8 “(10) INTERSTATE ACTIVITIES.—

9 “(A) IN GENERAL.—The State may enter
10 into cooperative agreements with other States
11 to expand the capacity of the States involved to
12 assist individuals with disabilities of all ages to
13 learn about, acquire, use, maintain, adapt, and
14 upgrade assistive technology devices and
15 assistive technology services that such individ-
16 uals need at home, at school, at work, or in
17 other environments that are part of daily living.

18 “(B) ELECTRONIC COMMUNICATION.—The
19 State may operate or participate in a computer
20 system through which the State may electroni-
21 cally communicate with other States to gain
22 technical assistance in a timely fashion and to
23 avoid the duplication of efforts already under-
24 taken in other States.

1 “(11) PARTNERSHIPS AND COOPERATIVE INI-
2 TIATIVES.—The State may support the establish-
3 ment or continuation of partnerships and coopera-
4 tive initiatives between the public sector and the pri-
5 vate sector to promote greater participation by busi-
6 ness and industry in—

7 “(A) the development, demonstration, and
8 dissemination of assistive technology devices;
9 and

10 “(B) the ongoing provision of information
11 about new products to assist individuals with
12 disabilities.

13 “(12) ADVOCACY SERVICES.—The State may
14 provide advocacy services.

15 “(13) OTHER ACTIVITIES.—The State may uti-
16 lize amounts made available through grants made
17 under section 102 or 103 for any systems change
18 and advocacy activities, other than the activities de-
19 scribed in another paragraph of this subsection, that
20 are necessary for developing, implementing, or evalu-
21 ating the consumer-responsive comprehensive state-
22 wide program of technology-related assistance.

23 “(c) NONSUPPLANTATION.—In carrying out systems
24 change and advocacy activities under this title, the State
25 shall ensure that the activities supplement, and not sup-

1 plant, similar activities that have been carried out pursu-
2 ant to other Federal or State law.”.

3 **SEC. 102. DEVELOPMENT GRANTS.**

4 Section 102 (29 U.S.C. 2212) is amended—

5 (1) in subsection (a)—

6 (A) by striking “3-year grants” and insert-
7 ing “3-year grants to support systems change
8 and advocacy activities described in section
9 101(b) (including activities described in sub-
10 section (e)(7))”; and

11 (B) by striking “to develop and implement
12 statewide programs” and inserting “in develop-
13 ing and implementing consumer-responsive
14 comprehensive statewide programs”;

15 (2) by striking subsection (b);

16 (3) by redesignating subsections (c) and (d) as
17 subsections (b) and (c), respectively;

18 (4) in subsection (b) (as redesignated in para-
19 graph (3))—

20 (A) in paragraph (3)(C), by striking
21 “statewide program” and inserting “consumer-
22 responsive comprehensive statewide program”;
23 and

24 (B) in paragraph (5)—

25 (i) in subparagraph (A)—

1 (I) by striking “(A)” and insert-
2 ing “(A) STATE.—”;

3 (II) by inserting “United States”
4 before “Virgin Islands”; and

5 (III) by striking “Trust Territory
6 of the Pacific Islands” and inserting
7 “Republic of Palau”; and

8 (ii) in subparagraph (B)—

9 (I) by striking “(B)” and insert-
10 ing “(B) TERRITORY.—”;

11 (II) by inserting “United States”
12 before “Virgin Islands”; and

13 (III) by striking “Trust Territory
14 of the Pacific Islands” and inserting
15 “Republic of Palau (until the Com-
16 pact of Free Association takes ef-
17 fect)”;

18 (5) in paragraph (2) of subsection (c) (as redes-
19 igned in paragraph (3)) by striking “statewide
20 programs” and inserting “consumer-responsive com-
21 prehensive statewide programs”;

22 (6) by inserting after such subsection (c) the
23 following:

24 “(d) DESIGNATION OF THE LEAD AGENCY.—

1 “(1) DESIGNATION.—The Governor of any
2 State that desires to receive a grant under this sec-
3 tion shall designate the office, agency, entity, or in-
4 dividual (referred to in this Act as the ‘lead agency’)
5 responsible for—

6 “(A) submitting the application described
7 in subsection (e) on behalf of the State;

8 “(B) administering and supervising the use
9 of amounts made available under the grant;

10 “(C)(i) coordinating efforts related to, and
11 supervising the preparation of, the application;

12 “(ii) coordinating the planning, develop-
13 ment, implementation, and evaluation of the
14 consumer-responsive comprehensive statewide
15 program of technology-related assistance among
16 public agencies and between public agencies and
17 private agencies, including coordinating efforts
18 related to entering into interagency agreements;
19 and

20 “(iii) coordinating efforts related to, and
21 supervising, the active, timely, and meaningful
22 participation by individuals with disabilities and
23 their family members, guardians, advocates, or
24 authorized representatives, and other appro-

1 appropriate individuals, with respect to activities car-
2 ried out under the grant; and

3 “(D) the delegation, in whole or in part, of
4 any responsibilities described in subparagraph
5 (A), (B), or (C) to one or more appropriate of-
6 fices, agencies, entities, or individuals.

7 “(2) QUALIFICATIONS.—In designating the lead
8 agency, the Governor may designate—

9 “(A) a commission appointed by the Gov-
10 ernor;

11 “(B) a public-private partnership or con-
12 sortium;

13 “(C) a university-affiliated program;

14 “(D) a public agency;

15 “(E) a council established under Federal
16 or State law; or

17 “(F) another appropriate office, agency,
18 entity, or individual.

19 “(3) ABILITIES OF LEAD AGENCY.—The State
20 shall provide, in accordance with subsection (e)(1),
21 evidence that the lead agency has the ability—

22 “(A) to respond to assistive technology
23 needs across disabilities and ages;

1 “(B) to promote the availability through-
2 out the State of assistive technology devices and
3 assistive technology services;

4 “(C) to promote and implement systems
5 change and advocacy activities;

6 “(D) to promote and develop public-private
7 partnerships;

8 “(E) to exercise leadership in identifying
9 and responding to the technology needs of indi-
10 viduals with disabilities and their family mem-
11 bers, guardians, advocates, and authorized rep-
12 resentatives;

13 “(F) to promote consumer confidence, re-
14 sponsiveness, and advocacy; and

15 “(G) to exercise leadership in implement-
16 ing effective strategies for capacity building,
17 staff and consumer training, and enhancement
18 of access to funding for assistive technology de-
19 vices and assistive technology services across
20 agencies.”;

21 (7) in subsection (e)—

22 (A) by striking paragraphs (1), (2), and
23 (3) and inserting the following:

24 “(1) DESIGNATION OF THE LEAD AGENCY.—In-
25 formation identifying the lead agency designated by

1 the Governor under subsection (d)(1), and the evi-
2 dence described in subsection (d)(3).

3 “(2) AGENCY INVOLVEMENT.—A description of
4 the nature and extent of involvement of various
5 State agencies, including the State insurance depart-
6 ment, in the preparation of the application and the
7 continuing role of each agency in the development
8 and implementation of the consumer-responsive com-
9 prehensive statewide program of technology-related
10 assistance, including the identification of the avail-
11 able resources and financial responsibility of each
12 agency for paying for assistive technology devices
13 and assistive technology services.

14 “(3) INVOLVEMENT.—

15 “(A) CONSUMER INVOLVEMENT.—A de-
16 scription of procedures that provide for—

17 “(i)(I) the active involvement of indi-
18 viduals with disabilities and their family
19 members, guardians, advocates, and au-
20 thorized representatives, and other appro-
21 priate individuals, in the development, im-
22 plementation, and evaluation of the pro-
23 gram; and

24 “(II) the active involvement, to the
25 maximum extent appropriate, of individ-

1 uals with disabilities who use assistive
2 technology devices or assistive technology
3 services, in decisions relating to such de-
4 vices and services; and

5 “(ii) mechanisms for determining
6 consumer satisfaction and participation of
7 individuals with disabilities who represent
8 a variety of ages and types of disabilities,
9 in the consumer-responsive comprehensive
10 statewide program of technology-related
11 assistance.

12 “(B) PUBLIC INVOLVEMENT.—A descrip-
13 tion of the nature and extent of—

14 “(i) the involvement, in the designa-
15 tion of the lead agency under subsection
16 (d), and in the development of the applica-
17 tion, of—

18 “(I) individuals with disabilities
19 and their family members, guardians,
20 advocates, or authorized representa-
21 tives;

22 “(II) other appropriate individ-
23 uals who are not employed by a State
24 agency; and

1 “(III) organizations, providers,
2 and interested parties, in the private
3 sector; and

4 “(ii) the continuing role of the individ-
5 uals and entities described in clause (i) in
6 the program.”;

7 (B) in paragraph (4), by striking “under-
8 served groups” and inserting “underrepresented
9 populations or rural populations”;

10 (C) in paragraphs (4) and (5), by striking
11 “statewide program” each place the term ap-
12 pears and inserting “consumer-responsive com-
13 prehensive statewide program”;

14 (D) by striking paragraphs (6), (7), and
15 (17);

16 (E) by redesignating paragraphs (8) and
17 (9) as paragraphs (17) and (18), respectively,
18 and transferring such paragraphs to the end of
19 the subsection;

20 (F) by inserting after paragraph (5) the
21 following:

22 “(6) GOALS, OBJECTIVES, ACTIVITIES, AND
23 OUTCOMES.—Information on the program with re-
24 spect to—

1 “(A) the goals and objectives of the State
2 for the program;

3 “(B) the systems change and advocacy ac-
4 tivities that the State plans to carry out under
5 the program; and

6 “(C) the expected outcomes of the State
7 for the program, consistent with the purposes
8 described in section 2(b)(1).

9 “(7) PRIORITY ACTIVITIES.—

10 “(A) IN GENERAL.—An assurance that the
11 State will use funds made available under this
12 section or section 103 to accomplish the pur-
13 poses described in section 2(b)(1) and the goals,
14 objectives, and outcomes described in paragraph
15 (6), and to carry out the systems change and
16 advocacy activities described in paragraph
17 (6)(B), in a manner that is consumer-respon-
18 sive.

19 “(B) PARTICULAR ACTIVITIES.—An assur-
20 ance that the State, in carrying out such sys-
21 tems change and advocacy activities, shall carry
22 out activities regarding—

23 “(i) the development, implementation,
24 and monitoring of State, regional, and
25 local laws, regulations, policies, practices,

1 procedures, and organizational structures,
2 that will improve access to, provision of,
3 funding for, and timely acquisition and de-
4 livery of, assistive technology devices and
5 assistive technology services;

6 “(ii) the development and implementa-
7 tion of strategies to overcome barriers re-
8 garding access to, provision of, and fund-
9 ing for, such devices and services, with pri-
10 ority for identification of barriers to fund-
11 ing through State education (including
12 special education) services, vocational reha-
13 bilitation services, and medical assistance
14 services or, as appropriate, other health
15 and human services, and with particular
16 emphasis on overcoming barriers for
17 underrepresented populations and rural
18 populations;

19 “(iii) coordination of activities among
20 State agencies, in order to facilitate access
21 to, provision of, and funding for, assistive
22 technology devices and assistive technology
23 services;

24 “(iv) the development and implemen-
25 tation of strategies to empower individuals

1 with disabilities and their family members,
2 guardians, advocates, and authorized rep-
3 resentatives, to successfully advocate for
4 increased access to, funding for, and provi-
5 sion of, assistive technology devices and
6 assistive technology services, and to in-
7 crease the participation, choice, and con-
8 trol of such individuals with disabilities
9 and their family members, guardians, ad-
10 vocates, and authorized representatives in
11 the selection and procurement of assistive
12 technology devices and assistive technology
13 services;

14 “(v) the provision of outreach to
15 underrepresented populations and rural
16 populations, including identifying and as-
17 sessing the needs of such populations, pro-
18 viding activities to increase the accessibility
19 of services to such populations, training
20 representatives of such populations to be-
21 come service providers, and training staff
22 of the consumer-responsive comprehensive
23 statewide program of technology-related
24 assistance to work with such populations;
25 and

1 “(vi) the development and implemen-
2 tation of strategies to ensure timely acqui-
3 sition and delivery of assistive technology
4 devices and assistive technology services,
5 particularly for children,
6 unless the State demonstrates through the
7 progress reports required under section 104
8 that significant progress has been made in the
9 development and implementation of a
10 consumer-responsive comprehensive statewide
11 program of technology-related assistance, and
12 that other systems change and advocacy activi-
13 ties will increase the likelihood that the pro-
14 gram will accomplish the purposes described in
15 section 2(b)(1).

