

Calendar No. 181

103D CONGRESS
1ST SESSION

H. R. 2339

AN ACT

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

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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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Technology-Related Assistance for Individuals With Dis-
6 abilities Amendments of 1993”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 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. 402. Rehabilitation Act of 1973.
- 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-Re-
 3 lated Assistance for Individuals With Disabilities Act of
 4 1988 (29 U.S.C. 2201(a)) is amended to read as follows:

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

6 “(1) Disability is a natural part of the human
 7 experience and in no way diminishes the right of in-
 8 dividuals—

9 “(A) to live independently;

10 “(B) to enjoy self-determination;

11 “(C) to make choices;

12 “(D) to contribute to society;

13 “(E) to pursue meaningful careers; and

1 “(F) to enjoy full inclusion and integration
2 in the economic, political, social, cultural, and
3 educational mainstream of American society.

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

12 “(3) The provision of assistive technology de-
13 vices and services enables some individuals with dis-
14 abilities—

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

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

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

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

1 “(4) Substantial progress has been made in the
2 development of assistive technology devices, includ-
3 ing adaptations to existing equipment, which signifi-
4 cantly benefit individuals of all ages with disabilities.
5 Such devices have increased the involvement of indi-
6 viduals with disabilities in programs and activities
7 such as early intervention, education, rehabilitation
8 and training, employment, residential living, inde-
9 pendent living, recreation, and other aspects of daily
10 living. Dual-use technology is critical to the further
11 development of assistive technology devices.

12 “(5) Many individuals with disabilities cannot
13 access existing telecommunications and information
14 technologies and are at risk of not being able to ac-
15 cess developing technologies. The inadvertent failure
16 of Federal and State governments, hardware manu-
17 facturers, software designers, information systems
18 managers, and telecommunications service providers
19 to account for the specific needs of individuals with
20 disabilities not only results in the exclusion of such
21 individuals from the use of telecommunications and
22 information technologies, but also results in unneces-
23 sary costs associated with the retrofitting of devices
24 and product systems.

1 “(6) The use of assistive technology devices and
2 services by individuals with disabilities increases
3 such individuals’ ability to be independent, which re-
4 duces expenditures associated with early interven-
5 tion, education, rehabilitation, health care, transpor-
6 tation, telecommunication services, and other serv-
7 ices required by such individuals.

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

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

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

17 “(C) information about the availability and
18 potential of technology for individuals with dis-
19 abilities and their family members, guardians,
20 advocates, and authorized representatives, rep-
21 resentatives of public agencies and private enti-
22 ties that have contact with individuals with dis-
23 abilities (including insurers), teachers and relat-
24 ed services personnel, technology experts (in-

1 including engineers), employers, and other appro-
2 priate individuals;

3 “(D) aggressive outreach to under-
4 represented populations and rural populations;

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

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

12 “(8) There are insufficient incentives for the
13 commercial pursuit of the application of technology
14 devices to meet the needs of individuals with disabil-
15 ities, because of limited markets.

16 “(9) At the Federal level, there is a lack of co-
17 ordination among agencies that provide or pay for
18 the provision of assistive technology devices and
19 services. In addition, the Federal Government does
20 not provide adequate assistance and information
21 with respect to the use of assistive technology de-
22 vices and services to individuals with disabilities and
23 their family members, guardians, advocates, and au-
24 thorized representatives, representatives of public
25 agencies and private entities that have contact with

1 individuals with disabilities (including insurers),
2 teachers and related services personnel, technology
3 experts (including engineers), employers, and other
4 appropriate individuals.”.

5 (b) PURPOSES.—Section 2(b) of the Technology-
6 lated Assistance for Individuals With Disabilities Act of
7 1988 (29 U.S.C. 2201(b)) is amended to read as follows:

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

10 “(1) To provide financial assistance to the
11 States to develop and implement a consumer-respon-
12 sive, consumer-driven, comprehensive statewide pro-
13 gram of technology-related assistance for individuals
14 of all ages with disabilities that is designed to create
15 systemic change and foster advocacy by—

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

19 “(B) increasing the active involvement of
20 individuals with disabilities and their family
21 members, guardians, advocates, and authorized
22 representatives in the planning, development,
23 implementation, and evaluation of technology-
24 related assistance programs;

1 “(C) increasing the involvement of individ-
2 uals with disabilities and their family members,
3 guardians, advocates, and authorized represent-
4 atives in specific agency decisions related to the
5 provision of assistive technology devices and
6 services to individuals with disabilities;

7 “(D) increasing and promoting coordina-
8 tion among State agencies and between State
9 agencies and private entities that provide tech-
10 nology-related assistance, particularly assistive
11 technology devices and services;

12 “(E) increasing the awareness of laws, reg-
13 ulations, policies, procedures, and practices that
14 facilitate the availability or provision of
15 assistive technology devices and services and by
16 promoting the change of laws, regulations, poli-
17 cies, procedures, and practices that impede the
18 availability or provision of assistive technology
19 devices and services;

20 “(F) increasing the probability that indi-
21 viduals of all ages with disabilities will, to the
22 extent appropriate, be able to secure and main-
23 tain assistive technology devices as such individ-
24 uals make the transition between services of-

1 ferred by human service agencies or between set-
2 tings of daily living;

3 “(G) increasing the competence of person-
4 nel who provide technology-related assistance,
5 including assistive technology devices and serv-
6 ices;

7 “(H) increasing awareness and knowledge
8 of the efficacy of assistive technology devices
9 and services among individuals with disabilities
10 and their family members, guardians, advo-
11 cates, and authorized representatives, rep-
12 resentatives of public agencies and private enti-
13 ties that have contact with individuals with dis-
14 abilities (including insurers), teachers and relat-
15 ed services personnel, technology experts (in-
16 cluding engineers), employers, and other appro-
17 priate individuals;

18 “(I) increasing the capacity of public agen-
19 cies and private entities to provide and pay for
20 technology-related assistance on a statewide
21 basis, particularly assistive technology devices
22 and services, for individuals of all ages with dis-
23 abilities; and

1 “(J) increasing the awareness of the needs
2 of individuals with disabilities for assistive tech-
3 nology devices and services.

