AN ACT

H. R. 2339

103d CONGRESS
1ST SESSION

To revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes.

AUGUST 4 (legislative day, July 30), 1993

Received; read twice and placed on the calendar.
IN THE SENATE OF THE UNITED STATES

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AN ACT

To revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Technology-Related Assistance for Individuals With Disabilities Amendments of 1993”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.

TITLE I—GRANTS TO STATES
Sec. 101. Program authorized.
Sec. 102. Development grants.
Sec. 103. Extension grants.
Sec. 104. Second extension grants.
Sec. 105. Progress reports.
Sec. 106. Administrative provisions.
Sec. 107. Information and technical assistance.
Sec. 108. Funding.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE
Sec. 201. Programs authorized.

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. 403. Technical and conforming amendments.

TITLE V—EFFECTIVE DATE
Sec. 501. Effective date.

1 SEC. 2. FINDINGS AND PURPOSES.
2   (a) FINDINGS.—Section 2(a) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201(a)) is amended to read as follows:
3   “(a) FINDINGS.—The Congress finds as follows:
4       “(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals—
5           “(A) to live independently;
6           “(B) to enjoy self-determination;
7           “(C) to make choices;
8           “(D) to contribute to society;
9           “(E) to pursue meaningful careers; and
“(F) to enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.

“(2) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of all residents of the United States. Technology can provide important tools for making the performance of tasks quicker and easier. For some individuals with disabilities, assistive technology is a necessity that enables them to engage in or perform many tasks.

“(3) The provision of assistive technology devices and services enables some individuals with disabilities—

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

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

“(C) to interact to a greater extent with nondisabled individuals; and

“(D) to otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.
“(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing equipment, which significantly benefit individuals of all ages with disabilities. Such devices have increased the involvement of individuals with disabilities in programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living. Dual-use technology is critical to the further development of assistive technology devices.

“(5) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The inadvertent failure of Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities not only results in the exclusion of such individuals from the use of telecommunications and information technologies, but also results in unnecessary costs associated with the retrofitting of devices and product systems.
“(6) The use of assistive technology devices and services by individuals with disabilities increases such individuals’ ability to be independent, which reduces expenditures associated with early intervention, education, rehabilitation, health care, transportation, telecommunication services, and other services required by such individuals.

“(7) A majority of States have technology-related assistance programs. In spite of the efforts made by such programs to provide comprehensive, state-wide services, there remains a need for—

“(A) resources to pay for assistive technology devices and services;

“(B) trained personnel to assist individuals with disabilities to use such devices and services;

“(C) information about the availability and potential of technology for individuals with disabilities and their family members, guardians, advocates, and authorized representatives, representatives of public agencies and private entities that have contact with individuals with disabilities (including insurers), teachers and related services personnel, technology experts (in-
including engineers), employers, and other appropriate individuals;

“(D) aggressive outreach to underrepresented populations and rural populations;

“(E) coordination among State human services programs, and among such programs and private entities, particularly with respect to transitions between such programs and entities;

and

“(F) capacity of such programs to provide the necessary technology-related assistance.

“(8) There are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of limited markets.

“(9) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and services. In addition, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and services to individuals with disabilities and their family members, guardians, advocates, and authorized representatives, representatives of public agencies and private entities that have contact with
individuals with disabilities (including insurers),
teachers and related services personnel, technology
experts (including engineers), employers, and other
appropriate individuals.”.

(b) PURPOSES.—Section 2(b) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201(b)) is amended to read as follows:

“(b) PURPOSES.—The purposes of this Act are as follows:

“(1) To provide financial assistance to the States to develop and implement a consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance for individuals of all ages with disabilities that is designed to create systemic change and foster advocacy by—

“(A) increasing the availability of, funding for, and access to, assistive technology devices and services for individuals with disabilities;

“(B) increasing the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives in the planning, development, implementation, and evaluation of technology-related assistance programs;
“(C) increasing the involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives in specific agency decisions related to the provision of assistive technology devices and services to individuals with disabilities;

“(D) increasing and promoting coordination among State agencies and between State agencies and private entities that provide technology-related assistance, particularly assistive technology devices and services;

“(E) increasing the awareness of laws, regulations, policies, procedures, and practices that facilitate the availability or provision of assistive technology devices and services and by promoting the change of laws, regulations, policies, procedures, and practices that impede the availability or provision of assistive technology devices and services;

“(F) increasing the probability that individuals of all ages with disabilities will, to the extent appropriate, be able to secure and maintain assistive technology devices as such individuals make the transition between services of-
fered by human service agencies or between set-

tings of daily living;

“(G) increasing the competence of person-

tel who provide technology-related assistance,

including assistive technology devices and serv-

ices;

“(H) increasing awareness and knowledge

of the efficacy of assistive technology devices

and services among individuals with disabilities

and their family members, guardians, advoca-

tes, and authorized representatives, rep-

resentatives of public agencies and private enti-

ties that have contact with individuals with dis-

abilities (including insurers), teachers and rel-

ated services personnel, technology experts (in-

cluding engineers), employers, and other appro-

priate individuals;

“(I) increasing the capacity of public agen-

cies and private entities to provide and pay for

technology-related assistance on a statewide

basis, particularly assistive technology devices

and services, for individuals of all ages with dis-

abilities; and
“(J) increasing the awareness of the needs of individuals with disabilities for assistive technology devices and services.

“(2) To identify Federal policies that facilitate payment for assistive technology devices and services for individuals with disabilities, to identify Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment.

“(3) To enhance the ability of the Federal Government to provide States with—

“(A) technical assistance, information, training, and public awareness programs relating to the provision of assistive technology devices and services; and

“(B) funding for model demonstration and innovation projects.

“(4) To ensure that all programs, projects, and activities receiving assistance under this Act are carried out in a manner consistent with the principles of—

“(A) respect for individual dignity, personal responsibility, and self-determination in the pursuit of meaningful careers, based on informed choice, by individuals with disabilities;
“(B) respect for the privacy, rights, and equal access (including the use of accessible formats), of such individuals;

“(C) inclusion, integration, and full participation of such individuals;

“(D) support for the involvement of family members, guardians, advocates, or authorized representatives if an individual with a disability requests, desires, or needs such support; and

“(E) support for individual and systemic advocacy and community involvement.”

SEC. 3. DEFINITIONS.

Section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202) is amended—

(1) by redesignating paragraphs (1), (2), (3), (4), (5), (6), (7), and (8) as paragraphs (2), (3), (7), (9), (11), (12), (14), and (15), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

“(1) ADVOCACY SERVICES.—The term ‘advocacy services’ means assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and services to which in-
individuals with disabilities are entitled under law. Such term includes—

“(A) dissemination of information;
“(B) individual case management;
“(C) training individuals to locate funding sources; and
“(D) pursuit of legal and other appropriate remedies.”;

(3) in paragraph (3)(E) (as redesignated by paragraph (1)), by striking “family” and all that follows and inserting “the family members, guardians, advocates, or authorized representatives of such an individual; and”;

(4) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

“(4) Comprehensive.—The term ‘comprehensive’, when used with reference to a program, means a statewide program that addresses the needs of all individuals with disabilities, including underrepresented populations and rural populations, who can benefit from the use of assistive technology devices and services regardless of age, type of disability, gender, race, or ethnicity.
“(5) Consumer-driven.—The term ‘consumer-driven’, when used with reference to a
program, means a statewide program that includes individuals with disabilities and their family members, guardians, advocates, and authorized representatives, including underrepresented populations and rural populations, in the development, implementation, and evaluation of the program.