16 “(8) ASSESSMENT.—An assurance that the
17 State will conduct an annual assessment of the
18 consumer-responsive comprehensive statewide pro-
19 gram of technology-related assistance, in order to
20 determine—

21 “(A) the extent to which the State’s goals
22 and objectives for systems change and advocacy
23 activities, as identified in the State plan under
24 paragraph (6), have been achieved; and

1 “(B) the areas of need that require atten-
2 tion in the next year.

3 “(9) DATA COLLECTION.—A description of—

4 “(A) the data collection system used for
5 compiling information on the program, consist-
6 ent with such requirements as the Secretary
7 may establish for such systems, and, when a
8 national classification system is developed pur-
9 suant to section 201, consistent with such clas-
10 sification system; and

11 “(B) procedures that will be used to con-
12 duct evaluations of the program.”;

13 (G) in paragraphs (11)(B)(i) and (12)(B)
14 by striking “individual with disabilities” and in-
15 serting “individual with a disability”;

16 (H) in paragraph (16)(A), by striking “the
17 families or representatives of individuals with
18 disabilities” and inserting “their family mem-
19 bers, guardians, advocates, or authorized rep-
20 resentatives”; and

21 (I) by adding at the end the following:

22 “(19) AUTHORITY TO USE FUNDS.—An assur-
23 ance that the lead agency will have the authority to
24 use funds made available through a grant made
25 under this section or section 103 to comply with the

1 requirements of this section or section 103, respec-
2 tively, including the ability to hire qualified staff
3 necessary to carry out activities under the program.

4 “(20) PROTECTION AND ADVOCACY SERV-
5 ICES.—Either—

6 “(A) an assurance that the State will an-
7 nually provide, from the funds made available
8 to the State through a grant made under this
9 section or section 103, an amount calculated in
10 accordance with subsection (f)(4), in order to
11 make a grant to, or enter into a contract with,
12 an entity to support protection and advocacy
13 services through the systems established to pro-
14 vide protection and advocacy under the Devel-
15 opmental Disabilities Assistance and Bill of
16 Rights Act (42 U.S.C. 6000 et seq.), the Pro-
17 tection and Advocacy for Mentally Ill Individ-
18 uals Act (42 U.S.C. 10801 et seq.), and section
19 509 of the Rehabilitation Act of 1973 (29
20 U.S.C. 794e); or

21 “(B) at the discretion of the State, a re-
22 quest that the Secretary annually reserve, from
23 the funds made available to the State through
24 a grant made under this section or section 103,
25 an amount calculated in accordance with sub-

1 section (f)(4), in order for the Secretary to
2 make a grant to or enter into a contract with
3 such a system to support protection and advo-
4 cacy services.

5 “(21) TRAINING ACTIVITIES.—An assurance
6 that the State—

7 “(A) will develop and implement strategies
8 for including personnel training regarding
9 assistive technology within existing Federal-
10 and State-funded training initiatives, in order
11 to enhance assistive technology skills and com-
12 petencies; and

13 “(B) will document such training.

14 “(22) LIMIT ON INDIRECT COSTS.—An assur-
15 ance that the percentage of the funds received under
16 the grant that is used for indirect costs shall not ex-
17 ceed 10 percent.

18 “(23) COORDINATION WITH STATE COUN-
19 CILS.—An assurance that the lead agency will co-
20 ordinate the activities funded through a grant made
21 under this section or section 103 with the activities
22 carried out by other councils within the State, in-
23 cluding—

24 “(A) any council or commission specified
25 in the assurance provided by the State in ac-

1 cordance with section 101(a)(36) of the Reha-
2 bilitation Act of 1973 (29 U.S.C. 721(a)(36));

3 “(B) the Statewide Independent Living
4 Council established under section 705 of the
5 Rehabilitation Act of 1973 (29 U.S.C. 796d);

6 “(C) the advisory panel established under
7 section 613(a)(12) of the Individuals with Dis-
8 abilities Education Act (20 U.S.C.
9 1413(a)(12));

10 “(D) the State Interagency Coordinating
11 Council established under section 682 of the In-
12 dividuals with Disabilities Education Act (20
13 U.S.C. 1482);

14 “(E) the State Planning Council described
15 in section 124 of the Developmental Disabilities
16 Assistance and Bill of Rights Act (42 U.S.C.
17 6024);

18 “(F) the State mental health planning
19 council established under section 1914 of the
20 Public Health Service Act (42 U.S.C. 300x-3);
21 and

22 “(G) any council established under section
23 204, 206(g)(2)(A), or 712(a)(3)(H) of the
24 Older Americans Act of 1965 (42 U.S.C. 3015,
25 3017(g)(2)(A), or 3058g(a)(3)(H)).

1 “(24) COORDINATION WITH OTHER SYSTEMS
2 CHANGE AND ADVOCACY ACTIVITIES.—An assurance
3 that there will be coordination between the activities
4 funded through the grant and other related systems
5 change and advocacy activities funded by either Fed-
6 eral or State sources.

7 “(25) OTHER INFORMATION AND ASSUR-
8 ANCES.—Such other information and assurances as
9 the Secretary may reasonably require.”; and

10 (8) by adding at the end the following:

11 “(f) PROTECTION AND ADVOCACY REQUIREMENTS.—

12 “(1) REQUIREMENTS.—A State that, as of
13 June 30, 1993, has provided for protection and ad-
14 vocacy services through an entity that—

15 “(A) is capable of performing the functions
16 that would otherwise be performed under sub-
17 section (e)(20) by the system described in sub-
18 section (e)(20); and

19 “(B) is not a system described in such sub-
20 section,

21 shall be considered to meet the requirements of such
22 subsection. Such entity shall receive funding to pro-
23 vide such protection and advocacy services in accord-
24 ance with paragraph (4), and shall comply with the
25 same requirements of this title (other than the re-

1 requirements of such subsection) as a system that re-
2 ceives funding under such subsection.

3 “(2) PROTECTION AND ADVOCACY SERVICE
4 PROVIDER REPORT.—

5 “(A) PREPARATION.—A system that re-
6 ceives funds under subsection (e)(20) to carry
7 out the protection and advocacy services de-
8 scribed in subsection (e)(20)(A) in a State, or
9 an entity described in paragraph (1) that car-
10 ries out such services in the State, shall prepare
11 reports that contain such information as the
12 Secretary may require, including the following:

13 “(i) A description of the activities car-
14 ried out by the system or entity with such
15 funds.

16 “(ii) Documentation of significant
17 progress, in providing protection and advo-
18 cacy services, in each of the following
19 areas:

20 “(I) Conducting activities that
21 are consumer-responsive, including ac-
22 tivities that will lead to increased ac-
23 cess to funding for assistive tech-
24 nology devices and assistive tech-
25 nology services.

1 “(II) Executing legal, adminis-
2 trative, and other appropriate means
3 of representation to implement sys-
4 tems change and advocacy activities.

5 “(III) Developing and implement-
6 ing strategies designed to enhance the
7 long-term abilities of individuals with
8 disabilities and their family members,
9 guardians, advocates, and authorized
10 representatives to successfully advo-
11 cate for assistive technology devices
12 and assistive technology services to
13 which the individuals with disabilities
14 are entitled under law other than this
15 Act.

16 “(IV) Coordinating activities with
17 protection and advocacy services fund-
18 ed through sources other than this
19 Act, and coordinating activities with
20 the systems change and advocacy ac-
21 tivities carried out by the State lead
22 agency.

23 “(B) SUBMISSION.—The system or entity
24 shall submit the reports to the program de-

1 scribed in subsection (a) in the State not less
2 often than every 6 months.

3 “(C) UPDATES.—The system or entity
4 shall provide monthly updates to the program
5 described in subsection (a) concerning the ac-
6 tivities and information described in subpara-
7 graph (A).

8 “(3) CONSULTATION WITH STATE PROGRAMS.—
9 Before making a grant or entering into a contract
10 under subsection (e)(20)(B) to support the protec-
11 tion and advocacy services described in subsection
12 (e)(20)(A) in a State, the Secretary shall solicit and
13 consider the opinions of the lead agency in the State
14 with respect to the terms of the grant or contract.

15 “(4) CALCULATION OF EXPENDITURES.—

16 “(A) IN GENERAL.—For each fiscal year,
17 for each State receiving a grant under this sec-
18 tion or section 103, the Secretary shall specify
19 a minimum amount that the State shall use to
20 provide protection and advocacy services.

21 “(B) INITIAL YEARS OF GRANT.—Except
22 as provided in subparagraph (C) or (D)—

23 “(i) the Secretary shall calculate such
24 minimum amount for a State based on the
25 size of the grant, the needs of individuals

1 with disabilities within the State, the popu-
2 lation of the State, and the geographic size
3 of the State; and

4 “(ii) such minimum amount shall be
5 not less than \$40,000 and not more than
6 \$100,000.

7 “(C) FOURTH YEAR OF SECOND EXTEN-
8 SION GRANT.—If a State receives a second ex-
9 tension grant under section 103(a)(2), the Sec-
10 retary shall specify a minimum amount under
11 subparagraph (A) for the fourth year (if any)
12 of the grant period that shall equal 75 percent
13 of the minimum amount specified for the State
14 under such subparagraph for the third year of
15 the second extension grant of the State.

16 “(D) FIFTH YEAR OF SECOND EXTENSION
17 GRANT.—If a State receives a second extension
18 grant under section 103(a)(2), the Secretary
19 shall specify a minimum amount under sub-
20 paragraph (A) for the fifth year (if any) of the
21 grant period that shall equal 50 percent of the
22 minimum amount specified for the State under
23 such subparagraph for the third year of the sec-
24 ond extension grant of the State.

1 “(E) PROHIBITION.—After the fifth year
2 (if any) of the grant period, no Federal funds
3 may be made available under this title by the
4 State to a system described in subsection
5 (e)(20) or an entity described in paragraph
6 (1).”.

7 **SEC. 103. EXTENSION GRANTS.**

8 Section 103 (29 U.S.C. 2213) is amended to read as
9 follows:

10 **“SEC. 103. EXTENSION GRANTS.**

11 “(a) EXTENSION GRANTS.—

12 “(1) INITIAL EXTENSION GRANT.—The Sec-
13 retary may award an initial extension grant, for a
14 period of 2 years, to any State that meets the stand-
15 ards specified in subsection (b)(1).

16 “(2) SECOND EXTENSION GRANT.—The Sec-
17 retary may award a second extension grant, for a
18 period of not more than 5 years, to any State that
19 meets the standards specified in subsection (b)(2).

20 “(b) STANDARDS.—

21 “(1) INITIAL EXTENSION GRANT.—In order for
22 a State to receive an initial extension grant under
23 this section, the designated lead agency of the State
24 shall—

1 “(A) provide the evidence described in sec-
2 tion 102(d)(3); and

3 “(B) demonstrate that the State has made
4 significant progress, and has carried out sys-
5 tems change and advocacy activities that have
6 resulted in significant progress, toward the de-
7 velopment and implementation of a consumer-
8 responsive comprehensive statewide program of
9 technology-related assistance, consistent with
10 sections 2(b)(1), 101, and 102.