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

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

11 “(A) technical assistance, information,
12 training, and public awareness programs relat-
13 ing to the provision of assistive technology de-
14 vices and services; and

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

17 “(4) To ensure that all programs, projects, and
18 activities receiving assistance under this Act are car-
19 ried out in a manner consistent with the principles
20 of—

21 “(A) respect for individual dignity, per-
22 sonal responsibility, and self-determination in
23 the pursuit of meaningful careers, based on in-
24 formed choice, by individuals with disabilities;

1 “(B) respect for the privacy, rights, and
2 equal access (including the use of accessible for-
3 mats), of such individuals;

4 “(C) inclusion, integration, and full partici-
5 pation of such individuals;

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

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

12 **SEC. 3. DEFINITIONS.**

13 Section 3 of the Technology-Related Assistance for
14 Individuals With Disabilities Act of 1988 (29 U.S.C.
15 2202) is amended—

16 (1) by redesignating paragraphs (1), (2), (3),
17 (4), (5), (6), (7), and (8) as paragraphs (2), (3),
18 (7), (9), (11), (12), (14), and (15), respectively;

19 (2) by inserting before paragraph (2) (as reded-
20 ignated by paragraph (1)) the following:

21 “(1) **ADVOCACY SERVICES.**—The term ‘advocacy
22 services’ means assistance to individuals with
23 disabilities and their family members, guardians, ad-
24 vocates, and authorized representatives in accessing
25 assistive technology devices and services to which in-

1 individuals with disabilities are entitled under law.

2 Such term includes—

3 “(A) dissemination of information;

4 “(B) individual case management;

5 “(C) training individuals to locate funding
6 sources; and

7 “(D) pursuit of legal and other appropriate
8 remedies.”;

9 (3) in paragraph (3)(E) (as redesignated by
10 paragraph (1)), by striking “family” and all that fol-
11 lows and inserting “the family members, guardians,
12 advocates, or authorized representatives of such an
13 individual; and”;

14 (4) by inserting after paragraph (3) (as redesign-
15 ated by paragraph (1)) the following:

16 “(4) COMPREHENSIVE.—The term ‘comprehen-
17 sive’, when used with reference to a program, means
18 a statewide program that addresses the needs of all
19 individuals with disabilities, including under-
20 represented populations and rural populations, who
21 can benefit from the use of assistive technology de-
22 vices and services regardless of age, type of disabil-
23 ity, gender, race, or ethnicity.

24 “(5) CONSUMER-DRIVEN.—The term
25 ‘consumer-driven’, when used with reference to a

1 program, means a statewide program that includes
2 individuals with disabilities and their family mem-
3 bers, guardians, advocates, and authorized rep-
4 resentatives, including underrepresented populations
5 and rural populations, in the development, imple-
6 mentation, and evaluation of the program.

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

14 (5) in paragraph (7) (as redesignated by para-
15 graph (1))—

16 (A) by striking the matter preceding sub-
17 paragraph (A) and inserting the following:

18 “(7) INDIVIDUAL WITH A DISABILITY.—The
19 term ‘individual with a disability’ means any individ-
20 ual—”; and

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

23 (6) by inserting after paragraph (7) (as redesi-
24 gnated by paragraph (1)) the following:

1 “(8) INDIVIDUALS WITH DISABILITIES.—The
2 term ‘individuals with disabilities’ means more than
3 one individual with a disability.”;

4 (7) in paragraph (9) (as redesignated by para-
5 graph (1)), by striking “section 435(b)” and insert-
6 ing “section 481(a)”;

7 (8) by inserting after paragraph (9) (as redesign-
8 ated by paragraph (1)) the following:

9 “(10) PROTECTION AND ADVOCACY SERV-
10 ICES.—The term ‘protection and advocacy services’
11 means services that—

12 “(A) are described in part C of the Devel-
13 opmental Disabilities Assistance and Bill of
14 Rights Act (42 U.S.C. 6041 et seq.), the Pro-
15 tection and Advocacy for Mentally Ill Individ-
16 uals Act (42 U.S.C. 10801 et seq.), or section
17 509 of the Rehabilitation Act of 1973 (29
18 U.S.C. 794e); and

19 “(B) assist individuals with disabilities and
20 their family members, guardians, advocates,
21 and authorized representatives with respect to
22 assistive technology devices and services.”;

23 (9) in paragraph (12) (as redesignated by para-
24 graph (1)), by striking “Trust” and all that follows

1 and inserting “Republic of Palau (until the Compact
2 of Free Association with Palau takes effect).”;

3 (10) by inserting after paragraph (12) (as re-
4 designated by paragraph (1)) the following:

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

7 “(A) to identify laws, regulations, policies,
8 procedures, and practices that are legal or serv-
9 ice delivery barriers impeding access to assistive
10 technology devices and services;

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

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

19 (11) by amending paragraph (15) (as redesignig-
20 nated by paragraph (1)) to read as follows:

21 “(15) UNDERREPRESENTED POPULATIONS.—
22 The term ‘underrepresented populations’ includes
23 populations such as minorities, the poor, and the
24 limited English proficient.”.

1 **TITLE I—GRANTS TO STATES**

2 **SEC. 101. PROGRAM AUTHORIZED.**

3 (a) GRANTS TO STATES.—Section 101(a) of the
4 Technology-Related Assistance for Individuals With Dis-
5 abilities Act of 1988 (29 U.S.C. 2211(a)) is amended by
6 striking “to develop and implement consumer-responsive”
7 and inserting “in developing and implementing consumer-
8 responsive, consumer-driven”.