“(6) CONSUMER-RESPONSIVE.—The term ‘consumer-responsive’, when used with reference to a program, means a statewide program that provides information, training, technical assistance, and transportation and related services to enable individuals of all ages with disabilities to access assistive technology devices and services.”;

(5) in paragraph (7) (as redesignated by paragraph (1))—

(A) by striking the matter preceding subparagraph (A) and inserting the following:

“(7) INDIVIDUAL WITH A DISABILITY.—The term ‘individual with a disability’ means any individual—”; and

(B) in subparagraph (A), by striking “or handicap”;

(6) by inserting after paragraph (7) (as redesignated by paragraph (1)) the following:
‘(8) INDIVIDUALS WITH DISABILITIES.—The term ‘individuals with disabilities’ means more than one individual with a disability.’’;

(7) in paragraph (9) (as redesignated by paragraph (1)), by striking “section 435(b)” and inserting “section 481(a)”;

(8) by inserting after paragraph (9) (as redesignated by paragraph (1)) the following:

‘‘(10) PROTECTION AND ADVOCACY SERVICES.—The term ‘protection and advocacy services’ means services that—

‘‘(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

‘‘(B) assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives with respect to assistive technology devices and services.’’;

(9) in paragraph (12) (as redesignated by paragraph (1)), by striking ‘‘Trust’’ and all that follows
and inserting “Republic of Palau (until the Compact of Free Association with Palau takes effect).”;

(10) by inserting after paragraph (12) (as redesignated by paragraph (1)) the following:

“(13) SYSTEMS CHANGE ACTIVITIES.—The term ‘systems change activities’ means activities—

“(A) to identify laws, regulations, policies, procedures, and practices that are legal or service delivery barriers impeding access to assistive technology devices and services;

“(B) to develop, modify, revise, correct, or adjust State or local laws, regulations, policies, procedures, and practices to allow individuals with disabilities to access assistive technology devices and services; and

“(C) to increase funding for, and access to, assistive technology devices and services on a permanent basis.”; and

(11) by amending paragraph (15) (as redesignated by paragraph (1)) to read as follows:

“(15) UNDERREPRESENTED POPULATIONS.—The term ‘underrepresented populations’ includes populations such as minorities, the poor, and the limited English proficient.”.
TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) Grants to States.—Section 101(a) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2211(a)) is amended by striking “to develop and implement consumer-responsive” and inserting “in developing and implementing consumer-responsive, consumer-driven”.

(b) Required Activities.—Section 101(b) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2211(b)) is amended to read as follows:

“(b) Required Activities.—Any State that receives a grant under this title shall accomplish the purposes described in section 2(b)(1) by carrying out the following activities:

“(1) Systems change activities.—Systems change activities shall include—

“(A) developing and implementing strategies to obtain funds with which individuals with disabilities may obtain assistive technology devices and services in State special education, vocational rehabilitation, and medical assistance programs or, as appropriate, other education, health, or human service agencies, with particu-
lar emphasis on addressing the needs of underrepresented populations and rural populations, coordinating such funds, and monitoring State and local policies, procedures, and practices that relate to such funds;

“(B) establishing an interagency coordinating committee to enhance public funding options and coordinate access to funding for assistive technology devices and services for individuals of all ages with disabilities, with special attention to the issues of transition from school to work, home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; and

“(C) developing written materials, training, and technical assistance to ensure that the needs of an individual for assistive technology devices and services are considered and included as part of an individualized education program required under section 614(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(5)), an individualized family service plan developed pursuant to section 677(d) of such Act (20 U.S.C. 1477(d)), an individualized
written rehabilitation program required under section 102(b) of the Rehabilitation Act of 1973 (29 U.S.C. 722(b)), and other individualized plans that may have been developed for the individual.

“(2) Consumer-responsive, consumer-driven activities.—(A) Consumer-responsive, consumer-driven activities shall include—

“(i) providing outreach to underrepresented populations and rural populations, including—

“(I) identification and needs assessment of such populations;

“(II) activities to increase the accessibility of services to such populations;

“(III) training representatives of such populations to become service providers; and

“(IV) training staff of the comprehensive statewide program of technology-related assistance to work with such populations; and

“(ii) establishing consumer advisory councils to advise such program, a majority of whose members are—
“(I) individuals with disabilities; and
“(II) the family members, guardians, or authorized representatives of individuals with disabilities.
“(B) Consumer-responsive, consumer-driven activities may include—
“(i) increasing consumer participation, choice, and control in the selection and procurement of assistive technology;
“(ii) outreach to consumer organizations and groups in the State to coordinate with efforts of such organizations and groups to implement self-help, peer mentoring, and support group programs to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in obtaining funding for, and access to, assistive technology devices and services;
“(iii) developing mechanisms for determining consumer satisfaction and participation in the comprehensive statewide program of technology-related assistance for individuals of all ages with disabilities and documenting the results;
“(iv) taking actions to develop standards or, where appropriate, apply existing standards to ensure the availability of qualified personnel; and

“(v) paying for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need.

“(3) Advocacy Services.—Advocacy services—

“(A) shall include training individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully advocate for access to assistive technology devices and services, with special emphasis placed on underrepresented populations and rural populations; and

“(B) shall supplement, not supplant, similar advocacy services that have been provided pursuant to other Federal or State laws.
“(4) PROTECTION AND ADVOCACY SERVICES.—
A State shall provide protection and advocacy serv-
ces by awarding a contract to provide such services
to an organization established for protection and ad-
vocacy services under the Developmental Disabilities
Assistance and Bill of Rights Act (42 U.S.C. 6000
et seq.). Any State that provided protection and ad-
vocacy services prior to January 1, 1993, through an
organization other than that established for protec-
tion and advocacy services under such Act may con-
tinue to provide such services through such organi-
zation. Protection and advocacy services shall sup-
plement, not supplant, similar protection and advoca-
cy services that have been provided pursuant to
other Federal or State laws.”.

(c) AUTHORIZED ACTIVITIES.—Section 101(c) of the
Technology-Related Assistance for Individuals With Dis-
abilities Act of 1988 (29 U.S.C. 2211(c)) is amended—
(1) by amending the matter preceding para-
graph (1) to read as follows:
“(c) AUTHORIZED ACTIVITIES.—Any State that re-
ceives a grant under this title may accomplish the pur-
poses described in section 2(b)(1) by carrying out the fol-
lowing activities:”;

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(2) in paragraph (1), by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C);

(3) in paragraph (2), in each of subparagraphs (B), (C), and (G)(i), by striking “assistive technology” each place such term appears after “devices and”;

(4) by redesignating paragraphs (3) through (7) as paragraphs (5) through (9), respectively;

(5) by redesignating paragraph (8) as paragraph (12);

(6) by inserting after paragraph (2) the following:

“(3) Electronic Communication.—The State may operate or participate in a computer system through which it can electronically communicate with other States to gain technical assistance in a timely fashion to avoid the duplication of efforts already undertaken in other States.