11 “(2) SECOND EXTENSION GRANT.—

12 “(A) RESPONSIBILITIES OF DESIGNATED
13 LEAD AGENCY.—In order for a State to receive
14 a second extension grant under this section, the
15 designated lead agency shall—

16 “(i) provide the evidence and make
17 the demonstration described in paragraph
18 (1);

19 “(ii) describe the steps the State has
20 taken or will take to continue on a perma-
21 nent basis the consumer-responsive com-
22 prehensive statewide program of tech-
23 nology-related assistance with the ability to
24 maintain, at a minimum, the outcomes

1 achieved by the systems change and advoca-
2 cacy activities; and

3 “(iii) identify future funding options
4 and commitments for the program from
5 the public and private sector and the key
6 individuals, agencies, and organizations to
7 be involved in, and to direct future efforts
8 of, the program.

9 “(B) DETERMINATION OF COMPLIANCE.—
10 In making any award to a State for a second
11 extension grant, the Secretary shall (except as
12 provided in section 105(a)(2)(A)(iii)) make such
13 award contingent on a determination, based on
14 the onsite visit required under section
15 105(a)(2)(A)(ii), that the State is making sig-
16 nificant progress toward development and im-
17 plementation of a consumer-responsive com-
18 prehensive statewide program of technology-re-
19 lated assistance. If the Secretary determines
20 that the State is not making such progress, the
21 Secretary may take an action described in sec-
22 tion 105(b)(2), in accordance with the applica-
23 ble procedures described in section 105.

24 “(c) AMOUNTS OF GRANTS.—

25 “(1) INITIAL EXTENSION GRANTS.—

1 “(A) IN GENERAL.—

2 “(i) STATES.—From amounts appro-
3 priated under section 106 for any fiscal
4 year, the Secretary shall pay an amount
5 that is not less than \$500,000 and not
6 greater than \$1,500,000 to each State
7 (other than a State described in clause (ii))
8 that receives an initial extension grant
9 under subsection (a)(1).

10 “(ii) TERRITORIES.—From amounts
11 appropriated under section 106 for any fis-
12 cal year, the Secretary shall pay an
13 amount that is not greater than \$150,000
14 to any of the following States that receives
15 an initial extension grant under subsection
16 (a)(1):

17 “(I) The United States Virgin Is-
18 lands.

19 “(II) Guam.

20 “(III) American Samoa.

21 “(IV) The Commonwealth of the
22 Northern Mariana Islands.

23 “(V) The Republic of Palau
24 (until the Compact of Free Associa-
25 tion takes effect).

1 “(B) CALCULATION OF AMOUNT.—The
2 Secretary shall calculate the amount described
3 in clause (i) or (ii) of subparagraph (A) with re-
4 spect to a State on the basis of—

5 “(i) amounts available for making
6 grants pursuant to subsection (a)(1);

7 “(ii) the population of the State;

8 “(iii) the types of assistance to be
9 provided in the State; and

10 “(iv) the amount of resources commit-
11 ted by the State and available to the State
12 from other sources.

13 “(C) PRIORITY FOR PREVIOUSLY PARTICI-
14 PATING STATES.—Amounts appropriated in any
15 fiscal year for purposes of carrying out sub-
16 section (a)(1) shall first be made available to
17 States that received assistance under this sec-
18 tion during the fiscal year preceding the fiscal
19 year concerned.

20 “(D) INCREASES.—In providing any in-
21 creases in initial extension grants under sub-
22 section (a)(1) above the amounts provided to
23 States under this section for fiscal year 1993,
24 the Secretary may give priority to—

1 “(i) the States (other than the States
2 described in subparagraph (A)(ii)) that
3 have the largest populations, based on the
4 most recent census data; and

5 “(ii) the States (other than the States
6 described in subparagraph (A)(ii)) that are
7 sparsely populated, with a wide geographic
8 spread,

9 where such characteristics have impeded the de-
10 velopment of a consumer-responsive, com-
11 prehensive statewide program of technology-re-
12 lated assistance.

13 “(2) SECOND EXTENSION GRANTS.—

14 “(A) AMOUNTS AND PRIORITY.—The
15 amounts of, and the priority of applicants for,
16 the second extension grants awarded under sub-
17 section (a)(2) shall be determined by the Sec-
18 retary, except that—

19 “(i) the amount paid to a State for
20 the fourth year (if any) of the grant period
21 shall be 75 percent of the amount paid to
22 the State for the third year of the grant
23 period;

24 “(ii) the amount paid to a State for
25 the fifth year (if any) of the grant period

1 shall be 50 percent of the amount paid to
2 the State for the third year of the grant
3 period; and

4 “(iii) after the fifth year of the grant
5 period, no Federal funds may be made
6 available to the State under this title.

7 “(B) INCREASES.—In providing any in-
8 creases in second extension grants under sub-
9 section (a)(2) above the amounts provided to
10 States under this section for fiscal year 1993,
11 the Secretary may give priority to States de-
12 scribed in paragraph (1)(D).

13 “(d) APPLICATION.—A State that desires to receive
14 an extension grant under this section shall submit an ap-
15 plication to the Secretary that contains the following infor-
16 mation and assurances with respect to the consumer-re-
17 sponsive comprehensive statewide program of technology-
18 related assistance in the State:

19 “(1) INFORMATION AND ASSURANCES.—The in-
20 formation and assurances described in section
21 102(e), except the preliminary needs assessment de-
22 scribed in section 102(e)(4).

23 “(2) NEEDS; PROBLEMS; STRATEGIES; OUT-
24 REACH.—

1 “(A) NEEDS.—A description of needs re-
2 relating to technology-related assistance of indi-
3 viduals with disabilities (including individuals
4 from underrepresented populations or rural
5 populations) and their family members, guard-
6 ians, advocates, or authorized representatives,
7 and other appropriate individuals within the
8 State.

9 “(B) PROBLEMS.—A description of any
10 problems or gaps that remain with the develop-
11 ment and implementation of a consumer-re-
12 sponsive comprehensive statewide program of
13 technology-related assistance in the State.

14 “(C) STRATEGIES.—A description of the
15 strategies that the State will pursue during the
16 grant period to remedy the problems or gaps
17 with the development and implementation of
18 such a program.

19 “(D) OUTREACH ACTIVITIES.—A descrip-
20 tion of outreach activities to be conducted by
21 the State, including dissemination of informa-
22 tion to eligible populations, with special atten-
23 tion to underrepresented populations and rural
24 populations.

1 “(3) ACTIVITIES AND PROGRESS UNDER PRE-
2 VIOUS GRANT.—A description of—

3 “(A) the specific systems change and advo-
4 cacy activities described in section 101(b) (in-
5 cluding the activities described in section
6 1012(e)(7)) carried out under the development
7 grant received by the State under section 102,
8 or, in the case of an application for a grant
9 under subsection (a)(2), under an initial exten-
10 sion grant received by the State under this sec-
11 tion, including—

12 “(i) a description of systems change
13 and advocacy activities that were under-
14 taken to produce change on a permanent
15 basis for individuals with disabilities of all
16 ages;

17 “(ii) a description of activities under-
18 taken to improve the involvement of indi-
19 viduals with disabilities in the program, in-
20 cluding training and technical assistance
21 efforts to improve individual access to
22 assistive technology devices and assistive
23 technology services as mandated under
24 other laws and regulations as in effect on
25 the date of the application, and including

1 actions undertaken to improve the partici-
2 pation of underrepresented populations
3 and rural populations, such as outreach ef-
4 forts; and

5 “(iii) an evaluation of the impact and
6 results of the activities described in clauses
7 (i) and (ii);

8 “(B) the relationship of such systems
9 change and advocacy activities to the develop-
10 ment and implementation of a consumer-re-
11 sponsive comprehensive statewide program of
12 technology-related assistance; and

13 “(C) the progress made toward the devel-
14 opment and implementation of such a program.

15 “(4) PUBLIC INVOLVEMENT.—

16 “(A) REPORT.—In the case of an applica-
17 tion for a grant under subsection (a)(1), a re-
18 port on the hearing described in subsection
19 (e)(1) or, in the case of an application for a
20 grant under subsection (a)(2), a report on the
21 hearing described in subsection (e)(2).

22 “(B) OTHER STATE ACTIONS.—A descrip-
23 tion of State actions, other than such a hearing,
24 designed to determine the degree of satisfaction
25 of individuals with disabilities, and their family

1 members, guardians, advocates, or authorized
2 representatives, public service providers and pri-
3 vate service providers, educators and related
4 services providers, technology experts (including
5 engineers), employers, and other appropriate in-
6 dividuals and entities with—

7 “(i) the degree of their ongoing in-
8 volvement in the development and imple-
9 mentation of the consumer-responsive com-
10 prehensive statewide program of tech-
11 nology-related assistance;

12 “(ii) the specific systems change and
13 advocacy activities described in section
14 101(b) (including the activities described
15 in section 102(e)(7)) carried out by the
16 State under the development grant or the
17 initial extension grant;

18 “(iii) progress made toward the devel-
19 opment and implementation of a consumer-
20 responsive comprehensive statewide pro-
21 gram of technology-related assistance; and

22 “(iv) the ability of the lead agency to
23 carry out the activities described in section
24 102(d)(3).

1 “(5) COMMENTS.—A summary of any com-
2 ments received concerning the issues described in
3 paragraph (4) and response of the State to such
4 comments, solicited through a public hearing re-
5 ferred to in paragraph (4) or through other means,
6 from individuals affected by the consumer-responsive
7 comprehensive statewide program of technology-re-
8 lated assistance, including—

9 “(A) individuals with disabilities and their
10 family members, guardians, advocates, or au-
11 thorized representatives;

12 “(B) public service providers and private
13 service providers;

14 “(C) educators and related services person-
15 nel;

16 “(D) technology experts (including engi-
17 neers);

18 “(E) employers; and

19 “(F) other appropriate individuals and en-
20 tities.

21 “(6) COMPATIBILITY AND ACCESSIBILITY OF
22 ELECTRONIC EQUIPMENT.—An assurance that the
23 State, or any recipient of funds made available to
24 the State under section 102 of this section, will com-

1 ply with guidelines established under section 508 of
2 the Rehabilitation Act of 1973 (29 U.S.C. 794d).

3 “(e) PUBLIC HEARING.—

4 “(1) INITIAL EXTENSION GRANT.—To be eligi-
5 ble to receive a grant under subsection (a)(1), a
6 State shall hold a public hearing in the third year
7 of a program carried out under a grant made under
8 section 102, after providing appropriate and suffi-
9 cient notice to allow interested groups and organiza-
10 tions and all segments of the public an opportunity
11 to comment on the program.

12 “(2) SECOND EXTENSION GRANT.—To be eligi-
13 ble to receive a grant under subsection (a)(2), a
14 State shall hold a public hearing in the second year
15 of a program carried out under a grant made under
16 subsection (a)(1), after providing the notice de-
17 scribed in paragraph (1).”.

18 **SEC. 104. PROGRESS CRITERIA AND REPORTS.**

19 Section 104 (29 U.S.C. 2214) is amended to read as
20 follows:

21 **“SEC. 104. PROGRESS CRITERIA AND REPORTS.**

22 “(a) GUIDELINES.—The Secretary shall develop
23 guidelines to be used in assessing the extent to which a
24 State that received a grant under section 102 or 103 is
25 making significant progress in developing and implement-

1 ing a consumer-responsive comprehensive statewide pro-
2 gram of technology-related assistance consistent with sec-
3 tion 2(b)(1).

4 “(b) REPORTS.—Each State that receives a grant
5 under section 102 or 103 to carry out such a program
6 shall submit annually to the Secretary a report that docu-
7 ments significant progress in developing and implementing
8 a consumer-responsive comprehensive statewide program
9 of technology-related assistance, consistent with sections
10 2(b)(1), 101, and 102(e), and that documents the follow-
11 ing:

12 “(1) The progress the State has made, as deter-
13 mined in the State’s annual assessment described in
14 section 102(e)(8) (consistent with the guidelines es-
15 tablished by the Secretary under subsection (a)), in
16 achieving the State’s goals, objectives, and outcomes
17 as identified in the State’s application as described
18 in section 102(e)(6), and areas of need that require
19 attention in the next year, including unanticipated
20 problems with the achievement of the goals, objec-
21 tives, and outcomes described in the application, and
22 the activities the State has undertaken to rectify
23 these problems.