9 (b) REQUIRED ACTIVITIES.—Section 101(b) of the
10 Technology-Related Assistance for Individuals With Dis-
11 abilities Act of 1988 (29 U.S.C. 2211(b)) is amended to
12 read as follows:

13 “(b) REQUIRED ACTIVITIES.—Any State that re-
14 ceives a grant under this title shall accomplish the pur-
15 poses described in section 2(b)(1) by carrying out the fol-
16 lowing activities:

17 “(1) SYSTEMS CHANGE ACTIVITIES.—Systems
18 change activities shall include—

19 “(A) developing and implementing strate-
20 gies to obtain funds with which individuals with
21 disabilities may obtain assistive technology de-
22 vices and services in State special education, vo-
23 cational rehabilitation, and medical assistance
24 programs or, as appropriate, other education,
25 health, or human service agencies, with particu-

1 lar emphasis on addressing the needs of
2 underrepresented populations and rural popu-
3 lations, coordinating such funds, and monitor-
4 ing State and local policies, procedures, and
5 practices that relate to such funds;

6 “(B) establishing an interagency coordinat-
7 ing committee to enhance public funding op-
8 tions and coordinate access to funding for
9 assistive technology devices and services for in-
10 dividuals of all ages with disabilities, with spe-
11 cial attention to the issues of transition from
12 school to work, home use, and individual in-
13 volvement in the identification, planning, use,
14 delivery, and evaluation of such devices and
15 services; and

16 “(C) developing written materials, training,
17 and technical assistance to ensure that the
18 needs of an individual for assistive technology
19 devices and services are considered and included
20 as part of an individualized education program
21 required under section 614(a)(5) of the Individ-
22 uals with Disabilities Education Act (20 U.S.C.
23 1414(a)(5)), an individualized family service
24 plan developed pursuant to section 677(d) of
25 such Act (20 U.S.C. 1477(d)), an individualized

1 written rehabilitation program required under
2 section 102(b) of the Rehabilitation Act of 1973
3 (29 U.S.C. 722(b)), and other individualized
4 plans that may have been developed for the in-
5 dividual.

6 “(2) CONSUMER-RESPONSIVE, CONSUMER-DRIV-
7 EN ACTIVITIES.—(A) Consumer-responsive,
8 consumer-driven activities shall include—

9 “(i) providing outreach to under-
10 represented populations and rural populations,
11 including—

12 “(I) identification and needs assess-
13 ment of such populations;

14 “(II) activities to increase the acces-
15 sibility of services to such populations;

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

19 “(IV) training staff of the comprehen-
20 sive statewide program of technology-relat-
21 ed assistance to work with such popu-
22 lations; and

23 “(ii) establishing consumer advisory coun-
24 cils to advise such program, a majority of whose
25 members are—

1 “(I) individuals with disabilities; and
2 “(II) the family members, guardians,
3 or authorized representatives of individuals
4 with disabilities.

5 “(B) Consumer-responsive, consumer-driven ac-
6 tivities may include—

7 “(i) increasing consumer participation,
8 choice, and control in the selection and procure-
9 ment of assistive technology;

10 “(ii) outreach to consumer organizations
11 and groups in the State to coordinate with ef-
12 forts of such organizations and groups to imple-
13 ment self-help, peer mentoring, and support
14 group programs to assist individuals with dis-
15 abilities and their family members, guardians,
16 advocates, and authorized representatives in ob-
17 taining funding for, and access to, assistive
18 technology devices and services;

19 “(iii) developing mechanisms for determin-
20 ing consumer satisfaction and participation in
21 the comprehensive statewide program of tech-
22 nology-related assistance for individuals of all
23 ages with disabilities and documenting the re-
24 sults;

1 “(iv) taking actions to develop standards
2 or, where appropriate, apply existing standards
3 to ensure the availability of qualified personnel;
4 and

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

13 “(3) ADVOCACY SERVICES.—Advocacy serv-
14 ices—

15 “(A) shall include training individuals with
16 disabilities and their family members, guard-
17 ians, advocates, and authorized representatives
18 to successfully advocate for access to assistive
19 technology devices and services, with special
20 emphasis placed on underrepresented popu-
21 lations and rural populations; and

22 “(B) shall supplement, not supplant, simi-
23 lar advocacy services that have been provided
24 pursuant to other Federal or State laws.

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

16 (c) AUTHORIZED ACTIVITIES.—Section 101(c) of the
17 Technology-Related Assistance for Individuals With Dis-
18 abilities Act of 1988 (29 U.S.C. 2211(c)) is amended—

19 (1) by amending the matter preceding para-
20 graph (1) to read as follows:

21 “(c) AUTHORIZED ACTIVITIES.—Any State that re-
22 ceives a grant under this title may accomplish the pur-
23 poses described in section 2(b)(1) by carrying out the fol-
24 lowing activities:”;

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

4 (3) in paragraph (2), in each of subparagraphs
5 (B), (C), and (G)(i), by striking “assistive tech-
6 nology” each place such term appears after “devices
7 and”;

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

10 (5) by redesignating paragraph (8) as para-
11 graph (12);

12 (6) by inserting after paragraph (2) the follow-
13 ing:

14 “(3) ELECTRONIC COMMUNICATION.—The
15 State may operate or participate in a computer sys-
16 tem through which it can electronically communicate
17 with other States to gain technical assistance in a
18 timely fashion to avoid the duplication of efforts al-
19 ready undertaken in other States.

20 “(4) DEMONSTRATION OF DEVICES.—The State
21 may support the demonstration of assistive tech-
22 nology devices. Activities may include—

23 “(A) provision of a location or locations
24 within the State where individuals with disabil-
25 ities and their family members, guardians, ad-

1 vocates, and authorized representatives, special
2 education, rehabilitation, health care, and other
3 service providers, representatives of Federal,
4 State, and local government entities, and em-
5 ployers can see, touch, and learn about assistive
6 technology devices from personnel who are fa-
7 miliar with such devices and their applications;

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

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

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

23 (8) in paragraph (6) (as redesignated by para-
24 graph (4))—

1 (A) by amending the matter preceding sub-
2 paragraph (A) to read as follows:

3 “(6) PUBLIC AWARENESS PROGRAM.—The
4 State may support a public awareness program de-
5 signed to provide information relating to the avail-
6 ability and efficacy of assistive technology devices
7 and services for individuals with disabilities and
8 their family members, guardians, advocates, and au-
9 thorized representatives, representatives of public
10 agencies and private entities that have contact with
11 individuals with disabilities (including insurers),
12 teachers and related services personnel, technology
13 experts (including engineers), employers, and other
14 appropriate individuals, or may establish and sup-
15 port such a program if no such program exists. Such
16 a program may include—”;