“(4) Demonstration of Devices.—The State may support the demonstration of assistive technology devices. Activities may include—

“(A) provision of a location or locations within the State where individuals with disabilities and their family members, guardians, ad-
vocates, and authorized representatives, special
education, rehabilitation, health care, and other
service providers, representatives of Federal,
State, and local government entities, and em-
ployers can see, touch, and learn about assistive
technology devices from personnel who are fa-
miliar with such devices and their applications;

“(B) counseling and assistance to individ-
uals with disabilities and their family members,
guardians, advocates, and authorized represent-
atives to determine individual needs for
assistive technology devices and services; and

“(C) demonstration or short-term loan of
assistive technology devices to individuals, em-
ployers, public agencies, or public accommoda-
tions seeking strategies to comply with the
Americans with Disabilities Act of 1990 (42
U.S.C. 12101 et seq.) and section 504 of the
Rehabilitation Act of 1973 (29 U.S.C. 794).”;

(7) in paragraph (5) (as redesignated by para-
graph (4)), by striking “assistive technology” after
“devices or”;

(8) in paragraph (6) (as redesignated by para-
graph (4))—
(A) by amending the matter preceding subparagraph (A) to read as follows:

``(6) P U B L I C   A W A R E N E S S   P R O G R A M .— T h e
State may support a public awareness program de-
digned to provide information relating to the avail-
ability and efficacy of assistive technology devices
and services for individuals with disabilities and
their family members, guardians, advocates, and au-
thorized representatives, representatives of public
agencies and private entities that have contact with
individuals with disabilities (including insurers),
teachers and related services personnel, technology
experts (including engineers), employers, and other
appropriate individuals, or may establish and sup-
port such a program if no such program exists. Such
a program may include—’’;

(B) in subparagraph (A), in each of
clauses (i), (ii), and (iii), by striking ‘‘assistive
technology’’ after ‘‘devices and’’;

(C) in subparagraph (B), by striking
‘‘assistive technology’’ after ‘‘devices and’’; and

(D) in subparagraph (C)(i), by striking
‘‘families or representatives of individuals with
disabilities,’’ and inserting ‘‘and their family
members, guardians, advocates, or authorized representatives,'’;

(9) in paragraph (7) (as redesignated by paragraph (4)), by striking “devices” and all that follows and inserting the following: “devices and services to individuals with disabilities and their family members, guardians, advocates, and authorized representatives, representatives of public agencies and private entities that have contact with individuals with disabilities (including insurers), teachers and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.”;

(10) in paragraph (8) (as redesignated by paragraph (4))—

(A) in the matter preceding subparagraph (A)—

(i) in the first sentence, by striking “assistive technology” after “devices and”;

(ii) by inserting after the first sentence the following: “Access to the system may be provided through community-based entities, including public libraries, centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973
(29 U.S.C. 796a)), and community rehabilitation programs (as defined in section 7(25) of such Act (29 U.S.C. 706(25)).’’;

and

(iii) by striking “a system described in the preceding sentence,” and inserting “the system,”; (B) in subparagraph (A)—

(i) by inserting “large print,” after “print,”; and

(ii) by striking “materials” and all that follows and inserting the following: “materials, computer disks, compact discs (including compact discs formatted with read-only memory), information capable of being used in telephone-based information systems, and such other media as technological innovation may make appropriate;”; and

(C) by adding at the end the following: “The information system may be organized on an interstate basis or as part of a regional consortium of States in order to facilitate the establishment of compatible, linked information systems.”; and
(11) by inserting after paragraph (9) (as redesignated by paragraph (4)) the following:

“(10) **PARTNERSHIPS AND COOPERATIVE INITIATIVES.**—The State may support the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

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

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

“(11) **DEVICE AND EQUIPMENT REDISTRIBUTION INFORMATION SYSTEMS AND RECYCLING CENTERS.**—The State may support activities, including the establishment of information systems and recycling centers, for the redistribution of assistive technology devices and equipment that may include device and equipment loans, rentals, or gifts.’’.

**SEC. 102. DEVELOPMENT GRANTS.**

(a) **NUMBER OF GRANTS TO BE AWARDED.**—Section 102 of the Technology-Related Assistance for Individuals
With Disabilities Act of 1988 (29 U.S.C. 2212) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively.

(b) Amounts of Grants.—Section 102(b) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2212(c)) (as redesignated by subsection (a)) is amended—

(1) in paragraph (1), by striking “section 106,” and inserting “section 108(a)(1),’’;

(2) in paragraph (2), by striking “section 106” and inserting “section 108(a)(1)’’; and

(3) in paragraph (5)—

(A) in subparagraph (A), by striking “the Trust Territory of the Pacific Islands.” and inserting “the Republic of Palau.”; and

(B) in subparagraph (B), by striking “the Trust Territory of the Pacific Islands.” and inserting “‘the Republic of Palau (until the Compact of Free Association with Palau takes effect).’’.

(c) Applications.—Section 102(d) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2212(d)) (as redesignated by subsection (a)) is amended—
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ities Act of 1988 (29 U.S.C. 2212(e)) (as redesignated
by subsection (a)) is amended—

(1) by redesignating paragraph (17) as para-

graph (25);

(2) by redesignating paragraphs (4) through
(16) as paragraphs (5) through (17), respectively;

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


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(1) DESIGNATION OF LEAD AGENCY.—The

designation by the Governor of the office, agency,
entity, or individual responsible for—

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(A) submitting the application on behalf

of the State;

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(B) administering and supervising the use

of amounts made available under the grant;

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(C) coordinating and supervising—

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(i) preparation of the application;

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(ii) planning, development, imple-

mentation, and evaluation of the consumer-

responsive, consumer-driven, comprehen-

sive statewide program of technology-relat-

ed assistance;

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(iii) coordination among public agen-

cies and between public agencies and pri-
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vate entities, including the entering into of
interagency and interstate agreements; and
“(iv) the active, timely, and meaning-
ful participation by individuals with dis-
abilities and their family members, guard-
ians, advocates, and authorized representa-
tives, or other appropriate individuals with
respect to carrying out activities under the
grant; and
“(D) delegating any responsibilities de-
scribed in this paragraph, in whole or in part,
to one or more appropriate offices, agencies, en-
tities, or individuals.
“(2) A B I L I T I E S O F L E A D A G E N C Y .— E v i d e n c e
that the lead agency described in paragraph (1) has
the ability—
“(A) to respond to assistive technology
needs across disability and age;
“(B) to promote the availability through-
one or more appropriate offices, agencies, en-
ties, or individuals.
“(D) to promote and implement systems
change activities;
“(D) to promote and implement public-pri-
ivate partnerships;
“(E) to exercise leadership in identifying and responding to the technology needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

“(F) to promote and document the consumer-responsive, consumer-driven nature of the comprehensive statewide program of technology-related assistance; and

“(G) to exercise leadership in implementing effective strategies for capacity building, staff and consumer training, and enhancement of access to funding for assistive technology devices and services across agencies.

“(3) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies in the preparation of the application and the continuing role of each agency in the development and implementation of the consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance, including the identification of the available resources and financial responsibility of each agency for paying for assistive technology devices and services.
“(4) Public Involvement.—A description of the nature and extent of the involvement in the development of the application, and the continuing role in the consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance of—

“(A) individuals with disabilities;

“(B) the family members, guardians, advocates, and authorized representatives of such individuals;

“(C) other appropriate individuals who are not employed by a State agency; and

“(D) organizations, providers, employers, and other interested parties from the private sector.”;

(4) in paragraph (5) (as redesignated by paragraph (2)), by striking “underserved groups” and inserting “underrepresented populations and rural populations”;

(5) in paragraph (7) (as redesignated by paragraph (2)), by striking “consumer-responsive” and inserting “consumer-responsive, consumer-driven, comprehensive”;

(6) by striking paragraph (8) (as redesignated by paragraph (2)) and inserting the following:
“(8) DATA COLLECTION.—A description of—

“(A) the data collection system used for compiling information as required by the Secretary and, when a national classification system is developed pursuant to section 201, consistent with such classification system; and

“(B) procedures that will be used to conduct evaluations.”;

(7) in paragraph (9) (as redesignated by paragraph (2)), by striking “devices and assistive technology” and inserting “devices and”;

(8) in paragraph (12) (as redesignated by paragraph (2))—

(A) in subparagraph (A), by striking “devices and assistive technology” and inserting “devices and”; and

(B) in subparagraph (B), by striking “devices or assistive technology” each place it appears and inserting “devices or”;

(9) by amending paragraph (16) (as redesignated by paragraph (2)) to read as follows:

“(16) FISCAL CONTROL AND ACCOUNTING PROCEDURES.—An assurance that—

“(A) the State will adopt such fiscal control and accounting procedures as may be nec-
necessary to ensure proper disbursement of and accounting for amounts received under the grant; and

“(B) the lead agency will have the authority to use funds under this title to comply with the State grant requirements, including the ability to hire qualified staff necessary to carry out project activities.”; and

(10) by inserting after paragraph (17) (as redesignated by paragraph (2)) the following:

“(18) PROTECTION AND ADVOCACY SERVICES.—An assurance that the State will allocate a specific amount of funds, from Federal or State sources, for protection and advocacy services provided pursuant to section 101(b)(4). In reviewing an application by the State, the Secretary shall review such specific amount to determine if it is reasonable in relation to the size of the grant and the needs of individuals with disabilities within the State. In making such determination, the Secretary shall consider the population of the State and the geographic size of the State.