24 “(2) The systems change and advocacy activi-
25 ties carried out by the State including—

1 “(A) an analysis of the laws, regulations,
2 policies, practices, procedures, and organiza-
3 tional structures that the State has changed,
4 has attempted to change, or will attempt to
5 change during the next year, to facilitate and
6 increase timely access to, provision of, or fund-
7 ing for, assistive technology devices and
8 assistive technology services; and

9 “(B) a description of any written policies
10 and procedures that the State has developed
11 and implemented regarding access to, provision
12 of, and funding for, assistive technology devices
13 and assistive technology services, particularly
14 policies and procedures regarding access to,
15 provision of, and funding for, such devices and
16 services under education (including special edu-
17 cation), vocational rehabilitation, and medical
18 assistance programs.

19 “(3) The degree of involvement of various State
20 agencies, including the State insurance department,
21 in the development, implementation, and evaluation
22 of the program, including any interagency agree-
23 ments that the State has developed and implemented
24 regarding access to, provision of, and funding for,
25 assistive technology devices and assistive technology

1 services such as agreements that identify available
2 resources for assistive technology devices and
3 assistive technology services and the responsibility of
4 each agency for paying for such devices and services.

5 “(4) The activities undertaken to collect and
6 disseminate information about the documents or ac-
7 tivities analyzed or described in paragraphs (1)
8 through (3), including outreach activities to
9 underrepresented populations and rural populations
10 and efforts to disseminate information by means of
11 electronic communication.

12 “(5) The involvement of individuals with dis-
13 abilities who represent a variety of ages and types
14 of disabilities in the planning, development, imple-
15 mentation, and assessment of the consumer-respon-
16 sive comprehensive statewide program of technology-
17 related assistance, including activities undertaken to
18 improve such involvement, such as consumer train-
19 ing and outreach activities to underrepresented pop-
20 ulations and rural populations.

21 “(6) The degree of consumer satisfaction with
22 the program, including satisfaction by
23 underrepresented populations and rural populations.

24 “(7) Efforts to train personnel as well as con-
25 sumers.

1 “(8) Efforts to reduce the service delivery time
2 for receiving assistive technology devices and
3 assistive technology services.

4 “(9) Significant progress in the provision of
5 protection and advocacy services, in each of the
6 areas described in section 102(f)(2)(A)(ii).”.

7 **SEC. 105. ADMINISTRATIVE PROVISIONS.**

8 (a) REVIEW OF PARTICIPATING STATES.—Section
9 105(a) (29 U.S.C. 2215(a)) is amended—

10 (1) in paragraph (1), by inserting before the pe-
11 riod the following: “, consistent with the guidelines
12 established under section 104(a)”;

13 (2) by striking paragraph (2) and inserting the
14 following:

15 “(2) ONSITE VISITS.—

16 “(A) VISITS.—

17 “(i) DEVELOPMENT GRANT PRO-
18 GRAM.—The Secretary shall conduct an
19 onsite visit during the final year of each
20 State’s participation in the development
21 grant program.

22 “(ii) EXTENSION GRANT PROGRAM.—
23 Except as provided in clause (iii), the Sec-
24 retary shall conduct an additional onsite
25 visit to any State that applies for a second

1 extension grant under section 103(a)(2)
2 and whose initial onsite visit occurred prior
3 to the date of the enactment of the Tech-
4 nology-Related Assistance for Individuals
5 With Disabilities Act Amendments of
6 1994. The Secretary shall conduct any
7 such visit to the State not later than 12
8 months after the date on which the Sec-
9 retary awards the second extension grant.

10 “(iii) DETERMINATION.—The Sec-
11 retary shall not be required to conduct a
12 visit described in clause (ii) if the Sec-
13 retary determines that the visit is not nec-
14 essary to assess whether the State is mak-
15 ing significant progress toward develop-
16 ment and implementation of a consumer-
17 responsive comprehensive statewide pro-
18 gram of technology-related assistance.

19 “(B) TEAM.—Two-thirds of the onsite
20 monitoring team in each case shall be qualified
21 peer reviewers, who—

22 “(i) shall not be lead agency person-
23 nel;

24 “(ii) shall be from States other than
25 the State being monitored; and

1 “(iii) shall include an individual with
2 a disability, or a family member, a guard-
3 ian, an advocate, or an authorized rep-
4 resentative of such an individual.

5 “(C) COMPENSATION.—

6 “(i) OFFICERS OR EMPLOYEES.—
7 Members of any onsite monitoring team
8 who are officers or full-time employees of
9 the United States shall serve without com-
10 pensation in addition to that received for
11 their services as officers or employees of
12 the United States, but may be allowed
13 travel expenses, including per diem in lieu
14 of subsistence, as authorized by section
15 5702 of title 5, United States Code, for in-
16 dividuals in the Government service travel-
17 ing on official business.

18 “(ii) OTHER MEMBERS.—Members of
19 any onsite monitoring team who are not of-
20 ficers or full-time employees of the United
21 States shall receive compensation at a rate
22 not to exceed the daily equivalent of the
23 rate of pay for level IV of the Executive
24 Schedule under section 5315 of title 5,
25 United States Code, for each day (includ-

1 ing traveltime) during which such members
2 are engaged in the actual performance of
3 their duties as members of an onsite mon-
4 itoring team. In addition, such members
5 may be allowed travel expenses, including
6 per diem in lieu of subsistence, as author-
7 ized by section 5703 of title 5, United
8 States Code, for individuals in the Govern-
9 ment service employed intermittently.

10 “(D) REPORT.—The Secretary shall pre-
11 pare a report of findings from the onsite visit.
12 The Secretary shall consider the findings in de-
13 termining whether to continue funding the pro-
14 gram either with or without changes. The re-
15 port shall be available to the public.”;

16 (3) by redesignating paragraphs (3) and (4) as
17 paragraphs (4) and (5), respectively;

18 (4) by inserting after paragraph (2) the follow-
19 ing:

20 “(3) ADVANCE PUBLIC NOTICE.—The Secretary
21 shall provide advance public notice of the onsite visit
22 and solicit public comment through such notice from
23 individuals with disabilities and their family mem-
24 bers, guardians, advocates, and authorized rep-
25 resentatives, public service providers and private

1 service providers, educators and related services per-
2 sonnel, technology experts (including engineers), em-
3 ployers, and other appropriate individuals and enti-
4 ties, regarding the State program funded through a
5 grant made under section 102 or 103. The public
6 comment solicitation notice shall be included in the
7 onsite visit report described in paragraph (2).”; and

8 (5) in paragraph (4) (as redesignated in para-
9 graph (3)) by striking “statewide program” and in-
10 sserting “consumer-responsive comprehensive state-
11 wide program”.

12 (b) CORRECTIVE ACTION PLAN.—Section 105(b) (29
13 U.S.C. 2215(b)) is amended—

14 (1) in paragraph (2)—

15 (A) in the heading, by striking “PEN-
16 ALTIES” and inserting “CORRECTIVE ACTIONS”;

17 (B) in the matter preceding subparagraph
18 (A), by striking “penalties” and inserting “cor-
19 rective actions”;

20 (C) by striking “or” at the end of subpara-
21 graph (B);

22 (D) by striking the period at the end of
23 subparagraph (C) and inserting “; or”; and

24 (E) by adding at the end the following:

1 “(D) required redesignation of the lead
2 agency, in accordance with subsection (c).”; and

3 (2) in paragraph (3), by striking “subsection
4 (a)(4)” and inserting “subsection (a)(5)”.

5 (c) REDESIGNATION.—Section 105 (29 U.S.C. 2215)
6 is amended—

7 (1) by striking subsection (c); and

8 (2) by adding at the end the following:

9 “(c) REDESIGNATION OF LEAD AGENCY.—

10 “(1) MONITORING PANEL.—

11 “(A) APPOINTMENT.—Once a State be-
12 comes subject to a corrective action plan pursu-
13 ant to subsection (b), the Governor of the
14 State, subject to approval by the Secretary,
15 shall appoint, within 30 days after the submis-
16 sion of the plan to the Secretary, a monitoring
17 panel consisting of the following representa-
18 tives:

19 “(i) The head of the lead agency des-
20 ignated by the Governor.

21 “(ii) 2 representatives from different
22 public or private nonprofit organizations
23 that represent the interests of individuals
24 with disabilities.

1 “(iii) 2 consumers who are users of
2 assistive technology devices and assistive
3 technology services and who are not—

4 “(I) members of the advisory
5 council, if any, of the consumer-re-
6 sponsive comprehensive statewide pro-
7 gram of technology-related assistance;
8 or

9 “(II) employees of the State lead
10 agency.

11 “(iv) 2 service providers with knowl-
12 edge and expertise in assistive technology
13 devices and assistive technology services.

14 “(B) MEMBERSHIP AND CHAIRPERSON.—
15 The monitoring panel shall be ethnically di-
16 verse. The panel shall select a chairperson from
17 among the members of the panel.

18 “(C) INFORMATION.—The panel shall re-
19 ceive periodic reports from the State regarding
20 progress in implementing the corrective action
21 plan and shall have the authority to request ad-
22 ditional information necessary to determine
23 compliance.

24 “(D) MEETINGS.—The meetings of the
25 panel to determine compliance shall be open to

1 the public (subject to confidentiality concerns)
2 and held at locations that are accessible to indi-
3 viduals with disabilities.

4 “(E) PERIOD.—The panel shall carry out
5 the duties of the panel for the entire period of
6 the corrective action plan, as determined by the
7 Secretary.

8 “(F) FUNDING.—The panel shall be fund-
9 ed by a portion of the funds received by the
10 State under this title, as directed by the Sec-
11 retary.

12 “(2) FAILURE TO APPOINT MONITORING
13 PANEL.—A failure by a Governor of a State to com-
14 ply with the requirements of paragraph (1) shall re-
15 sult in the termination of funding for the State
16 under this title.

17 “(3) DETERMINATION.—

18 “(A) PANEL.—Based on its findings, a
19 monitoring panel may determine that a lead
20 agency designated by a Governor has not ac-
21 complished the purposes described in section
22 2(b)(1) and that there is good cause for redesi-
23 gnation of the agency and the temporary loss
24 of funds by the State under this title.

1 “(B) GOOD CAUSE.—In this paragraph,
2 the term ‘good cause’ includes—

3 “(i) lack of progress with employment
4 of qualified staff;

5 “(ii) lack of consumer-responsive ac-
6 tivities;

7 “(iii) lack of resource allocation to
8 systems change and advocacy activities;

9 “(iv) lack of progress with meeting
10 the assurances in section 102(e); or

11 “(v) inadequate fiscal management.

12 “(C) RECOMMENDATION AND ACTION.—If
13 a monitoring panel makes such a determination,
14 the panel shall recommend to the Secretary
15 that further remedial action be taken or that
16 the Secretary order the Governor to redesignate
17 the lead agency within 90 days or lose funds
18 under this title. The Secretary, based on the
19 findings and recommendations of the monitor-
20 ing panel, and after providing to the public no-
21 tice and an opportunity for comment, shall
22 make a final determination regarding whether
23 to order the Governor to redesignate the lead
24 agency. The Governor shall make any such re-

1 designation in accordance with the requirements
2 that apply to designations under section 102(d).

3 “(d) CHANGE OF PROTECTION AND ADVOCACY SERV-
4 ICES PROVIDER.—

5 “(1) DETERMINATION.—The Governor of a
6 State, based on input from individuals with disabili-
7 ties and their family members, guardians, advo-
8 cates, or authorized representatives, may determine
9 that the entity providing protection and advocacy
10 services required by section 102(e)(20) (referred to
11 in this subsection as the ‘first entity’) has not met
12 the protection and advocacy service needs of the in-
13 dividuals with disabilities and their family members,
14 guardians, advocates, or authorized representatives,
15 for securing funding for and access to assistive tech-
16 nology devices and assistive technology services, and
17 that there is good cause to provide the protection
18 and advocacy services for the State through a con-
19 tract with a second entity.