17 (B) in subparagraph (A), in each of
18 clauses (i), (ii), and (iii), by striking “assistive
19 technology” after “devices and”;

20 (C) in subparagraph (B), by striking
21 “assistive technology” after “devices and”; and

22 (D) in subparagraph (C)(i), by striking
23 “families or representatives of individuals with
24 disabilities,” and inserting “and their family

1 members, guardians, advocates, or authorized
2 representatives.”;

3 (9) in paragraph (7) (as redesignated by para-
4 graph (4)), by striking “devices” and all that follows
5 and inserting the following: “devices and services to
6 individuals with disabilities and their family mem-
7 bers, guardians, advocates, and authorized rep-
8 resentatives, representatives of public agencies and
9 private entities that have contact with individuals
10 with disabilities (including insurers), teachers and
11 related services personnel, technology experts (in-
12 cluding engineers), employers, and other appropriate
13 individuals.”;

14 (10) in paragraph (8) (as redesignated by para-
15 graph (4))—

16 (A) in the matter preceding subparagraph

17 (A)—

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

20 (ii) by inserting after the first sen-
21 tence the following: “Access to the system
22 may be provided through community-based
23 entities, including public libraries, centers
24 for independent living (as defined in sec-
25 tion 702 of the Rehabilitation Act of 1973

1 (29 U.S.C. 796a)), and community reha-
2 bilitation programs (as defined in section
3 7(25) of such Act (29 U.S.C. 706(25)).”;

4 and

5 (iii) by striking “a system described in
6 the preceding sentence,” and inserting
7 “the system,”;

8 (B) in subparagraph (A)—

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

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

19 and

20 (C) by adding at the end the following:

21 “The information system may be organized on an
22 interstate basis or as part of a regional consortium
23 of States in order to facilitate the establishment of
24 compatible, linked information systems.”; and

1 (11) by inserting after paragraph (9) (as reded-
2 ignated by paragraph (4)) the following:

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

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

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

15 “(11) DEVICE AND EQUIPMENT REDISTRIBU-
16 TION INFORMATION SYSTEMS AND RECYCLING CEN-
17 TERS.—The State may support activities, including
18 the establishment of information systems and recy-
19 cling centers, for the redistribution of assistive tech-
20 nology devices and equipment that may include de-
21 vice and equipment loans, rentals, or gifts.”.

22 **SEC. 102. DEVELOPMENT GRANTS.**

23 (a) NUMBER OF GRANTS TO BE AWARDED.—Section
24 102 of the Technology-Related Assistance for Individuals

1 With Disabilities Act of 1988 (29 U.S.C. 2212) is amend-
2 ed—

3 (1) by striking subsection (b); and

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

6 (b) AMOUNTS OF GRANTS.—Section 102(b) of the
7 Technology-Related Assistance for Individuals With Dis-
8 abilities Act of 1988 (29 U.S.C. 2212(c)) (as redesignated
9 by subsection (a)) is amended—

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

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

14 (3) in paragraph (5)—

15 (A) in subparagraph (A), by striking “the
16 Trust Territory of the Pacific Islands.” and in-
17 serting “the Republic of Palau.”; and

18 (B) in subparagraph (B), by striking “the
19 Trust Territory of the Pacific Islands.” and in-
20 serting “the Republic of Palau (until the Com-
21 pact of Free Association with Palau takes ef-
22 fect).”.

23 (c) APPLICATIONS.—Section 102(d) of the Tech-
24 nology-Related Assistance for Individuals With Disabil-

ities Act of 1988 (29 U.S.C. 2212(e)) (as redesignated
by subsection (a)) is amended—

(1) by redesignating paragraph (17) as paragraph (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:

“(1) DESIGNATION OF LEAD AGENCY.—The designation by the Governor of the office, agency, entity, or individual responsible for—

“(A) submitting the application on behalf of the State;

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

“(C) coordinating and supervising—

“(i) preparation of the application;

“(ii) planning, development, implementation, and evaluation of the consumer-responsive, consumer-driven, comprehensive statewide program of technology-related assistance;

“(iii) coordination among public agencies and between public agencies and pri-

1 vate entities, including the entering into of
2 interagency and interstate agreements; and

3 “(iv) the active, timely, and meaning-
4 ful participation by individuals with dis-
5 abilities and their family members, guard-
6 ians, advocates, and authorized representa-
7 tives, or other appropriate individuals with
8 respect to carrying out activities under the
9 grant; and

10 “(D) delegating any responsibilities de-
11 scribed in this paragraph, in whole or in part,
12 to one or more appropriate offices, agencies, en-
13 tities, or individuals.

14 “(2) ABILITIES OF LEAD AGENCY.—Evidence
15 that the lead agency described in paragraph (1) has
16 the ability—

17 “(A) to respond to assistive technology
18 needs across disability and age;

19 “(B) to promote the availability through-
20 out the State of assistive technology devices and
21 services;

22 “(C) to promote and implement systems
23 change activities;

24 “(D) to promote and implement public-pri-
25 vate partnerships;

1 “(E) to exercise leadership in identifying
2 and responding to the technology needs of indi-
3 viduals with disabilities and their family mem-
4 bers, guardians, advocates, and authorized rep-
5 resentatives;

6 “(F) to promote and document the
7 consumer-responsive, consumer-driven nature of
8 the comprehensive statewide program of tech-
9 nology-related assistance; and

10 “(G) to exercise leadership in implement-
11 ing effective strategies for capacity building,
12 staff and consumer training, and enhancement
13 of access to funding for assistive technology de-
14 vices and services across agencies.

15 “(3) AGENCY INVOLVEMENT.—A description of
16 the nature and extent of involvement of various
17 State agencies in the preparation of the application
18 and the continuing role of each agency in the devel-
19 opment and implementation of the consumer-respon-
20 sive, consumer-driven, comprehensive statewide pro-
21 gram of technology-related assistance, including the
22 identification of the available resources and financial
23 responsibility of each agency for paying for assistive
24 technology devices and services.