“(19) TRAINING ACTIVITIES.—An assurance that the State—
“(A) will develop and implement strategies for including personnel training in assistive technology within existing Federal- and State-funded training initiatives to enhance assistive technology skills and competencies; and

“(B) will document such training activities.

“(20) LIMIT ON INDIRECT COSTS.—An assurance that the percentage of funds used for indirect costs shall not exceed 15 percent.

“(21) COORDINATION WITH STATE COUNCILS.—An assurance that there will be coordination between the project funded under this Act and other councils within the State, including the State Rehabilitation Advisory Council (or Councils) established under section 105 of the Rehabilitation Act of 1973 (29 U.S.C. 725), the Statewide Independent Living Council established under section 705 of such Act (29 U.S.C. 796d), the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12)), the State Interagency Coordinating Council established under section 682 of such Act (20 U.S.C. 1482), the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024), and
the State mental health planning council established
under section 1916(e) of the Public Health Service
Act (42 U.S.C. 300x-4(e)).

“(22) **Coordination with other systems change projects.**—An assurance that there will be coordination between the project funded under this Act and other related systems change projects funded by either Federal or State funds.

“(23) **Availability of information.**—An assurance that the State will—

“(A) make available to individuals with disabilities and their family members, guardians, advocates, and authorized representatives information concerning technology-related assistance in a form that will allow such individuals with disabilities to effectively use such information; and

“(B) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials.
“(24) **Timeliness of Service Provision.**—

An assurance that the State—

“(A) will review all State laws, regulations, policies, procedures, and practices that have an impact on—

“(i) the decisions related to the need for and the provision of assistive technology devices and services;

“(ii) the specific entity within the State that will provide such service or device;

“(iii) the procurement policies, procedures, and practices that affect the acquisition or usage of such service or device; or

“(iv) the timelines involved in such procurement;

“(B) will review the information required under subparagraph (A) to determine areas that inhibit or delay the acquisition or delivery of a needed assistive technology service or device, particularly as such service or device relates to minors; and

“(C) will determine ways in which the timelines for acquisition and delivery may be decreased.”.
SEC. 103. EXTENSION GRANTS.

(a) General Authority.—Section 103(a) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2213(a)) is amended to read as follows:

“(a) General Authority.—The Secretary may award a 2-year extension grant to any State that—

“(1) has been awarded one development grant under section 102;

“(2) has successfully satisfied the requirements in such section; and

“(3) has demonstrated to the Secretary that the State made significant progress in developing and implementing a consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102(d).”.

(b) Assessment of Progress.—Section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2213) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) Assessment of Progress.—The Secretary shall develop guidelines to be used in assessing the extent...
to which the State is making significant progress in developing and implementing a consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance consistent with section 2(b)(1).”.

(c) Amounts of Grants.—Section 103(c) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2213(c)) (as redesignated by subsection (b)) is amended—

(1) in paragraph (1)(A), by striking “‘section 106’” and inserting “‘section 108(a)(1)’”;

(2) in paragraph (1)(B), by striking “‘section 106’” and inserting “‘section 108(a)(1)’”;

(3) in paragraph (1)(C)—

(A) in clause (i), by striking “‘the Trust Territory of the Pacific Islands.’” and inserting “‘the Republic of Palau.’”; and

(B) in clause (ii), by striking “‘the Trust Territory of the Pacific Islands.’” and inserting “‘the Republic of Palau (until the Compact of Free Association with Palau takes effect).’”; and

(4) in paragraph (2), by adding at the end the following:

“In providing any increases in State grants above the amounts provided to States in fiscal year 1993,
the Secretary shall give priority to the 10 States that have the largest populations, as determined by the 1990 decennial census of the population, and States that are sparsely populated, with a wide geographic spread, where such characteristics have impeded the development of a statewide program.”.

(d) Application.—Section 103(d) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2213(d)) (as redesignated by subsection (b)) is amended—

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

“(1) Information and Assurances.—The information and assurances described in section 102(d), except the preliminary needs assessment described in section 102(d)(5).

“(2) Needs.—A description of—

“(A) needs relating to technology-related assistance for individuals with disabilities (including individuals from underrepresented populations and rural populations), their family members, guardians, advocates, and authorized representatives, and other appropriate individuals within the State;
“(B) gaps that remain in the development and implementation of a consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance;

“(C) strategies that the State will pursue during the grant period to remedy such gaps; and

“(D) outreach activities, with special attention to underrepresented populations and rural populations.

“(3) ACTIVITIES AND PROGRESS UNDER PREVIOUS GRANT.—A description of the specific activities carried out under the development grant received under section 102, the relationship of such activities to the development and implementation of a consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance, and the progress made toward the development and implementation of such a program. Such description shall include, at a minimum—

“(A) a description of State actions that were undertaken to produce systems change on a permanent basis for individuals of all ages with disabilities;
“(B) a description of training and technical assistance efforts to improve individual access to assistive technology devices and services; and

“(C) an evaluation of the impact and results of the activities described in subparagraphs (A) and (B).”;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking “families or representatives of individuals with disabilities,” and inserting “their family members, guardians, advocates, and authorized representatives,”; and

(B) in subparagraph (C), by striking “consumer-responsive” and inserting “consumer-responsive, consumer-driven, comprehensive”;

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6);

(4) in paragraph (6) (as redesignated by paragraph (3)), by inserting “, or any recipient of its funds,” after “State”; and

(5) by adding at the end the following:

“(7) [CONTINUATION OF PROGRAM.—] A description of the steps the State has taken or will take to
continue on a permanent basis a consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance, including an identification of potential funding sources and funding commitments for the program from the public and private sectors and from the agencies and entities who will be involved with and direct future efforts.”.

SEC. 104. SECOND EXTENSION GRANTS.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is amended—

(1) by redesignating sections 104 and 105 as sections 105 and 106, respectively;

(2) by redesignating section 106 as section 108;

and

(3) by inserting after section 103 the following:

“SEC. 104. SECOND EXTENSION GRANTS.

“(a) General Authority.—The Secretary may award a 5-year second extension grant to any State that—

“(1) has been awarded one extension grant under section 103;

“(2) has successfully satisfied the requirements in such section; and
“(3) has demonstrated to the Secretary that the State made significant progress in developing and implementing a consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102(d).

“(b) Amounts of Grants.—The amounts and the priority of the extension grants under this section shall be the same as the amounts and priority of extension grants under section 103(c), except that—

“(1) the amount paid to a State for the fourth year of the grant period shall be 75 percent of the amount paid to the State for the third year of the grant period;

“(2) the amount paid to a State for the fifth year of the grant period shall be 50 percent of the amount paid to the State for the third year of the grant period; and

“(3) after the fifth year of the grant period, no Federal funds shall be made available to the State under this Act.