20 “(2) NOTICE AND OPPORTUNITY TO BE
21 HEARD.—On making such a determination, the Gov-
22 ernor may not enter into a contract with a second
23 entity to provide the protection and advocacy serv-
24 ices unless good cause exists and unless—

1 “(A) the Governor has given the first en-
2 tity 30 days notice of the intention to enter into
3 such contract, including specification of the
4 good cause, and an opportunity to respond to
5 the assertion that good cause has been shown;

6 “(B) individuals with disabilities and their
7 family members, guardians, advocates, or au-
8 thorized representatives, have timely notice of
9 the determination and opportunity for public
10 comment; and

11 “(C) the first entity has the opportunity to
12 appeal the determination to the Secretary with-
13 in 30 days of the determination on the basis
14 that there is not good cause to enter into the
15 contract.

16 “(3) REDESIGNATION.—

17 “(A) IN GENERAL.—When the Governor of
18 a State determines that there is good cause to
19 enter into a contract with a second entity to
20 provide the protection and advocacy services,
21 the Governor shall hold an open competition
22 within the State and issue a request for propos-
23 als by entities desiring to provide the services.

24 “(B) TIMING.—The Governor shall not
25 issue such request until the first entity has been

1 given notice and an opportunity to respond. If
2 the first entity appeals the determination to the
3 Secretary in accordance with paragraph (2)(C),
4 the Governor shall issue such request only if the
5 Secretary decides not to overturn the deter-
6 mination of the Governor. The Governor shall
7 issue such request within 30 days after the end
8 of the period during which the first entity has
9 the opportunity to respond, or after the decision
10 of the Secretary, as appropriate.

11 “(C) PROCEDURE.—Such competition shall
12 be open to entities with the same expertise and
13 ability to provide legal services as a system re-
14 ferred to in section 102(e)(20). The competition
15 shall ensure public involvement, including a
16 public hearing and adequate opportunity for
17 public comment.

18 “(e) ANNUAL REPORT.—

19 “(1) IN GENERAL.—Not later than December
20 31 of each year, the Secretary shall prepare, and
21 submit to the President and to the Congress, a re-
22 port on Federal initiatives, including the initiatives
23 funded under this Act, to improve the access of indi-
24 viduals with disabilities to assistive technology de-
25 vices and assistive technology services.

1 “(2) CONTENTS.—Such report shall include in-
2 formation on—

3 “(A) the demonstrated successes of such
4 Federal initiatives at the Federal and State lev-
5 els in improving interagency coordination,
6 streamlining access to funding for assistive
7 technology, and producing beneficial outcomes
8 for users of assistive technology;

9 “(B) the demonstration activities carried
10 out through the Federal initiatives to—

11 “(i) promote access to such funding in
12 public programs that were in existence on
13 the date of the initiation of the demonstra-
14 tion activities; and

15 “(ii) establish additional options for
16 obtaining such funding;

17 “(C) the education and training activities
18 carried out through the Federal initiatives to
19 promote such access in public programs and the
20 health care system and the efforts carried out
21 through such activities to train professionals in
22 a variety of relevant disciplines, and increase
23 the competencies of the professionals with re-
24 spect to technology-related assistance;

1 “(D) the education and training activities
2 carried out through the Federal initiatives to
3 train individuals with disabilities and their fam-
4 ily members, guardians, advocates, or author-
5 ized representatives, individuals who work for
6 public agencies, or for private entities (includ-
7 ing insurers), that have contact with individuals
8 with disabilities, educators and related services
9 personnel, technology experts (including engi-
10 neers), employers, and other appropriate indi-
11 viduals, about technology-related assistance;

12 “(E) the education and training activities
13 carried out through Federal initiatives to pro-
14 mote awareness of available funding in public
15 programs;

16 “(F) the research activities carried out
17 through the Federal initiatives to improve un-
18 derstanding of the costs and benefits of access
19 to assistive technology for individuals with dis-
20 abilities who represent a variety of ages and
21 types of disabilities;

22 “(G) the program outreach activities to
23 rural and inner-city areas that are carried out
24 through the Federal initiatives;

1 “(H) the activities carried out through the
2 Federal initiatives that are targeted to reach
3 underrepresented populations and rural popu-
4 lations; and

5 “(I) the consumer involvement activities in
6 the programs carried out under this Act.

7 “(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY
8 DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—
9 As soon as practicable, the Secretary shall include in
10 the annual report required by this subsection infor-
11 mation on the availability of assistive technology de-
12 vices and assistive technology services. When a na-
13 tional classification system for assistive technology
14 devices and assistive technology services is developed
15 pursuant to section 201, the Secretary shall report
16 such information in a manner consistent with such
17 national classification system.

18 “(f) INTERAGENCY DISABILITY COORDINATING
19 COUNCIL.—

20 “(1) CONTENTS.—On or before October 1,
21 1995, the Interagency Disability Coordinating Coun-
22 cil established under section 507 of the Rehabilita-
23 tion Act of 1973 (29 U.S.C. 794c) shall prepare and
24 submit to the President and to the Congress a re-
25 port containing—

1 “(A) the response of the Interagency Dis-
2 ability Coordinating Council to—

3 “(i) the findings of the National
4 Council on Disability resulting from the
5 study entitled ‘Study on the Financing of
6 Assistive Technology Devices and Services
7 for Individuals with Disabilities’, carried
8 out in accordance with section 201 of this
9 Act, as in effect on the day before the date
10 of the enactment of this subsection; and

11 “(ii) the recommendations of the Na-
12 tional Council on Disability for legislative
13 and administrative change, resulting from
14 such study; and

15 “(B) information on any other activities of
16 the Interagency Disability Coordinating Council
17 that facilitate the accomplishment of section
18 2(b)(1) with respect to the Federal Govern-
19 ment.

20 “(2) COMMENTS.—The report shall include any
21 comments submitted by the National Council on
22 Disability as to the appropriateness of the response
23 described in paragraph (1)(A) and the effectiveness
24 of the activities described in paragraph (1)(B) in
25 meeting the needs of individuals with disabilities for

1 assistive technology devices and assistive technology
2 services.

3 “(g) EFFECT ON OTHER ASSISTANCE.—This title
4 may not be construed as authorizing a Federal or a State
5 agency to reduce medical or other assistance available or
6 to alter eligibility under any other Federal law.”.

7 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 106 (29 U.S.C. 2216) is amended to read as
9 follows:

10 **“SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this title
13 \$50,000,000 for fiscal year 1994, and such sums as may
14 be necessary for each of the fiscal years 1995 through
15 1998.

16 “(b) RESERVATIONS.—

17 “(1) PROVISION OF INFORMATION AND TECH-
18 NICAL ASSISTANCE.—

19 “(A) IN GENERAL.—Of the funds appro-
20 priated for any fiscal year under subsection (a),
21 the Secretary shall reserve at least 2 percent or
22 \$1,500,000, whichever is greater, of such funds,
23 for the purpose of providing information and
24 technical assistance as described in subpara-
25 graphs (B) and (C) to States, individuals with

1 disabilities and their family members, guard-
2 ians, advocates, or authorized representatives,
3 community-based organizations, and protection
4 and advocacy agencies.

5 “(B) TECHNICAL ASSISTANCE TO
6 STATES.—In providing such information and
7 technical assistance to States, the Secretary
8 shall consider the input of the directors of
9 consumer-responsive comprehensive statewide
10 programs of technology-related assistance, shall
11 provide a clearinghouse for activities that have
12 been developed and implemented through pro-
13 grams funded under this title, and shall provide
14 information and technical assistance that—

15 “(i) facilitate service delivery capacity
16 building, training of personnel from a vari-
17 ety of disciplines, and improvement of eval-
18 uation strategies, research, and data collec-
19 tion;

20 “(ii) foster the development and rep-
21 lication of effective approaches to informa-
22 tion referral, interagency coordination of
23 training and service delivery, outreach to
24 underrepresented populations and rural

1 populations, and public awareness activi-
2 ties;

3 “(iii) improve the awareness and
4 adoption of successful approaches to in-
5 creasing the availability of public and pri-
6 vate funding for and access to the provi-
7 sion of assistive technology devices and
8 assistive technology services by appropriate
9 State agencies;

10 “(iv) assist in planning, developing,
11 implementing, and evaluating appropriate
12 activities to further extend consumer-re-
13 sponsive comprehensive statewide pro-
14 grams of technology-related assistance;

15 “(v) promote effective approaches to
16 the development of consumer-controlled
17 systems that increase access to, funding
18 for, and awareness of, assistive technology
19 devices and assistive technology services;

20 “(vi) provide technical assistance and
21 training to the entities carrying out activi-
22 ties funded pursuant to this title, to estab-
23 lish or participate in electronic communica-
24 tion activities with other States; and

1 “(vii) provide any other appropriate
2 information and technical assistance to as-
3 sist the States in accomplishing the pur-
4 poses of this Act.

5 “(C) INFORMATION AND TECHNICAL AS-
6 SISTANCE TO INDIVIDUALS WITH DISABILITIES
7 AND OTHER PERSONS.—The Secretary shall
8 provide information and technical assistance to
9 individuals with disabilities and their family
10 members, guardians, advocates, or authorized
11 representatives, community-based organizations,
12 and protection and advocacy agencies, on a na-
13 tionwide basis, to—

14 “(i) disseminate information about,
15 and foster awareness and understanding
16 of, Federal, State, and local laws, regula-
17 tions, policies, practices, procedures, and
18 organizational structures, that facilitate,
19 and overcome barriers to, funding for, and
20 access to, assistive technology devices and
21 assistive technology services, to promote
22 fuller independence, productivity, and in-
23 clusion for individuals with disabilities of
24 all ages;

1 “(ii) identify, collect, and disseminate
2 information, and provide technical assist-
3 ance, on effective systems change and ad-
4 vocacy activities;

5 “(iii) improve the understanding and
6 use of assistive technology funding deci-
7 sions made as a result of policies, prac-
8 tices, and procedures, or through regula-
9 tions, administrative hearings, or legal ac-
10 tions, that enhance access to funding for
11 assistive technology devices and assistive
12 technology services for individuals with dis-
13 abilities;

14 “(iv) promote effective approaches to
15 Federal-State coordination of programs for
16 individuals with disabilities, through infor-
17 mation dissemination and technical assist-
18 ance activities in response to funding pol-
19 icy issues identified on a nationwide basis
20 by organizations, and individuals, that im-
21 prove funding for or access to assistive
22 technology devices and assistive technology
23 services for individuals with disabilities of
24 all ages; and

1 “(v) promote effective approaches to
2 the development of consumer-controlled
3 systems that increase access to, funding
4 for, and awareness of, assistive technology
5 devices and assistive technology services,
6 including the identification and description
7 of mechanisms and means that successfully
8 support self-help and peer mentoring
9 groups for individuals with disabilities.

10 “(D) COORDINATION.—The Secretary shall
11 coordinate the information and technical assist-
12 ance activities carried out under subparagraph
13 (B) or (C) with other activities funded under
14 this Act.

15 “(E) GRANTS, CONTRACTS, OR COOPERA-
16 TIVE AGREEMENTS.—

17 “(i) IN GENERAL.—The Secretary
18 shall provide the technical assistance and
19 information described in subparagraphs
20 (B) and (C) through grants, contracts, or
21 cooperative agreements with public or pri-
22 vate agencies and organizations, including
23 institutions of higher education, with docu-
24 mented experience, expertise, and capacity
25 to carry out identified activities related to

1 the provision of such technical assistance
2 and information.

3 “(ii) ENTITIES WITH EXPERTISE IN
4 ASSISTIVE TECHNOLOGY SERVICE DELIV-
5 ERY, INTERAGENCY COORDINATION, AND
6 SYSTEMS CHANGE AND ADVOCACY ACTIVI-
7 TIES.—For the purpose of achieving the
8 objectives described in paragraph (1)(B),
9 the Secretary shall reserve not less than 45
10 percent and not more than 55 percent of
11 the funds reserved under subparagraph (A)
12 for each fiscal year for grants to, or con-
13 tracts or cooperative agreements with, pub-
14 lic or private agencies or organizations
15 with documented experience with and ex-
16 pertise in assistive technology service deliv-
17 ery, interagency coordination, and systems
18 change and advocacy activities.