1 “(4) PUBLIC INVOLVEMENT.—A description of
2 the nature and extent of the involvement in the de-
3 velopment of the application, and the continuing role
4 in the consumer-responsive, consumer-driven, com-
5 prehensive statewide program of technology-related
6 assistance of—

7 “(A) individuals with disabilities;

8 “(B) the family members, guardians, advo-
9 cates, and authorized representatives of such
10 individuals;

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

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

16 (4) in paragraph (5) (as redesignated by para-
17 graph (2)), by striking “underserved groups” and
18 inserting “underrepresented populations and rural
19 populations”;

20 (5) in paragraph (7) (as redesignated by para-
21 graph (2)), by striking “consumer-responsive” and
22 inserting “consumer-responsive, consumer-driven,
23 comprehensive”;

24 (6) by striking paragraph (8) (as redesignated
25 by paragraph (2)) and inserting the following:

1 “(8) DATA COLLECTION.—A description of—

2 “(A) the data collection system used for
3 compiling information as required by the Sec-
4 retary and, when a national classification sys-
5 tem is developed pursuant to section 201, con-
6 sistent with such classification system; and

7 “(B) procedures that will be used to con-
8 duct evaluations.”;

9 (7) in paragraph (9) (as redesignated by para-
10 graph (2)), by striking “devices and assistive tech-
11 nology” and inserting “devices and”;

12 (8) in paragraph (12) (as redesignated by para-
13 graph (2))—

14 (A) in subparagraph (A), by striking “de-
15 vices and assistive technology” and inserting
16 “devices and”; and

17 (B) in subparagraph (B), by striking “de-
18 vices or assistive technology” each place it ap-
19 pears and inserting “devices or”;

20 (9) by amending paragraph (16) (as redesi-
21 gnated by paragraph (2)) to read as follows:

22 “(16) FISCAL CONTROL AND ACCOUNTING PRO-
23 CEDURES.—An assurance that—

24 “(A) the State will adopt such fiscal con-
25 trol and accounting procedures as may be nec-

1 essary to ensure proper disbursement of and ac-
2 counting for amounts received under the grant;
3 and

4 “(B) the lead agency will have the author-
5 ity to use funds under this title to comply with
6 the State grant requirements, including the
7 ability to hire qualified staff necessary to carry
8 out project activities.”; and

9 (10) by inserting after paragraph (17) (as re-
10 designated by paragraph (2)) the following:

11 “(18) PROTECTION AND ADVOCACY SERV-
12 ICES.—An assurance that the State will allocate a
13 specific amount of funds, from Federal or State
14 sources, for protection and advocacy services pro-
15 vided pursuant to section 101(b)(4). In reviewing an
16 application by the State, the Secretary shall review
17 such specific amount to determine if it is reasonable
18 in relation to the size of the grant and the needs of
19 individuals with disabilities within the State. In
20 making such determination, the Secretary shall con-
21 sider the population of the State and the geographic
22 size of the State.

23 “(19) TRAINING ACTIVITIES.—An assurance
24 that the State—

1 “(A) will develop and implement strategies
2 for including personnel training in assistive
3 technology within existing Federal- and State-
4 funded training initiatives to enhance assistive
5 technology skills and competencies; and

6 “(B) will document such training activities.

7 “(20) LIMIT ON INDIRECT COSTS.—An assur-
8 ance that the percentage of funds used for indirect
9 costs shall not exceed 15 percent.

10 “(21) COORDINATION WITH STATE COUN-
11 CILS.—An assurance that there will be coordination
12 between the project funded under this Act and other
13 councils within the State, including the State Reha-
14 bilitation Advisory Council (or Councils) established
15 under section 105 of the Rehabilitation Act of 1973
16 (29 U.S.C. 725), the Statewide Independent Living
17 Council established under section 705 of such Act
18 (29 U.S.C. 796d), the advisory panel established
19 under section 613(a)(12) of the Individuals with
20 Disabilities Education Act (20 U.S.C. 1413(a)(12)),
21 the State Interagency Coordinating Council estab-
22 lished under section 682 of such Act (20 U.S.C.
23 1482), the State Planning Council described in sec-
24 tion 124 of the Developmental Disabilities Assist-
25 ance and Bill of Rights Act (42 U.S.C. 6024), and

1 the State mental health planning council established
2 under section 1916(e) of the Public Health Service
3 Act (42 U.S.C. 300x-4(e)).

4 “(22) COORDINATION WITH OTHER SYSTEMS
5 CHANGE PROJECTS.—An assurance that there will
6 be coordination between the project funded under
7 this Act and other related systems change projects
8 funded by either Federal or State funds.

9 “(23) AVAILABILITY OF INFORMATION.—An as-
10 surance that the State will—

11 “(A) make available to individuals with
12 disabilities and their family members, guard-
13 ians, advocates, and authorized representatives
14 information concerning technology-related as-
15 sistance in a form that will allow such individ-
16 uals with disabilities to effectively use such in-
17 formation; and

18 “(B) in preparing such information for dis-
19 semination, consider the media-related needs of
20 individuals with disabilities who have sensory
21 and cognitive limitations and consider the use
22 of auditory materials, including audio cassettes,
23 visual materials, including video cassettes and
24 video discs, and braille materials.

1 “(24) TIMELINESS OF SERVICE PROVISION.—

2 An assurance that the State—

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

6 “(i) the decisions related to the need
7 for and the provision of assistive tech-
8 nology devices and services;

9 “(ii) the specific entity within the
10 State that will provide such service or de-
11 vice;

12 “(iii) the procurement policies, proce-
13 dures, and practices that affect the acqui-
14 sition or usage of such service or device; or

15 “(iv) the timelines involved in such
16 procurement;

17 “(B) will review the information required
18 under subparagraph (A) to determine areas
19 that inhibit or delay the acquisition or delivery
20 of a needed assistive technology service or de-
21 vice, particularly as such service or device re-
22 lates to minors; and

23 “(C) will determine ways in which the
24 timelines for acquisition and delivery may be
25 decreased.”.