In providing any increases in State grants above the amounts provided to States in fiscal year 1993, the Secretary shall give priority to the 10 States that have the largest populations, as determined by the 1990 decennial census.
census of the population, and States that are sparsely populated, with a wide geographic spread, where such characteristics have impeded the development of a statewide program.

"(c) Application.—A State that desires to receive an extension grant under this section shall submit an application that contains the information and assurances required under section 103(d), except that the descriptions of the activities carried out and the progress made under a development grant that are referred to in such section shall relate, in an application under this section, to an extension grant under section 103."

SEC. 105. PROGRESS REPORTS.

Section 105 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2214) (as redesignated by section 104) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) In General.—Each State that receives a grant under this title shall submit to the Secretary annually a report that documents significant progress in developing and implementing a consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102(d). The report shall document the following:
“(1) Successful systems change activities to increase funding for, and access to, assistive technology devices and services, including—

“(A) an analysis of laws, regulations, policies, procedures, and practices that have changed, the program has attempted to change, or that need to be changed to facilitate the acquisition of assistive technology;

“(B) a report on protection and advocacy services provided; and

“(C) other relevant processes or activities.

“(2) The degree of consumer satisfaction and participation, and particularly the satisfaction and participation of underrepresented populations and rural populations, with the statewide program, based upon mechanisms that have been developed pursuant to section 101(b)(2)(B)(iii).

“(3) The degree of involvement of various State agencies in the preparation of the application and the continuing role of each agency in the development and implementation of the statewide program, including the identification of the available resources and financial responsibility of each agency for paying for assistive technology devices and services.
“(4) Efforts to train personnel as well as consumers.

“(5) Information collection and dissemination activities relating to systems change activities identified in paragraph (1).

“(6) Written notices by State and local agencies of policies, procedures, and practices that have been developed or amended in order to inform individuals with disabilities and their family members, guardians, advocates, and authorized representatives of Federal requirements pertaining to assistive technology devices and services, particularly under parts B and H of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

“(7) Efforts to disseminate information on all major program initiatives to other States by means of electronic communication.

“(8) Efforts to comply with the assurance provided pursuant to section 102(d)(24).

“(9) Efforts to reduce the service delivery time for receiving assistive technology devices and services.
“(10) Efforts to disseminate information about interagency activities that promote coordination of assistive technology services, including evidence of increased participation of State and local special education, vocational rehabilitation, and medical assistance agencies and departments.”;

(2) in subsection (b), by striking “section 103” and inserting “sections 103 and 104”; and

(3) by adding at the end the following:

“(c) REPORTS ON PROTECTION AND ADVOCACY SERVICES.—An organization that is awarded a contract to provide protection and advocacy services pursuant to section 101(b)(4) shall make significant progress in providing such services. One year after the date of the enactment of the Technology-Related Assistance for Individuals With Disabilities Amendments of 1993, and each year thereafter, the organization shall document such progress for the Secretary in each of the following areas:

“(1) Conducting activities that are consumer-responsive and consumer-driven, including activities that will lead to increased access to funding for assistive technology devices and services.

“(2) Executing legal, administrative, and other appropriate means of representation to implement systems change.
“(3) Developing and implementing strategies designed to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully advocate for assistive technology to which the individuals with disabilities are entitled under law.

“(4) Coordination with protection and advocacy services funded through sources other than this Act.

“(d) PUBLIC COMMENT.—

“(1) HEARING.—An organization that is awarded a contract to provide protection and advocacy services pursuant to section 101(b)(4) shall, during the period described in paragraph (2), conduct a hearing for public comment from interested persons to ascertain the extent to which the State that awarded the contract to the organization is making significant progress, under the grant that is effective at the time of the hearing, in developing and implementing a consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance.

“(2) DATE OF HEARING.—The hearing required under paragraph (1) shall be conducted within the 6-month period ending on the date of the termi-
nation of a grant received under section 103, or within the 6-month period ending on the date that is 24 months after the date on which a grant under section 104 commenced, whichever is applicable to the State that awarded the contract to the organization.

“(3) REPORT.—An organization referred to in paragraph (1) shall submit to the Secretary a report summarizing the public comments received at a hearing conducted under the paragraph within the 6-month period beginning on the date the hearing is concluded.”.

SEC. 106. ADMINISTRATIVE PROVISIONS.

Section 106 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2215) (as redesignated by section 104) is amended—

(1) in clause (ii) of subsection (a)(2)(B), by striking “GS-18 of the General Schedule under section 5332 of title 5,” and inserting “level IV of the Executive Schedule under section 5315 of title 5,”;

(2) by redesignating subsection (c) as subsection (g);

(3) by inserting after subsection (b) the following:

“(c) REDESIGNATION OF LEAD AGENCY.—
“(1) Monitoring Panel.—Once a State becomes subject to a corrective action plan pursuant to subsection (b), the Governor of the State, subject to approval by the Secretary, shall appoint within 30 days a monitoring panel consisting of the following representatives:

“(A) The head of the lead agency designated by the Governor.

“(B) 2 representatives from different public or private nonprofit organizations that represent the interests of individuals with disabilities.

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

“(i) members of the advisory council of the program; or

“(ii) employees of the State lead agency.

“(D) 2 service providers with knowledge and expertise in assistive technology devices and services.

The monitoring panel shall be ethnically diverse and shall choose its own chairperson. The panel shall receive periodic reports from the State regarding
progress in implementing the corrective action plan and shall have the authority to request additional information necessary to determine compliance. The meetings of the panel to determine compliance shall be open to the public (subject to confidentiality concerns) and held at locations that are accessible to individuals with disabilities. The panel shall remain active for the entire period of the corrective action plan, as determined by the Secretary. The panel shall be funded by a portion of the funds received by the State under this title, as directed by the Secretary.

“(2) Failure to Appoint Monitoring Panel.—A failure by a Governor of a State to comply with the requirements of paragraph (1) shall result in the complete loss of funding under this title, until redesignation pursuant to the process established in paragraph (4).

“(3) Determination.—Based on its findings, a monitoring panel may determine that a lead agency designated by a Governor has not met the purposes established in section 2(b)(1) and that there is good cause for redesignation and the temporary loss of funds under this title. In this paragraph, the term ‘good cause’ includes—
“(A) lack of progress with employment of qualified staff;

“(B) lack of consumer-responsive, consumer-driven activities;

“(C) lack of resource allocation to systems change activities;

“(D) lack of progress with meeting the assurances in section 102(d); or

“(E) inadequate fiscal management.

If a monitoring panel makes such a determination, it shall recommend to the Secretary that further remedial action be taken or that the Secretary order the Governor to hold an open competition pursuant to paragraph (4). The Secretary, based on the findings and recommendations of the monitoring panel, shall make a final determination with respect to the lead agency designation under this title.

“(4) New State Competition.—In the event that a State loses funding under this title pursuant to paragraph (2) or (3), the Governor of the State shall hold an open competition within the State and issue a request for proposals within 30 days for agency redesignation. Such competition shall be open to State agencies, public and private nonprofit organizations, consortia of such organizations, or institu-
tions of higher education. The competition shall ensure public involvement, including a public hearing and adequate opportunity for public comment. The Secretary shall have final approval of the agency or organization designated after such competition.

``(d) Redesignation of Protection and Advocacy Services.—If the Secretary determines that significant progress has not been achieved by an organization that is awarded a contract to provide protection and advocacy services for a State pursuant to section 101(b)(4), the Secretary shall consult with the Governor of such State in a timely manner. After such consultation, if it is determined that remedial action is not appropriate, the Governor shall hold an open competition within the State and issue a request for proposals within 30 days for agency redesignation. Such competition shall be open to entities with the same expertise and ability to provide legal services as an organization referred to in section 101(b)(4). The competition shall ensure public involvement, including a public hearing and adequate opportunity for public comment.