19 “(iii) ENTITIES WITH EXPERTISE IN
20 ASSISTIVE TECHNOLOGY SYSTEMS CHANGE
21 AND ADVOCACY ACTIVITIES, PUBLIC FUND-
22 ING OPTIONS, AND OTHER SERVICES.—For
23 the purpose of achieving the objectives de-
24 scribed in paragraph (1)(C), the Secretary
25 shall reserve not less than 45 percent and

1 not more than 55 percent of the funds re-
2 served under subparagraph (A) for each
3 fiscal year for grants to, or contracts or co-
4 operative agreements with, public or pri-
5 vate agencies or organizations with docu-
6 mented experience with and expertise in—

7 “(I) assistive technology systems
8 change and advocacy activities;

9 “(II) public funding options; and

10 “(III) services to increase nation-
11 wide the availability of funding for
12 assistive technology devices and
13 assistive technology services.

14 “(iv) APPLICATION.—The Secretary
15 shall make any grants, and enter into any
16 contracts or cooperative agreements, under
17 this subsection on a competitive basis. To
18 be eligible to receive funds under this sub-
19 section an agency, organization, or institu-
20 tion shall submit an application to the Sec-
21 retary at such time, in such manner, and
22 containing such information, as the Sec-
23 retary may require.

24 “(2) ONSITE VISITS.—The Secretary may re-
25 serve, from amounts appropriated for any fiscal year

1 under subsection (a), such sums as the Secretary
2 considers to be necessary for the purposes of con-
3 ducting onsite visits as required by section
4 105(a)(2).”.

5 **SEC. 107. REPEALS.**

6 Section 107 (20 U.S.C. 2217) is repealed.

7 **TITLE II—PROGRAMS OF**
8 **NATIONAL SIGNIFICANCE**

9 **SEC. 201. NATIONAL CLASSIFICATION SYSTEM.**

10 Title II (29 U.S.C. 2231 et seq.) is amended by re-
11 pealing part A and inserting the following:

12 **“Subtitle A—National**
13 **Classification System**

14 **“SEC. 201. CLASSIFICATION SYSTEM.**

15 **“(a) SYSTEM DEVELOPMENT PROJECT.—**

16 **“(1) IN GENERAL.—**In fiscal year 1995, the
17 Secretary shall initiate a system development
18 project, based on a plan developed in consultation
19 and coordination with other appropriate Federal and
20 State agencies, to develop a national classification
21 system for assistive technology devices and assistive
22 technology services, with the goal of obtaining uni-
23 form data through such a system on such devices
24 and services across public programs and information
25 and referral networks.

1 “(2) PROJECT PLAN.—

2 “(A) REPRESENTATIVES.—In developing a
3 plan for the system development project, the
4 Secretary shall consult with, and coordinate ac-
5 tivities with—

6 “(i) representatives of Federal agen-
7 cies, including agencies that are headed by
8 members of the Interagency Disability Co-
9 ordinating Council established under sec-
10 tion 507 of the Rehabilitation Act of 1973
11 (29 U.S.C. 794c); and

12 “(ii) as determined by the Secretary,
13 representatives of State agencies and other
14 appropriate organizations that have re-
15 sponsibility for or are involved in the devel-
16 opment and modification of assistive tech-
17 nology devices, the provision of assistive
18 technology devices and assistive technology
19 services, or the dissemination of informa-
20 tion about assistive technology devices and
21 assistive technology services, including re-
22 cipients of grants or contracts for the pro-
23 vision of technical assistance to State
24 assistive technology projects under section
25 106(b), assistive technology reimbursement

1 specialists, representatives of the State
2 assistive technology projects, and rep-
3 resentatives of organizations involved in in-
4 formation and referral activities.

5 “(B) ISSUES.—The Secretary shall con-
6 duct such consultation, and such coordination
7 of activities, with respect to the following:

8 “(i) The costs and benefits, on an
9 agency-by-agency basis, of obtaining uni-
10 form data through a national classification
11 system for assistive technology devices and
12 assistive technology services across public
13 programs and information and referral
14 networks.

15 “(ii) The types of data that should be
16 collected, including data regarding funding,
17 across a range of programs, including the
18 programs listed in subsection (c)(2), as ap-
19 propriate.

20 “(iii) A methodology for developing a
21 single taxonomy and nomenclature for both
22 assistive technology devices and assistive
23 technology services across a range of pro-
24 grams, including the programs listed in
25 subsection (c)(2), as appropriate.

1 “(iv) The process for developing an
2 appropriate data collection instrument or
3 instruments.

4 “(v) A methodology for collecting data
5 across a range of programs, including the
6 programs listed in subsection (c)(2), as ap-
7 propriate.

8 “(vi) The use of a national classifica-
9 tion system by the Internal Revenue Serv-
10 ice and State finance agencies to determine
11 whether devices and services are assistive
12 technology devices or assistive technology
13 services for the purpose of determining
14 whether a deduction or credit is allowable
15 under the Internal Revenue Code of 1986
16 or State tax law.

17 “(3) CONTRACTS AND COOPERATIVE AGREE-
18 MENTS.—The Secretary may carry out this section
19 directly, or, if necessary, by entering into contracts
20 or cooperative agreements with appropriate entities.

21 “(b) SINGLE TAXONOMY.—In conducting the system
22 development project, the Secretary shall develop a national
23 classification system that includes a single taxonomy and
24 nomenclature for assistive technology devices and assistive
25 technology services.

1 “(c) DATA COLLECTION INSTRUMENT.—In conduct-
2 ing the system development project, the Secretary shall
3 develop a data collection instrument to—

4 “(1) collect data regarding funding for assistive
5 technology devices and assistive technology services;
6 and

7 “(2) collect such data from public programs, in-
8 cluding, at a minimum—

9 “(A) programs carried out under title I,
10 VI, or VII of the Rehabilitation Act of 1973
11 (29 U.S.C. 720 et seq., 795 et seq., or 796 et
12 seq.);

13 “(B) programs carried out under part B or
14 H of the Individuals with Disabilities Education
15 Act (20 U.S.C. 1411 et seq. or 1471 et seq.);

16 “(C) programs carried out under title V or
17 XIX of the Social Security Act (42 U.S.C. 701
18 et seq. or 1396 et seq.);

19 “(D) programs carried out under the Older
20 Americans Act of 1965 (42 U.S.C. 3001 et
21 seq.); and

22 “(E) programs carried out under the De-
23 velopmental Disabilities Assistance and Bill of
24 Rights Act (42 U.S.C. 6000 et seq.).

1 “(d) CONSULTATION.—The Secretary shall conduct
2 the system development project in consultation with the
3 Federal agencies that were consulted in developing the
4 project plan.

5 “(e) REPORT TO THE PRESIDENT AND THE CON-
6 GRESS ON IMPLEMENTATION OF UNIFORM DATA COLLEC-
7 TION SYSTEM.—Not later than July 1, 1997, the Sec-
8 retary shall prepare and submit to the President and the
9 appropriate committees of Congress a report containing—

10 “(1) the results of the system development
11 project; and

12 “(2) the recommendations of the Secretary con-
13 cerning implementation of a national classification
14 system, including uniform data collection.

15 “(f) RESERVATION.—From the amounts appro-
16 priated under subtitle C for fiscal year 1995, the Secretary
17 shall reserve up to \$200,000 to carry out this subtitle.”.

18 **SEC. 202. TRAINING AND DEMONSTRATION PROJECTS.**

19 Title II (29 U.S.C. 2231 et seq.) is amended by re-
20 pealing parts B, C, and D and inserting the following:

21 **“Subtitle B—Training and**
22 **Demonstration Projects**

23 **“SEC. 211. TRAINING.**

24 “(a) TECHNOLOGY TRAINING.—

1 “(1) GENERAL AUTHORITY.—The Secretary
2 shall make grants to, or enter into contracts or co-
3 operative agreements with, appropriate public or pri-
4 vate agencies and organizations, including institu-
5 tions of higher education and community-based or-
6 ganizations, for the purposes of—

7 “(A) conducting training sessions;

8 “(B) developing, demonstrating, dissemi-
9 nating, and evaluating curricula, materials, and
10 methods used to train individuals regarding the
11 provision of technology-related assistance, to
12 enhance opportunities for independence, produc-
13 tivity, and inclusion of individuals with disabil-
14 ities; and

15 “(C) providing training to develop aware-
16 ness, skills, and competencies of service provid-
17 ers, consumers, and volunteers, who are located
18 in rural areas, to increase the availability of
19 technology-related assistance in community-
20 based settings for rural residents who are indi-
21 viduals with disabilities.

22 “(2) ELIGIBLE ACTIVITIES.—Activities con-
23 ducted under grants, contracts, or cooperative agree-
24 ments described in paragraph (1) may address the
25 training needs of individuals with disabilities and

1 their family members, guardians, advocates, and au-
2 thorized representatives, individuals who work for
3 public agencies, or for private entities (including in-
4 surers), that have contact with individuals with dis-
5 abilities, educators and related services personnel,
6 technology experts (including engineers), employers,
7 and other appropriate individuals.

8 “(3) USES OF FUNDS.—An agency or organiza-
9 tion that receives a grant or enters into a contract
10 or cooperative agreement under paragraph (1) may
11 use amounts made available through the grant, con-
12 tract, or agreement to—

13 “(A) pay for a portion of the cost of
14 courses of training or study related to tech-
15 nology-related assistance; and

16 “(B) establish and maintain scholarships
17 related to such courses of training or study,
18 with such stipends and allowances as the Sec-
19 retary may determine to be appropriate.

20 “(4) APPLICATION.—

21 “(A) IN GENERAL.—To be eligible to re-
22 ceive a grant or enter into a contract or cooper-
23 ative agreement under paragraph (1), an agen-
24 cy or organization shall submit an application
25 to the Secretary at such time, in such manner,

1 and containing such information as the Sec-
2 retary may require.

3 “(B) STRATEGIES.—At a minimum, any
4 such application shall include a detailed descrip-
5 tion of the strategies that the agency or organi-
6 zation will use to recruit and train persons to
7 provide technology-related assistance, in order
8 to—

9 “(i) increase the extent to which such
10 persons reflect the diverse populations of
11 the United States; and

12 “(ii) increase the number of individ-
13 uals with disabilities, and individuals who
14 are members of minority groups, who are
15 available to provide such assistance.

16 “(5) PRIORITIES.—

17 “(A) IN GENERAL.—Beginning in fiscal
18 year 1994, the Secretary shall—

19 “(i) establish priorities for activities
20 carried out with assistance under this sub-
21 section;

22 “(ii) publish such priorities in the
23 Federal Register for the purpose of receiv-
24 ing public comment; and

1 “(iii) publish such priorities in the
2 Federal Register in final form not later
3 than the date on which the Secretary pub-
4 lishes announcements for assistance pro-
5 vided under this subsection.

6 “(B) EXPLANATION OF DETERMINATION
7 OF PRIORITIES.—Concurrent with the publica-
8 tions required by subparagraph (A), the Sec-
9 retary shall publish in the Federal Register an
10 explanation of the manner in which the prior-
11 ities were determined.

12 “(b) TECHNOLOGY CAREERS.—

13 “(1) IN GENERAL.—

14 “(A) GRANTS.—The Secretary shall make
15 grants to assist public or private agencies and
16 organizations, including institutions of higher
17 education, to prepare students and faculty
18 working in specific fields for careers relating to
19 the provision of assistive technology devices and
20 assistive technology services.

21 “(B) FIELDS.—The specific fields de-
22 scribed in subparagraph (A) may include—

23 “(i) engineering;

24 “(ii) industrial technology;

25 “(iii) computer science;

1 “(iv) communication disorders;

2 “(v) special education and related
3 services;

4 “(vi) rehabilitation; and

5 “(vii) social work.