1 **SEC. 103. EXTENSION GRANTS.**

2 (a) GENERAL AUTHORITY.—Section 103(a) of the
3 Technology-Related Assistance for Individuals With Dis-
4 abilities Act of 1988 (29 U.S.C. 2213(a)) is amended to
5 read as follows:

6 “(a) GENERAL AUTHORITY.—The Secretary may
7 award a 2-year extension grant to any State that—

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

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

12 “(3) has demonstrated to the Secretary that the
13 State made significant progress in developing and
14 implementing a consumer-responsive, consumer-driv-
15 en, comprehensive statewide program of technology-
16 related assistance, consistent with sections 2(b)(1),
17 101, and 102(d).”.

18 (b) ASSESSMENT OF PROGRESS.—Section 103 of the
19 Technology-Related Assistance for Individuals With Dis-
20 abilities Act of 1988 (29 U.S.C. 2213) is amended—

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

23 (2) by inserting after subsection (a) the follow-
24 ing:

25 “(b) ASSESSMENT OF PROGRESS.—The Secretary
26 shall develop guidelines to be used in assessing the extent

1 to which the State is making significant progress in devel-
2 oping and implementing a consumer-responsive,
3 consumer-driven, comprehensive statewide program of
4 technology-related assistance consistent with section
5 2(b)(1).”.

6 (c) AMOUNTS OF GRANTS.—Section 103(c) of the
7 Technology-Related Assistance for Individuals With Dis-
8 abilities Act of 1988 (29 U.S.C. 2213(c)) (as redesignated
9 by subsection (b)) is amended—

10 (1) in paragraph (1)(A), by striking “section
11 106” and inserting “section 108(a)(1)”;

12 (2) in paragraph (1)(B), by striking “section
13 106” and inserting “section 108(a)(1)”;

14 (3) in paragraph (1)(C)—

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

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

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

24 “In providing any increases in State grants above
25 the amounts provided to States in fiscal year 1993,

1 the Secretary shall give priority to the 10 States
2 that have the largest populations, as determined by
3 the 1990 decennial census of the population, and
4 States that are sparsely populated, with a wide geo-
5 graphic spread, where such characteristics have im-
6 peded the development of a statewide program.”.

7 (d) APPLICATION.—Section 103(d) of the Tech-
8 nology-Related Assistance for Individuals With Disabil-
9 ities Act of 1988 (29 U.S.C. 2213(d)) (as redesignated
10 by subsection (b)) is amended—

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

13 “(1) INFORMATION AND ASSURANCES.—The in-
14 formation and assurances described in section
15 102(d), except the preliminary needs assessment de-
16 scribed in section 102(d)(5).

17 “(2) NEEDS.—A description of—

18 “(A) needs relating to technology-related
19 assistance for individuals with disabilities (in-
20 cluding individuals from underrepresented pop-
21 ulations and rural populations), their family
22 members, guardians, advocates, and authorized
23 representatives, and other appropriate individ-
24 uals within the State;

1 “(B) gaps that remain in the development
2 and implementation of a consumer-responsive,
3 consumer-driven, comprehensive statewide pro-
4 gram of technology-related assistance;

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

8 “(D) outreach activities, with special atten-
9 tion to underrepresented populations and rural
10 populations.

11 “(3) ACTIVITIES AND PROGRESS UNDER PRE-
12 VIOUS GRANT.—A description of the specific activi-
13 ties carried out under the development grant re-
14 ceived under section 102, the relationship of such
15 activities to the development and implementation of
16 a consumer-responsive, consumer-driven, comprehen-
17 sive statewide program of technology-related assist-
18 ance, and the progress made toward the development
19 and implementation of such a program. Such de-
20 scription shall include, at a minimum—

21 “(A) a description of State actions that
22 were undertaken to produce systems change on
23 a permanent basis for individuals of all ages
24 with disabilities;

1 “(B) a description of training and tech-
2 nical assistance efforts to improve individual ac-
3 cess to assistive technology devices and services;
4 and

5 “(C) an evaluation of the impact and re-
6 sults of the activities described in subpara-
7 graphs (A) and (B).”;

8 (2) in paragraph (4)—

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

14 (B) in subparagraph (C), by striking
15 “consumer-responsive” and inserting
16 “consumer-responsive, consumer-driven, com-
17 prehensive”;

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

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

23 (5) by adding at the end the following:

24 “(7) CONTINUATION OF PROGRAM.—A descrip-
25 tion of the steps the State has taken or will take to

1 continue on a permanent basis a consumer-respon-
2 sive, consumer-driven, comprehensive statewide pro-
3 gram of technology-related assistance, including an
4 identification of potential funding sources and fund-
5 ing commitments for the program from the public
6 and private sectors and from the agencies and enti-
7 ties who will be involved with and direct future
8 efforts.”.

9 **SEC. 104. SECOND EXTENSION GRANTS.**

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

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

15 (2) by redesignating section 106 as section 108;
16 and

17 (3) by inserting after section 103 the following:

18 **“SEC. 104. SECOND EXTENSION GRANTS.**

19 “(a) GENERAL AUTHORITY.—The Secretary may
20 award a 5-year second extension grant to any State that—

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

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

1 “(3) has demonstrated to the Secretary that the
2 State made significant progress in developing and
3 implementing a consumer-responsive, consumer-driv-
4 en, comprehensive statewide program of technology-
5 related assistance, consistent with sections 2(b)(1),
6 101, and 102(d).

7 “(b) AMOUNTS OF GRANTS.—The amounts and the
8 priority of the extension grants under this section shall
9 be the same as the amounts and priority of extension
10 grants under section 103(c), except that—

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

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

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

22 In providing any increases in State grants above the
23 amounts provided to States in fiscal year 1993, the Sec-
24 retary shall give priority to the 10 States that have the
25 largest populations, as determined by the 1990 decennial

1 census of the population, and States that are sparsely pop-
2 ulated, with a wide geographic spread, where such charac-
3 teristics have impeded the development of a statewide
4 program.