``(e) Annual Report.—

``(1) In general.—The Secretary shall publish, by December 31 of each year, an annual report to the President and to the Congress on the activi-
ties funded under this Act and other Federal initiatives to improve the access of individuals with disabilities to assistive technology devices and services. The report shall address the following:

“(A) Demonstrated successes at the Federal and State levels in improving interagency coordination, streamlining access to funding, and producing beneficial outcomes for users of assistive technology.

“(B) Demonstrated successes in promoting funding access in existing public programs and establishing new funding options.

“(C) Activities targeted to reach underrepresented populations and rural populations.

“(D) Consumer involvement activities in the State programs.

“(E) Education and training activities to promote awareness of available funding in public programs.

“(F) Efforts made to educate and train individuals with disabilities and their family members, guardians, advocates, and authorized representatives, representatives of public agencies and private entities that have contact with indi-
individuals with disabilities (including insurers),
teachers and related services personnel, techn-
ology experts (including engineers), employers,
and other appropriate individuals about tech-
nology-related assistance.

“(G) Research activities undertaken to im-
prove the understanding of the cost-benefit
ratio resulting from the use of assistive tech-
nology for individuals of all ages and with vary-
ing disabilities.

“(2) Report on Availability.—As soon as
practicable, but not later than January 1, 1996, the
Secretary shall include in the annual report required
by this section a report on the availability of
assistive technology devices and services for individ-
uals with disabilities based on the national classifica-
tion system developed under section 201.

“(f) Interagency Disability Coordinating
Council.—On or before October 1, 1995, the Interagency
Disability Coordinating Council established under section
shall prepare and submit to the President and to the Con-
gress a report of—

“(1) the response of the Interagency Disability
Coordinating Council to the findings and rec-
ommendations of the National Council on Disability (established under section 400 of the Rehabilitation Act of 1973 (29 U.S.C. 780)) that were included in the Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities of the National Council on Disability; and

“(2) activities of the Interagency Disability Coordinating Council that facilitate the accomplishment of section 2(b)(2) with respect to the Federal Government.

The report shall include any comments submitted by the National Council on Disability to the Interagency Disability Coordinating Council that pertain to paragraph (1) or (2).”;

(4) by amending subsection (g) (as redesignated by paragraph (2)) to read as follows:

“(g) E F F E C T O N O T H E R A S S I S T A N C E .— T h i s t i t l e may not be construed as authorizing a State or a Federal agency to reduce medical or other assistance available or to alter eligibility under any Federal statute.”.

SEC. 107. INFORMATION AND TECHNICAL ASSISTANCE.

The Technology Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is amended by inserting after section 106 (as redesignated by section 104) the following:
“SEC. 107. INFORMATION AND TECHNICAL ASSISTANCE.

“(a) In General.—The Secretary shall provide to States and individuals with disabilities and their family members, guardians, advocates, and authorized representatives information and technical assistance.

“(b) Information and Technical Assistance to States.—Information and technical assistance provided to the States under subsection (a) shall include—

“(1) providing a clearinghouse for activities that have been developed and implemented by projects funded pursuant to this Act;

“(2) facilitating service delivery capacity building, training of personnel across disciplines, evaluation strategies, and research and data collection;

“(3) providing information and technical assistance on effective approaches to information referral, interagency coordination on training and service delivery, outreach to underrepresented populations and rural populations, and public awareness activities;

“(4) assisting in planning, developing, implementing and evaluating appropriate activities to further extend consumer-responsive, consumer-driven, comprehensive statewide programs of technology-related assistance for individuals with disabilities;
“(5) providing technical assistance and training to the projects funded pursuant to this title for activities conducted pursuant to section 101(c)(3); and

“(6) providing any other appropriate information and technical assistance to assist the States in accomplishing the purposes of this Act.

“(c) Information and Technical Assistance to Individuals.—Information and technical assistance provided to individuals with disabilities and their family members, guardians, advocates, and authorized representatives under subsection (a) shall include—

“(1) disseminating information and providing technical assistance on Federal, State and local laws, regulations, policies, procedures, and practices that facilitate funding for and access to assistive technology devices and services, to promote independence, productivity, and inclusion in the economic, political, social, cultural, and educational mainstream of American society for individuals of all ages with disabilities;

“(2) identifying, collecting, and disseminating information, and providing technical assistance on effective systems change activities, advocacy services, and protection and advocacy services;
“(3) collecting, analyzing, and disseminating on a national basis assistive technology funding decisions made as a result of policies, procedures, and practices, or through regulations, administrative hearings, or legal action that enhance access to funding of assistive technology devices and services for individuals with disabilities;

“(4) promoting State-Federal coordination through information dissemination and technical assistance activities in response to funding policy improvements identified by the States that enhance funding for, or access to, assistive technology devices and services for individuals of all ages with disabilities; and

“(5) providing any other appropriate information and technical assistance to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accomplishing the purposes of this Act.

“(d) GRANTS, CONTRACTS, AND AGREEMENTS.—

“(1) PUBLIC OR PRIVATE AGENCIES.—The Secretary shall provide the information and technical assistance described in this section through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institu-
tions of higher education, with documented experience, expertise, and capacity to accomplish identified activities.

“(2) NUMBER.—The Secretary shall provide the information and technical assistance described in this section through one or two grants, contracts, or cooperative agreements. An agency or organization that is a party to such a grant, contract, or agreement may contract with other public or private agencies or organizations for the purposes of providing the information and technical assistance described in this section.”.

SEC. 108. FUNDING.

Section 108 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2216) (as redesignated by section 104) is amended to read as follows:

“SEC. 108. FUNDING.

“(a) Authorization of Appropriations.—

“(1) In General.—There are authorized to be appropriated to carry out this title $50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 2002.
“(2) Reservation.—The Secretary shall reserve 2 percent of funds appropriated in any fiscal year under paragraph (1), or $1,500,000, whichever is greater, for the purpose of providing to States and individuals with disabilities and their family members, guardians, advocates, and authorized representatives information and technical assistance under section 107.

“(b) Administration.—From funds appropriated for salaries and expenses with respect to the Department of Education for each fiscal year beginning after October 1, 1993, the Secretary—

“(1) shall expend such amounts as may be necessary to ensure that 4 full-time employees are added to the number of employees serving on September 30, 1993, in the Office of Special Education and Rehabilitative Services of the Department of Education; and

“(2) shall assign such additional employees to the National Institute on Disability and Rehabilitation Research to be engaged in the full-time administration of this Act.”.
TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 201. PROGRAMS AUTHORIZED.
The Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is amended by striking title II and inserting the following:

"TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

"PART A—NATIONAL CLASSIFICATION SYSTEM

"SEC. 201. NATIONAL CLASSIFICATION SYSTEM.

"(a) In General.—The Secretary—

"(1) shall collect the uniform data described in subsection (c) across the publicly funded programs described in subsection (d) through the use of a single taxonomy and a uniform data collection instrument; and

"(2) shall develop, in consultation with the Internal Revenue Service, procedures for determining whether devices and services are assistive technology devices or services within the meaning of paragraph (2) or (3) of section 3.

"(b) Single Taxonomy.—

"(1) In General.—The Secretary, in consultation with the technical assistance contractees described in section 107(d), the States receiving funds
under title I, organizations that have worked in the
information and referral field in the past, and
assistive technology reimbursement specialists, shall
adopt a single taxonomy for assistive technology de-
vices and services.

“(2) Deadlines.—(A) The Secretary may
carry out this subsection through a contract or grant
if the contract or grant is made within the 6-month
period beginning on the date of the enactment of the
Technology-Related Assistance for Individuals With
Disabilities Amendments of 1993. If the Secretary
carries out this subsection through contract or
grant, the contract or grant shall be for a period of
not more than 2 years.