6 “(2) PRIORITY.—In awarding grants under
7 paragraph (1), the Secretary shall give priority to
8 the interdisciplinary preparation of personnel who
9 provide or who will provide technical assistance, who
10 administer programs, or who prepare other person-
11 nel, in order to—

12 “(A) support the development and imple-
13 mentation of consumer-responsive comprehen-
14 sive statewide programs of technology-related
15 assistance to individuals with disabilities; and

16 “(B) enhance the skills and competencies
17 of individuals involved in the provision of tech-
18 nology-related assistance, including assistive
19 technology devices and assistive technology
20 services, to individuals with disabilities.

21 “(3) USES OF FUNDS.—An agency or organiza-
22 tion that receives a grant under paragraph (1) may
23 use amounts made available through the grant to—

1 “(A) pay for a portion of the cost of
2 courses of training or study related to tech-
3 nology-related assistance; and

4 “(B) establish and maintain scholarships
5 related to such courses of training or study,
6 with such stipends and allowances as the Sec-
7 retary may determine to be appropriate.

8 “(4) APPLICATION.—

9 “(A) IN GENERAL.—To be eligible to re-
10 ceive a grant under this section, an agency or
11 organization shall submit an application to the
12 Secretary at such time, in such manner, and
13 containing such information as the Secretary
14 may require.

15 “(B) STRATEGIES.—At a minimum, any
16 such application shall include a detailed descrip-
17 tion of the strategies that the agency or organi-
18 zation will use to recruit and train persons to
19 provide technology-related assistance, in order
20 to—

21 “(i) increase the extent to which such
22 persons reflect the diverse populations of
23 the United States; and

24 “(ii) increase the number of individ-
25 uals with disabilities, and individuals who

1 are members of minority groups, who are
2 available to provide such assistance.

3 “(c) GRANTS TO HISTORICALLY BLACK COL-
4 LEGES.—In exercising the authority granted in sub-
5 sections (a) and (b), the Secretary shall reserve an ade-
6 quate amount for grants to historically black colleges and
7 universities and other institutions of higher education
8 whose minority student enrollment is at least 50 percent.

9 **“SEC. 212. TECHNOLOGY TRANSFER.**

10 “The Secretary shall enter into an agreement with
11 an organization whose primary function is to promote
12 technology transfer from, and cooperation among, Federal
13 laboratories (as defined in section 4(6) of the Stevenson-
14 Wydler Technology Innovation Act of 1980 (15 U.S.C.
15 3703(6))), under which funds shall be provided to promote
16 technology transfer that will spur the development of
17 assistive technology devices.

18 **“SEC. 213. DEVICE AND EQUIPMENT REDISTRIBUTION IN-**
19 **FORMATION SYSTEMS AND RECYCLING CEN-**
20 **TERS.**

21 “(a) IN GENERAL.—The Secretary shall make grants
22 to, or enter into contracts or cooperative agreements with,
23 public agencies, private entities, or institutions of higher
24 education for the purpose of developing and establishing
25 recycling projects.

1 “(b) PROJECT ACTIVITIES.—Such recycling projects
2 may include—

3 “(1) a system for accepting, on an uncondi-
4 tional gift basis, assistive technology devices, includ-
5 ing a process for valuing the devices and evaluating
6 their use and potential;

7 “(2) a system for storing and caring for such
8 devices;

9 “(3) an information system (including computer
10 databases) by which local educational agencies, reha-
11 bilitation entities, local community-based organiza-
12 tions, independent living centers, and other entities,
13 would be informed, on a periodic and timely basis,
14 about the availability and nature of the devices cur-
15 rently held; and

16 “(4) a system that makes such devices available
17 to consumers and the entities listed in paragraph
18 (3), and provides for tracking each device through-
19 out the useful life of the device.

20 “(c) MULTIPLE PROVIDERS.—

21 “(1) IN GENERAL.—With respect to activities
22 funded under this section, an agency, entity, or in-
23 stitution may utilize a single service provider or may
24 establish a system of service providers.

1 “(2) ASSURANCES.—If an agency, entity, or in-
2 stitution uses multiple providers, the agency, entity,
3 or institution shall assure that—

4 “(A) all consumers within a State will re-
5 ceive equal access to services, regardless of the
6 geographic location or socioeconomic status of
7 the consumers; and

8 “(B) all activities of the providers will be
9 coordinated and monitored by the agency, en-
10 tity, or institution.

11 “(d) OTHER LAWS.—Nothing in this section shall af-
12 fect the provision of services or devices pursuant to title
13 I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.)
14 or part B of the Individuals with Disabilities Education
15 Act (20 U.S.C. 1411 et seq.).

16 “(e) EXISTING PROGRAMS.—Public agencies, private
17 entities, or institutions of higher education that have es-
18 tablished recycling programs prior to receiving assistance
19 under this section may use funds made available under
20 this section to extend and strengthen such programs
21 through grants, contracts, or agreements under this sec-
22 tion.

1 **“SEC. 214. BUSINESS OPPORTUNITIES FOR INDIVIDUALS**
2 **WITH DISABILITIES.**

3 “The Secretary may make grants to individuals with
4 disabilities to enable the individuals to establish or operate
5 commercial or other enterprises that develop or market
6 assistive technology devices or assistive technology serv-
7 ices.

8 **“SEC. 215. PRODUCTS OF UNIVERSAL DESIGN.**

9 “The Secretary may make grants to commercial or
10 other enterprises and institutions of higher education for
11 the research and development of products of universal de-
12 sign. In awarding such grants, the Secretary shall give
13 preference to enterprises that are owned or operated by
14 individuals with disabilities.

15 **“SEC. 216. GOVERNING STANDARDS FOR ACTIVITIES.**

16 “Persons and entities that carry out activities pursu-
17 ant to this subtitle shall—

18 “(1) be held to the same consumer-responsive
19 standards as the persons and entities carrying out
20 programs under title I;

21 “(2) make available to individuals with disabil-
22 ities and their family members, guardians, advo-
23 cates, and authorized representatives information
24 concerning technology-related assistance in a form
25 that will allow such individuals with disabilities to
26 effectively use such information;

1 “(3) in preparing such information for dissemi-
 2 nation, consider the media-related needs of individ-
 3 uals with disabilities who have sensory and cognitive
 4 limitations and consider the use of auditory mate-
 5 rials, including audio cassettes, visual materials, in-
 6 cluding video cassettes and video discs, and braille
 7 materials; and

8 “(4) coordinate their efforts with the consumer-
 9 responsive comprehensive statewide program of tech-
 10 nology-related assistance for individuals with disabili-
 11 ties in any State in which the activities are carried
 12 out.

13 **“Subtitle C—Authorization of** 14 **Appropriations**

15 **“SEC. 221. AUTHORIZATION OF APPROPRIATIONS.**

16 “‘There are authorized to be appropriated to carry out
 17 this title \$10,000,000 for fiscal year 1994, and such sums
 18 as may be necessary for each of the fiscal years 1995
 19 through 1998.’”.

20 **TITLE III—ALTERNATIVE** 21 **FINANCING MECHANISMS**

22 **SEC. 301. ALTERNATIVE FINANCING MECHANISMS AUTHOR-**
 23 **IZED.**

24 The Act (29 U.S.C. 2201 et seq.) is amended by add-
 25 ing at the end the following:

1 **“TITLE III—ALTERNATIVE**
2 **FINANCING MECHANISMS**

3 **“SEC. 301. GENERAL AUTHORITY TO PROVIDE ALTER-**
4 **NATIVE FINANCING MECHANISMS.**

5 “(a) IN GENERAL.—The Secretary shall award
6 grants to States to pay for the Federal share of the cost
7 of the establishment and administration of, or the expan-
8 sion and administration of, alternative financing mecha-
9 nisms (referred to individually in this title as an ‘alter-
10 native financing mechanism’) to allow individuals with dis-
11 abilities and their family members, guardians, and author-
12 ized representatives to purchase assistive technology de-
13 vices and assistive technology services.

14 “(b) MECHANISMS.—The alternative financing mech-
15 anisms may include—

16 “(1) a low-interest loan fund;

17 “(2) a revolving fund;

18 “(3) a loan insurance program;

19 “(4) a partnership with private entities for the
20 purchase, lease, or other acquisition of assistive
21 technology devices or the provision of assistive tech-
22 nology services; and

23 “(5) other alternative financing mechanisms
24 that meet the requirements of this Act and are ap-
25 proved by the Secretary.

1 “(c) CONSTRUCTION.—Nothing in this section shall
2 be construed as affecting the authority of a State to estab-
3 lish alternative financing mechanisms under title I.

4 **“SEC. 302. APPLICATIONS AND PROCEDURES.**

5 “(a) ELIGIBILITY.—States that receive or have re-
6 ceived grants under section 102 or 103 shall be eligible
7 to compete for grants under section 301.

8 “(b) REQUIREMENTS.—The Secretary shall make
9 grants under section 301 under such conditions as the
10 Secretary shall, by regulation, determine, except that—

11 “(1) a State may receive only 1 grant under
12 section 301 and may only receive such a grant for
13 1 year under this title;

14 “(2) a State that desires to receive a grant
15 under section 301 shall submit an application to the
16 Secretary, at such time and in such manner as the
17 Secretary may require, containing—

18 “(A) an assurance that the State will pro-
19 vide at least 50 percent of the cost described in
20 section 301(a), as set forth in section 304, for
21 the purpose of supporting the alternative fi-
22 nancing mechanisms that are covered by the
23 grant;

1 “(B) an assurance that an alternative fi-
2 nancing mechanism will continue on a perma-
3 nent basis; and

4 “(C) a description of the degree to which
5 the alternative financing mechanisms to be
6 funded under section 301 will expand and em-
7 phasize consumer choice and control;

8 “(3) a State that receives a grant under section
9 301—

10 “(A) shall enter into a contract, with a
11 community-based organization (or a consortia
12 of such organizations) that has individuals with
13 disabilities involved at all organizational levels,
14 for the administration of the alternative financ-
15 ing mechanisms that are supported under sec-
16 tion 301; and

17 “(B) shall require that such community-
18 based organization enter into a contract, for the
19 purpose of expanding opportunities under sec-
20 tion 301 and facilitating the administration of
21 the alternative financing mechanisms, with—

22 “(i) commercial lending institutions or
23 organizations; or

24 “(ii) State financing agencies; and

1 “(4) a contract between a State that receives a
2 grant under section 301 and a community-based or-
3 ganization described in paragraph (3)—

4 “(A) shall include a provision regarding
5 the administration of the Federal and the non-
6 Federal shares in a manner consistent with the
7 provisions of this title; and

8 “(B) shall include any provision required
9 by the Secretary dealing with oversight and
10 evaluation as may be necessary to protect the
11 financial interests of the United States.

12 **“SEC. 303. GRANT ADMINISTRATION REQUIREMENTS.**

13 “A State that receives a grant under section 301, to-
14 gether with any community-based organization that enters
15 into a contract with the State to administer an alternative
16 financing mechanism that is supported under section 301,
17 shall develop and submit to the Secretary, pursuant to a
18 timeline that the Secretary may establish or, if the Sec-
19 retary does not establish a timeline, within the 12-month
20 period beginning on the date that the State receives the
21 grant, the following policies or procedures for administra-
22 tion of the mechanism:

23 “(1) A procedure to review and process in a
24 timely fashion requests for financial assistance for
25 both immediate and potential technology needs, in-

1 including consideration of methods to reduce paper-
2 work and duplication of effort, particularly relating
3 to need, eligibility, and determination of the specific
4 device or service to be provided.

5 “(2) A policy and procedure to assure that ac-
6 cess to the alternative financing mechanism shall be
7 given to consumers regardless of type of disability,
8 age, location of residence in the State, or type of
9 assistive technology device or assistive technology
10 service requested and shall be made available to ap-
11 plicants of all income levels.

12 “(3) A procedure to assure consumer-controlled
13 oversight.