5 “(c) APPLICATION.—A State that desires to receive
6 an extension grant under this section shall submit an ap-
7 plication that contains the information and assurances re-
8 quired under section 103(d), except that the descriptions
9 of the activities carried out and the progress made under
10 a development grant that are referred to in such section
11 shall relate, in an application under this section, to an ex-
12 tension grant under section 103.”.

13 **SEC. 105. PROGRESS REPORTS.**

14 Section 105 of the Technology-Related Assistance for
15 Individuals With Disabilities Act of 1988 (29 U.S.C.
16 2214) (as redesignated by section 104) is amended—

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

19 “(a) IN GENERAL.—Each State that receives a grant
20 under this title shall submit to the Secretary annually a
21 report that documents significant progress in developing
22 and implementing a consumer-responsive, consumer-driv-
23 en, comprehensive statewide program of technology-relat-
24 ed assistance, consistent with sections 2(b)(1), 101, and
25 102(d). The report shall document the following:

1 “(1) Successful systems change activities to in-
2 crease funding for, and access to, assistive tech-
3 nology devices and services, including—

4 “(A) an analysis of laws, regulations, poli-
5 cies, procedures, and practices that have
6 changed, the program has attempted to change,
7 or that need to be changed to facilitate the ac-
8 quisition of assistive technology;

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

11 “(C) other relevant processes or activities.

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

18 “(3) The degree of involvement of various State
19 agencies in the preparation of the application and
20 the continuing role of each agency in the develop-
21 ment and implementation of the statewide program,
22 including the identification of the available resources
23 and financial responsibility of each agency for pay-
24 ing for assistive technology devices and services.

1 “(4) Efforts to train personnel as well as con-
2 sumers.

3 “(5) Information collection and dissemination
4 activities relating to systems change activities identi-
5 fied in paragraph (1).

6 “(6) Written notices by State and local agencies
7 of policies, procedures, and practices that have been
8 developed or amended in order to inform individuals
9 with disabilities and their family members, guard-
10 ians, advocates, and authorized representatives of
11 Federal requirements pertaining to assistive tech-
12 nology devices and services, particularly under parts
13 B and H of the Individuals with Disabilities Edu-
14 cation Act (20 U.S.C. 1400 et seq.) and title I of
15 the Rehabilitation Act of 1973 (29 U.S.C. 720 et
16 seq.).

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

20 “(8) Efforts to comply with the assurance pro-
21 vided pursuant to section 102(d)(24).

22 “(9) Efforts to reduce the service delivery time
23 for receiving assistive technology devices and serv-
24 ices.

1 “(10) Efforts to disseminate information about
2 interagency activities that promote coordination of
3 assistive technology services, including evidence of
4 increased participation of State and local special
5 education, vocational rehabilitation, and medical as-
6 sistance agencies and departments.”;

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

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

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

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

23 “(2) Executing legal, administrative, and other
24 appropriate means of representation to implement
25 systems change.

1 “(3) Developing and implementing strategies
2 designed to enhance the long-term abilities of indi-
3 viduals with disabilities and their family members,
4 guardians, advocates, and authorized representatives
5 to successfully advocate for assistive technology to
6 which the individuals with disabilities are entitled
7 under law.

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

10 “(d) PUBLIC COMMENT.—

11 “(1) HEARING.—An organization that is award-
12 ed a contract to provide protection and advocacy
13 services pursuant to section 101(b)(4) shall, during
14 the period described in paragraph (2), conduct a
15 hearing for public comment from interested persons
16 to ascertain the extent to which the State that
17 awarded the contract to the organization is making
18 significant progress, under the grant that is effective
19 at the time of the hearing, in developing and imple-
20 menting a consumer-responsive, consumer-driven,
21 comprehensive statewide program of technology-re-
22 lated assistance.

23 “(2) DATE OF HEARING.—The hearing required
24 under paragraph (1) shall be conducted within the
25 6-month period ending on the date of the termi-

1 nation of a grant received under section 103, or
2 within the 6-month period ending on the date that
3 is 24 months after the date on which a grant under
4 section 104 commenced, whichever is applicable to
5 the State that awarded the contract to the organiza-
6 tion.

7 “(3) REPORT.—An organization referred to in
8 paragraph (1) shall submit to the Secretary a report
9 summarizing the public comments received at a
10 hearing conducted under the paragraph within the
11 6-month period beginning on the date the hearing is
12 concluded.”.

13 **SEC. 106. ADMINISTRATIVE PROVISIONS.**

14 Section 106 of the Technology-Related Assistance for
15 Individuals With Disabilities Act of 1988 (29 U.S.C.
16 2215) (as redesignated by section 104) is amended—

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

21 (2) by redesignating subsection (c) as sub-
22 section (g);

23 (3) by inserting after subsection (b) the follow-
24 ing:

25 “(c) REDESIGNATION OF LEAD AGENCY.—

1 “(1) MONITORING PANEL.—Once a State be-
2 comes subject to a corrective action plan pursuant to
3 subsection (b), the Governor of the State, subject to
4 approval by the Secretary, shall appoint within 30
5 days a monitoring panel consisting of the following
6 representatives:

7 “(A) The head of the lead agency des-
8 igned by the Governor.

9 “(B) 2 representatives from different pub-
10 lic or private nonprofit organizations that rep-
11 resent the interests of individuals with disabil-
12 ities.

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

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

18 “(ii) employees of the State lead agen-
19 cy.

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

23 The monitoring panel shall be ethnically diverse and
24 shall choose its own chairperson. The panel shall re-
25 ceive periodic reports from the State regarding

1 progress in implementing the corrective action plan
2 and shall have the authority to request additional in-
3 formation necessary to determine compliance. The
4 meetings of the panel to determine compliance shall
5 be open to the public (subject to confidentiality con-
6 cerns) and held at locations that are accessible to in-
7 dividuals with disabilities. The panel shall remain
8 active for the entire period of the corrective action
9 plan, as determined by the Secretary. The panel
10 shall be funded by a portion of the funds received
11 by the State under this title, as directed by the Sec-
12 retary.

13 “(2) FAILURE TO APPOINT MONITORING
14 PANEL.—A failure by a Governor of a State to com-
15 ply with the requirements of paragraph (1) shall re-
16 sult in the complete loss of funding under this title,
17 until redesignation pursuant to the process estab-
18 lished in paragraph (4).