“(B) If the Secretary does not carry out this
subsection through contract or grant, the Secretary
shall adopt the taxonomy described in paragraph (1)
within the 2-year period beginning on the date of the
enactment of the Technology-Related Assistance for

“(c) Uniform Data.—The uniform data referred to
in subsection (a) shall include the following:

“(1) Expenditures for the different types of
assistive technology devices and services.

“(2) Type of disability of the individual.
“(3) Type of functional needs of the individual with a disability.

“(4) Type of device.

“(5) Type of service.

“(6) Type of provider.

“(7) Age of the individual.

“(8) Gender of the individual.

“(9) Ethnicity of the individual.

“(10) Geographic residence of the individual.

“(11) Funding source.

“(d) Publicly Funded Programs.—The publicly funded programs referred to in subsection (a) shall include—

“(1) titles I, VI, and VII of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

“(2) parts H and B of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

“(3) titles V and XIX of the Social Security Act (42 U.S.C. 301 et seq.);

“(4) programs funded under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

“(5) programs funded under the Developmental Disabilities and Bill of Rights Act (42 U.S.C. 6000 et seq.).
“PART B—TRAINING AND DEMONSTRATION PROJECTS

“SEC. 211. TRAINING GRANTS.

“(a) TECHNOLOGY TRAINING.—

“(1) GENERAL AUTHORITY.—The Secretary shall enter into contracts or cooperative agreements with appropriate public or private agencies and organizations, including institutions of higher education, for the purposes of—

“(A) conducting training sessions; and

“(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance.

“(2) ELIGIBLE ACTIVITIES.—Activities conducted under contracts or cooperative agreements entered into under paragraph (1) may address the training needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, representatives of public agencies and private entities that have contact with individuals with disabilities (including insurers), teachers and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.

“(b) TECHNOLOGY CAREERS.—
“(1) IN GENERAL.—The Secretary shall make grants to assist institutions of higher education to prepare students and faculty working in specific fields for careers relating to the provision of assistive technology devices and services. The specific fields include—

“(A) engineering;
“(B) industrial technology;
“(C) computer science;
“(D) communication disorders;
“(E) special education;
“(F) rehabilitation; and
“(G) social work.

“(2) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to the preparation of personnel who will provide technical assistance, administer programs, or prepare personnel necessary to support the development and implementation of consumer-responsive, consumer-driven, comprehensive statewide programs of technology-related assistance for individuals with disabilities.

“(3) USES OF FUNDS.—Amounts made available for grants under paragraph (1) may be used by institutions of higher education to assist in covering
the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Secretary.

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(c) GRANTS TO HISTORICALLY BLACK COLLEGES.—In exercising the authority granted in subsections (a) and (b), the Secretary shall reserve an adequate amount for grants to historically black colleges and universities and other institutions of higher education whose minority student enrollment is at least 50 percent.
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SEC. 212. TECHNOLOGY TRANSFER.
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The Secretary shall provide funds to an organization whose primary function is to promote technology transfer from, and cooperation among, Federal laboratories (as defined in section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.)). Such funds shall be used to promote technology transfer that will spur the development of assistive technology devices.
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SEC. 213. DEVICE AND EQUIPMENT REDISTRIBUTION INFORMATION SYSTEMS AND RECYCLING CENTERS.
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(a) IN GENERAL.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, public agencies, private entities, or institutions of higher
education for the purpose of developing and establishing recycling projects.

“(b) Eligible Activities.—Eligible recycling activities may include—

“(1) a system for accepting, on an unconditional gift basis, assistive technology devices, including a process for valuing the devices and evaluating their use and potential;

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

“(3) an information system (including computer databases) by which local educational agencies, rehabilitation entities, local community-based organizations, independent living centers and other entities, would be informed, on a periodic and timely basis, about the availability and nature of the devices currently held; and

“(4) a system for making such devices available to consumers and those entities listed in paragraph (3), provided that such system include provision for tracking each device throughout its useful life.

“(c) Multiple Providers.—With respect to activities funded under this section, an agency, entity, or institution may utilize a single authority or may establish a system of service providers. If an agency, entity, or institu-
tion uses multiple providers, the agency, entity, or institution shall assure that—

“(1) all consumers within a State receive equal access to services, regardless of the geographic location or socioeconomic status of the consumers; and

“(2) all activities of the providers are coordinated and monitored by the agency, entity, or institution.

“(d) Other Laws.—Nothing in this section shall affect the provision of services or devices pursuant to title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) or part B of the Individuals With Disabilities Education Act (20 U.S.C 1411 et seq.).

“(e) Existing Programs.—Public agencies, private entities, or institutions of higher education that have already established recycling programs may extend and strengthen such programs through grants, contracts, or agreements under this section.

“SEC. 214. BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

“The Secretary may make grants to individuals with disabilities to enable them to establish or operate commercial or other enterprises which develop or market assistive technology devices or services.
"SEC. 215. PRODUCTS OF UNIVERSAL DESIGN.

The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of products of universal design. Preference shall be given to those enterprises which are owned or operated by individuals with disabilities.

"SEC. 216. GOVERNING STANDARDS FOR PART B PROJECTS.

Projects operated pursuant to this part shall—

\(\text{(1)}\) be held to the same consumer-responsive, consumer-driven standards as the program under title I;

\(\text{(2)}\) make available to individuals with disabilities and their family members, guardians, advocates, and authorized representatives information concerning technology-related assistance in a form that will allow such individuals with disabilities to effectively use such information;

\(\text{(3)}\) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials; and

\(\text{(4)}\) coordinate their efforts with the consumer-responsive, consumer-driven, comprehensive state-
wide program of technology-related assistance for individuals with disabilities in the State or States in which the projects operate.

"PART C—AUTHORIZATION OF APPROPRIATIONS"

"SEC. 221. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) Reservation.—Of the amounts appropriated under subsection (a), the Secretary shall reserve $200,000 in each of the fiscal years 1994 and 1995 for the purpose of adopting the taxonomy under section 201.”

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. ALTERNATIVE FINANCING MECHANISMS AUTHORIZED.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is amended by adding at the end the following:
“TITLE III—ALTERNATIVE FINANCING MECHANISMS

“SEC. 301. GENERAL AUTHORITY TO PROVIDE ALTERNATIVE FINANCING MECHANISMS.

“(a) In General.—The Secretary shall award grants to States to provide a Federal share for the establishment of, or the expansion of, alternative financing mechanisms to allow individuals with disabilities and their family members, guardians, and authorized representatives to purchase assistive technology devices and services. Grants under this section may be used to provide up to one half of the costs of providing and administering such alternative financing mechanisms. The mechanisms may include—

“(1) a low-interest loan fund;
“(2) a revolving fund;
“(3) a loan insurance program;
“(4) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provision of assistive technology services; and
“(5) other alternative financing mechanisms that meet the requirements of this Act and are approved by the Secretary.
“(b) Construction of Title I.—Nothing in this section shall be construed as affecting the authority of a State to establish alternative financing mechanisms under title I.

“SEC. 302. APPLICATIONS AND PROCEDURES.