14 **“SEC. 304. FINANCIAL REQUIREMENTS.**

15 “(a) FEDERAL SHARE.—The Federal share of the
16 costs described in section 301(a) shall be not more than
17 50 percent.

18 “(b) REQUIREMENTS.—A State that desires to re-
19 ceive a grant under section 301 shall include in the appli-
20 cation submitted under section 302 assurances that the
21 State will meet the following requirements regarding funds
22 supporting an alternative funding mechanism assisted
23 under section 301:

24 “(1) The State shall make available the funds
25 necessary to provide the non-Federal share of the

1 costs described in section 301(a), in cash, from
2 State, local, or private sources.

3 “(2) Funds that support an alternative financ-
4 ing mechanism assisted under section 301—

5 “(A) shall be used to supplement and not
6 supplant other Federal, State, and local public
7 funds expended to provide public funding op-
8 tions; and

9 “(B) may only be distributed through the
10 entity carrying out the alternative financing
11 mechanism as a payer of last resort for assist-
12 ance that is not available in a reasonable or
13 timely fashion from any other Federal, State, or
14 local source.

15 “(3) All funds that support an alternative fi-
16 nancing mechanism assisted under section 301, in-
17 cluding funds repaid during the life of the mecha-
18 nism, shall be placed in a permanent separate ac-
19 count and identified and accounted for separately
20 from any other fund. Funds within this account may
21 be invested in low-risk securities in which a regu-
22 lated insurance company may invest under the law
23 of the State for which the grant is provided and
24 shall be administered with the same judgment and
25 care that a person of prudence, discretion, and intel-

1 ligence would exercise in the management of the fi-
2 nancial affairs of such person.

3 “(4) Funds comprised of the principal and in-
4 terest from an account described in paragraph (3)
5 shall be available to support an alternative financing
6 mechanism assisted under section 301. Any interest
7 or investment income that accrues on such funds
8 after such funds have been placed under the control
9 of the entity administering the mechanism, but be-
10 fore such funds are distributed for purposes of sup-
11 porting the mechanism, shall be the property of the
12 entity administering the mechanism and shall not be
13 taken into account by any officer or employee of the
14 Federal Government for any purpose.

15 **“SEC. 305. AMOUNT OF GRANTS.**

16 “(a) AMOUNT.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), a grant under section 301 shall be for an
19 amount that is not more than \$500,000.

20 “(2) INCREASES.—Such a grant may be in-
21 creased by any additional funds made available
22 under subsection (b).

23 “(b) EXCESS FUNDS.—If funds appropriated under
24 section 308 for a fiscal year exceed the amount necessary
25 to fund the activities described in acceptable applications

1 submitted under section 302 for such year, the Secretary
2 shall make such excess amount available, on a competitive
3 basis, to States receiving grants under section 301 for
4 such year. A State that desires to receive additional funds
5 under this subsection shall amend and resubmit to the
6 Secretary the application submitted under section 302.
7 Such amended application shall contain an assurance that
8 the State will provide an additional amount for the pur-
9 pose of supporting the alternative financing mechanisms
10 covered by the grant that is not less than the amount of
11 any additional funds paid to the State by the Secretary
12 under this subsection.

13 “(c) INSUFFICIENT FUNDS.—If funds appropriated
14 under section 308 for a fiscal year are not sufficient to
15 fund each of the activities described in the acceptable ap-
16 plications for such year, a State whose application was ap-
17 proved as acceptable for such year but that did not receive
18 a grant under section 301, may update such application
19 for the succeeding fiscal year. Priority shall be given in
20 such succeeding fiscal year to such updated applications,
21 if acceptable.

22 **“SEC. 306. TECHNICAL ASSISTANCE.**

23 “(a) IN GENERAL.—The Secretary shall provide in-
24 formation and technical assistance to States under this

1 title, and the information and technical assistance shall
2 include—

3 “(1) assisting States in the preparation of ap-
4 plications for grants under section 301;

5 “(2) assisting States that receive such grants in
6 developing and implementing alternative financing
7 mechanisms; and

8 “(3) providing any other information and tech-
9 nical assistance to assist States in accomplishing the
10 objectives of this title.

11 “(b) GRANTS, CONTRACTS, AND AGREEMENTS.—The
12 Secretary shall provide the information and technical as-
13 sistance described in subsection (a) through grants, con-
14 tracts, or cooperative agreements with public or private
15 agencies and organizations, including institutions of high-
16 er education, with documented experience, expertise, and
17 capacity to assist States in the development and imple-
18 mentation of the alternative financing mechanisms de-
19 scribed in section 301.

20 **“SEC. 307. ANNUAL REPORT.**

21 “(a) IN GENERAL.—Not later than December 31 of
22 each year, the Secretary shall submit a report to the Con-
23 gress stating whether each State program to provide alter-
24 native financing mechanisms that was supported under

1 section 301 during the year is making significant progress
2 in achieving the objectives of this title.

3 “(b) CONTENTS.—The report shall include informa-
4 tion on—

5 “(1) the number of applications for grants
6 under section 301 that were received by the Sec-
7 retary;

8 “(2) the number of grants made and the
9 amounts of such grants;

10 “(3) the ratio of the amount of funds provided
11 by each State for a State program to provide alter-
12 native financing mechanisms to the amount of Fed-
13 eral funds provided for such program;

14 “(4) the type of program to provide alternative
15 financing mechanisms that was adopted in each
16 State and the community-based organization (or
17 consortia of such organizations) with which each
18 State has entered into a contract; and

19 “(5) the amount of assistance given to consum-
20 ers (who shall be classified by age, type of disability,
21 type of assistive technology device or assistive tech-
22 nology service received, geographic distribution with-
23 in the State, gender, and whether the consumers are
24 part of an underrepresented population or a rural
25 population).

1 **“SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—There are authorized to be ap-
3 propriated to carry out this title \$8,000,000 for fiscal year
4 1994, and such sums as may be necessary for each of the
5 fiscal years 1995 through 1998.

6 “(b) AVAILABILITY IN SUCCEEDING FISCAL YEAR.—
7 Amounts appropriated under subsection (a) shall remain
8 available for obligation for the fiscal year immediately fol-
9 lowing the fiscal year for which such amounts were appro-
10 priated.

11 “(c) RESERVATION.—Of the amounts appropriated
12 under subsection (a), the Secretary shall reserve \$250,000
13 for the purpose of providing information and technical as-
14 sistance to States under section 306.”.

15 **TITLE IV—AMENDMENTS TO**
16 **OTHER ACTS**

17 **SEC. 401. INDIVIDUALS WITH DISABILITIES EDUCATION**
18 **ACT.**

19 Section 631(a)(1) of the Individuals with Disabilities
20 Education Act (20 U.S.C. 1431(a)(1)) is amended—

21 (1) by striking “, and” at the end of subpara-
22 graph (D) and inserting a comma;

23 (2) by striking the period at the end of sub-
24 paragraph (E) and inserting “, and”; and

25 (3) by adding at the end the following:

1 “(F) training in the use, applications, and bene-
2 fits of assistive technology devices and assistive tech-
3 nology services (as defined in paragraphs (2) and
4 (3) of section 3 of the Technology-Related Assist-
5 ance for Individuals With Disabilities Act of 1988
6 (29 U.S.C. 2202 (2) and (3))).”.

7 **SEC. 402. RATHABILITATION ACT OF 1973.**

8 (a) NATIONAL INSTITUTE ON DISABILITY AND RE-
9 HABILITATION RESEARCH.—Section 202(b)(8) of the Re-
10 habilitation Act of 1973 (29 U.S.C. 761a(b)(8)) is amend-
11 ed by striking “characteristics of individuals with disabil-
12 ities” and inserting “characteristics of individuals with
13 disabilities, including information on individuals with dis-
14 abilities who live in rural or inner-city settings, with par-
15 ticular attention given to underserved populations,”.

16 (b) TRAINING.—Section 302(b)(1)(B) of the Reha-
17 bilitation Act of 1973 (29 U.S.C. 771a(b)(1)(B)), as
18 added by section 302(b) of Public Law 102–569 (106
19 Stat. 4412), is amended—

20 (1) by striking “; and” at the end of clause (ii)
21 and inserting a semicolon;

22 (2) by striking the period at the end of clause
23 (iii) and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(iv) projects to train personnel in the use,
2 applications, and benefits of assistive technology
3 devices and assistive technology services (as de-
4 fined in paragraphs (2) and (3) of section 3 of
5 the Technology-Related Assistance for Individ-
6 uals With Disabilities Act of 1988 (29 U.S.C.
7 2202 (2) and (3))).”.

8 **SEC. 403. ADMINISTRATIVE REQUIREMENTS UNDER THE**
9 **HEAD START ACT.**

10 Section 644(f) of the Head Start Act (42 U.S.C.
11 9839(f)) is amended—

12 (1) in paragraph (1)—

13 (A) by inserting “, or to request approval
14 of the purchase (after December 31, 1986) of
15 facilities,” after “to purchase facilities”; and

16 (B) by adding at the end the following:
17 “The Secretary shall suspend any proceedings
18 pending against any Head Start agency to
19 claim costs incurred in purchasing such facili-
20 ties until the agency has been afforded an op-
21 portunity to apply for approval of the purchase
22 and the Secretary has determined whether the
23 purchase will be approved. The Secretary shall
24 not be required to repay claims previously satis-

1 fied by Head Start agencies for costs incurred
2 in the purchase of such facilities.”; and

3 (2) in paragraph (2)—

4 (A) in subparagraph (A), by inserting “or
5 that was previously purchased” before the semi-
6 colon;

7 (B) in subparagraph (C)—

8 (i) by inserting “, or the previous pur-
9 chase has resulted,” after “purchase will
10 result” in clause (i); and

11 (ii) in clause (ii)—

12 (I) by inserting “, or would have
13 prevented,” after “will prevent”; and

14 (II) by striking “and” at the end;

15 (C) by redesignating subparagraph (D) as
16 subparagraph (E); and

17 (D) by inserting after subparagraph (C)
18 the following:

19 “(D) in the case of a request regarding a pre-
20 viously purchased facility, information demonstrat-
21 ing that the facility will be used principally as a
22 Head Start center, or a direct support facility for a
23 Head Start program; and”.

1 **SEC. 404. TECHNICAL AND CONFORMING AMENDMENTS.**

2 (a) ASSISTIVE TECHNOLOGY DEVICE.—Section 7(23)
3 of the Rehabilitation Act of 1973 (29 U.S.C. 706(23)),
4 as added by section 102(n) of Public Law 102–569 (106
5 Stat. 4350), is amended—

6 (1) by striking “3(1)” and inserting “3(2)”;

7 and

8 (2) by striking “2202(1)” and inserting
9 “2202(2)”.

10 (b) ASSISTIVE TECHNOLOGY SERVICE.—Section
11 7(24) of the Rehabilitation Act of 1973 (29 U.S.C.
12 706(24)), as added by section 102(n) of Public Law 102–
13 569 (106 Stat. 4350), is amended—

14 (1) by striking “3(2)” and inserting “3(3)”;

15 and

16 (2) by striking “2202(2)” and inserting
17 “2202(3)”.

18 **TITLE V—EFFECTIVE DATE**

19 **SEC. 501. EFFECTIVE DATE.**

20 (a) IN GENERAL.—Except as otherwise specifically
21 provided in this Act, this Act and the amendments made
22 by this Act shall take effect on the date of the enactment
23 of this Act.

24 (b) COMPLIANCE.—Each State receiving a grant
25 under the Technology-Related Assistance for Individuals

1 With Disabilities Act of 1988 shall comply with the
2 amendments made by this Act—

3 (1) as soon as practicable after the date of the
4 enactment of this Act, consistent with the effective
5 and efficient administration of the Technology-Relat-
6 ed Assistance for Individuals With Disabilities Act
7 of 1988; but

8 (2) not later than—

9 (A) the next date on which the State re-
10 ceives an award through a grant under section
11 102 or 103 of such Act; or

12 (B) October 1, 1994,

13 whichever is sooner.

14 ○

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