“States that receive or have received grants under section 102, 103, or 104 shall be eligible to compete for grants under this title. The Secretary shall make grants under this title under such conditions as the Secretary shall, by regulation, determine, except that—

“(1) a State may receive only one grant under this title;

“(2) a State that desires to receive a grant under this title shall submit an application that contains—

“(A) an assurance that the State will provide an amount not less than the amount paid to the State by the Secretary under this title, as set forth under section 304, for the purpose of supporting the alternative financing mechanisms that are covered by the grant;

“(B) an assurance that an alternative financing mechanism shall continue on a permanent basis; and
“(C) a description of the degree to which the alternative financing mechanisms to be funded under this title will expand and emphasize consumer choice and control;
“(3) a State that receives a grant under this title—
“(A) shall contract with a community-based organization (or a consortia of such organizations) that has individuals with disabilities involved at all organizational levels for the administration of the alternative financing mechanisms that are supported by this title; and
“(B) shall require that such community-based organization contract, for the purpose of expanding opportunities under this title and facilitating the administration of the alternative financing mechanisms, with—
“(i) commercial lending institutions or organizations; or
“(ii) State financing agencies; and
“(4) a contract between a State that receives a grant under this title and a community-based organization described in paragraph (3)—
“(A) shall include the administration of both the Federal and non-Federal matching
share in a manner consistent with the provisions of this title; and

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

“SEC. 303. GRANT ADMINISTRATION REQUIREMENTS.

“A State that receives a grant under this title, together with any community-based organization that contracts to administer an alternative financing mechanism that is supported by this title, shall develop and submit to the Secretary, pursuant to a timeline that the Secretary may establish or, if the Secretary does not establish a timeline, within the 12-month period beginning on the date that the State receives the grant, the following policies or procedures for administration of the mechanism:

“(1) A procedure to review and process in a timely fashion requests for financial assistance for both immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility and determination of the specific device or service to be provided.

“(2) A policy and procedure to assure that access to the alternative funding mechanism shall be
given to consumers regardless of type of disability, age, location of residence in the State, or type of assistive technology device or service requested and shall be made available to applicants of all income levels.

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

“SEC. 304. FINANCIAL REQUIREMENTS.

“A State that desires to receive a grant under this title shall submit an application that contains assurances that funds supporting an alternative financing mechanism under this title shall meet the following requirements:

“(1) Funds provided by the State to match the Federal share for the mechanism—

“(A) shall be from either State, local, or private sources;

“(B) shall be of an amount at least equal to the Federal funds provided under a grant under this title; and

“(C) shall not be taken from, or obtained by the reduction of any services in, any program providing similar services to individuals with disabilities which is in operation on the date of the submission of the application.
“(2) Funds that support an alternative financing mechanism under this title—

“(A) shall be used to supplement and not supplant existing public funding options; and

“(B) may only be distributed as a payer of last resort for assistance that is not available in a reasonable or timely fashion from any other Federal, State, or local source.

“(3) All funds that support an alternative financing mechanism funded under this title, including funds repaid during the life of the mechanism, shall be placed in a permanent separate account and identified and accounted for separately from any other fund. Funds within this account may be invested in low-risk securities in which a regulated insurance company may invest under the law of the State for which the grant is provided and shall be administered with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person.

“(4) The principal and interest from an account described in paragraph (3) shall be available to support an alternative financing mechanism supported under this title. Any interest or investment income
that accrues on any funds covered under this paragraph after such funds have been placed under the control of the entity administering the mechanism, but before such funds are distributed for purposes of supporting the mechanism, shall be the property of the entity administering the mechanism and shall not be taken into account by any officer or employee of the Federal Government for any purpose.

"SEC. 305. AMOUNT OF GRANTS.

"(a) In General.—A grant under this title shall be for an amount that is not more than $500,000 increased by any amount made available under subsection (b).

"(b) Excess Funds.—If funds appropriated under section 308 for a fiscal year are in excess of the amount necessary to fund acceptable applications for such year, the Secretary shall make such excess amount available to States receiving grants under this title in such year on a competitive basis. A State that desires to receive additional funds under this subsection shall amend and resubmit to the Secretary the application submitted under section 302. Such amended application shall contain an assurance that the State will provide an additional amount for the purpose of supporting the alternative financing mechanisms covered by the grant that is not less than any
additional amount paid to the State by the Secretary under this subsection.

“(c) INSUFFICIENT FUNDS.—If funds appropriated under section 308 for a fiscal year are not sufficient to fund each of the acceptable applications for such year, a State whose application was approved as acceptable for such year but that did not receive a grant under this title may update such application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

“SEC. 306. TECHNICAL ASSISTANCE.

“(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title. The information and technical assistance shall include—

“(1) assisting States in the preparation of applications for grants under this title;

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

“(3) providing any other information and technical assistance to assist States in accomplishing the purposes of this title.

“(b) GRANTS, CONTRACTS, AND AGREEMENTS.—The Secretary shall provide the information and technical as-
istance described in subsection (a) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing mechanisms described in section 301.

‘SEC. 307. ANNUAL REPORT.

‘Not later than December 31 of each year, the Secretary shall submit a report to the Congress stating whether each State program to provide alternative financing mechanisms that was supported by this title during the year is making significant progress in achieving the objectives of this title. The report shall include—

‘(1) the number of applications for a grant under this title that were received by the Secretary;

‘(2) the number of grants made and the amounts of such grants;

‘(3) the ratio of the amount of funds provided by each State for a State program to provide alternative financing mechanisms to the amount of Federal funds provided for such program;

‘(4) the type of program to provide alternative financing mechanisms that was adopted in each State and the community-based organization (or
consortia of such organizations) with whom each
State has contracted; and

“(5) the amount of assistance given to consum-
ers (who shall be classified by age, type of disability,
type of assistive technology device or service re-
ceived, geographic distribution within the State, gen-
der, and whether they are part of an
underrepresented population or a rural population).

“SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

“(a) In General.—There are authorized to be ap-
propriated to carry out this title $8,000,000 for fiscal year
1994, and such sums as may be necessary for each of the
fiscal years 1995 through 2002.

“(b) Availability in Succeeding Fiscal Year.—
Amounts appropriated under subsection (a) shall remain
available for expenditure in the fiscal year immediately fol-
lowing the fiscal year for which such amounts were appro-
priated.

“(c) Reservation.—Of the amounts appropriated
under subsection (a), the Secretary shall reserve $250,000
for the purpose of providing information and technical as-
sistance to States under section 306.”.
TITLE IV—AMENDMENTS TO OTHER ACTS

SEC. 401. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

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

(1) by striking “, and” at the end of subparagraph (D) and inserting a comma;

(2) by striking the period at the end of subparagraph (E) and inserting “, and”; and

(3) by adding at the end the following:

“(F) training in the use, applications, and benefits of assistive technology devices and services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)).’’.


(a) National Institute on Disability and Rehabilitation Research.—Section 202(b)(8) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(b)(8)) is amended by striking “characteristics of individuals with disabilities” and inserting “characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations,”.
(b) **Training.**—Section 302(b)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 771a(b)(1)(B)), as added by section 302(b) of Public Law 102-569 (106 Stat. 4412), is amended—

1. (1) by striking “; and” at the end of clause (ii) and inserting a semicolon;
2. (2) by striking the period at the end of clause (iii) and inserting “; and”;
3. (3) by adding at the end the following:

   “(iv) projects to train personnel in the use, applications, and benefits of assistive technology devices and services (as defined in sections 3(2) and 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)).”.

**SEC. 403. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) **Assistive Technology Device.**—Section 7(23) of the Rehabilitation Act of 1973 (29 U.S.C. 706(23)), as added by section 102(n) of Public Law 102-569 (106 Stat. 4350), is amended by striking “3(1)” and inserting “3(2)”.

(b) **Assistive Technology Service.**—Section 7(24) of the Rehabilitation Act of 1973 (29 U.S.C. 706(24)), as added by section 102(n) of Public Law 102-
569 (106 Stat. 4350), is amended by striking “3(2)” and inserting “3(3)”.

**TITLE V—EFFECTIVE DATE**

**SEC. 501. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on October 1, 1993, or on the date of the enactment of this Act, whichever occurs later.

Passed the House of Representatives August 2, 1993.

Attest: DONNALD K. ANDERSON,
        Clerk.

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