19 “(3) DETERMINATION.—Based on its findings,
20 a monitoring panel may determine that a lead agen-
21 cy designated by a Governor has not met the pur-
22 poses established in section 2(b)(1) and that there is
23 good cause for redesignation and the temporary loss
24 of funds under this title. In this paragraph, the term
25 ‘good cause’ includes—

1 “(A) lack of progress with employment of
2 qualified staff;

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

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

7 “(D) lack of progress with meeting the as-
8 surances in section 102(d); or

9 “(E) inadequate fiscal management.

10 If a monitoring panel makes such a determination,
11 it shall recommend to the Secretary that further re-
12 medial action be taken or that the Secretary order
13 the Governor to hold an open competition pursuant
14 to paragraph (4). The Secretary, based on the find-
15 ings and recommendations of the monitoring panel,
16 shall make a final determination with respect to the
17 lead agency designation under this title.

18 “(4) NEW STATE COMPETITION.—In the event
19 that a State loses funding under this title pursuant
20 to paragraph (2) or (3), the Governor of the State
21 shall hold an open competition within the State and
22 issue a request for proposals within 30 days for
23 agency redesignation. Such competition shall be open
24 to State agencies, public and private nonprofit orga-
25 nizations, consortia of such organizations, or institu-

1 tions of higher education. The competition shall en-
2 sure public involvement, including a public hearing
3 and adequate opportunity for public comment. The
4 Secretary shall have final approval of the agency or
5 organization designated after such competition.

6 “(d) REDESIGNATION OF PROTECTION AND ADVO-
7 CACY SERVICES.—If the Secretary determines that signifi-
8 cant progress has not been achieved by an organization
9 that is awarded a contract to provide protection and advo-
10 cacy services for a State pursuant to section 101(b)(4),
11 the Secretary shall consult with the Governor of such
12 State in a timely manner. After such consultation, if it
13 is determined that remedial action is not appropriate, the
14 Governor shall hold an open competition within the State
15 and issue a request for proposals within 30 days for agen-
16 cy redesignation. Such competition shall be open to enti-
17 ties with the same expertise and ability to provide legal
18 services as an organization referred to in section
19 101(b)(4). The competition shall ensure public involve-
20 ment, including a public hearing and adequate opportunity
21 for public comment.

22 “(e) ANNUAL REPORT.—

23 “(1) IN GENERAL.—The Secretary shall pub-
24 lish, by December 31 of each year, an annual report
25 to the President and to the Congress on the activi-

1 ties funded under this Act and other Federal initia-
2 tives to improve the access of individuals with dis-
3 abilities to assistive technology devices and services.

4 The report shall address the following:

5 “(A) Demonstrated successes at the Fed-
6 eral and State levels in improving interagency
7 coordination, streamlining access to funding,
8 and producing beneficial outcomes for users of
9 assistive technology.

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

13 “(C) Activities targeted to reach
14 underrepresented populations and rural popu-
15 lations.

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

18 “(E) Education and training activities to
19 promote awareness of available funding in pub-
20 lic programs.

21 “(F) Efforts made to educate and train in-
22 dividuals with disabilities and their family mem-
23 bers, guardians, advocates, and authorized rep-
24 resentatives, representatives of public agencies
25 and private entities that have contact with indi-

1 viduals with disabilities (including insurers),
2 teachers and related services personnel, tech-
3 nology experts (including engineers), employers,
4 and other appropriate individuals about tech-
5 nology-related assistance.

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

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

18 “(f) INTERAGENCY DISABILITY COORDINATING
19 COUNCIL.—On or before October 1, 1995, the Interagency
20 Disability Coordinating Council established under section
21 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794d)
22 shall prepare and submit to the President and to the Con-
23 gress a report of—

24 “(1) the response of the Interagency Disability
25 Coordinating Council to the findings and rec-

1 ommendations of the National Council on Disability
2 (established under section 400 of the Rehabilitation
3 Act of 1973 (29 U.S.C. 780)) that were included in
4 the Study on the Financing of Assistive Technology
5 Devices and Services for Individuals with Disabilities
6 of the National Council on Disability; and

7 “(2) activities of the Interagency Disability Co-
8 ordinating Council that facilitate the accomplish-
9 ment of section 2(b)(2) with respect to the Federal
10 Government.

11 The report shall include any comments submitted by the
12 National Council on Disability to the Interagency Disabil-
13 ity Coordinating Council that pertain to paragraph (1) or
14 (2).”; and

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

17 “(g) EFFECT ON OTHER ASSISTANCE.—This title
18 may not be construed as authorizing a State or a Federal
19 agency to reduce medical or other assistance available or
20 to alter eligibility under any Federal statute.”.

21 **SEC. 107. INFORMATION AND TECHNICAL ASSISTANCE.**

22 The Technology Related Assistance for Individuals
23 With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)
24 is amended by inserting after section 106 (as redesignated
25 by section 104) the following:

1 **“SEC. 107. INFORMATION AND TECHNICAL ASSISTANCE.**

2 “(a) IN GENERAL.—The Secretary shall provide to
3 States and individuals with disabilities and their family
4 members, guardians, advocates, and authorized represent-
5 atives information and technical assistance.

6 “(b) INFORMATION AND TECHNICAL ASSISTANCE TO
7 STATES.—Information and technical assistance provided
8 to the States under subsection (a) shall include—

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

12 “(2) facilitating service delivery capacity build-
13 ing, training of personnel across disciplines, evalua-
14 tion strategies, and research and data collection;

15 “(3) providing information and technical assist-
16 ance on effective approaches to information referral,
17 interagency coordination on training and service de-
18 livery, outreach to underrepresented populations and
19 rural populations, and public awareness activities;

20 “(4) assisting in planning, developing, imple-
21 menting and evaluating appropriate activities to fur-
22 ther extend consumer-responsive, consumer-driven,
23 comprehensive statewide programs of technology-re-
24 lated assistance for individuals with disabilities;

1 “(5) providing technical assistance and training
2 to the projects funded pursuant to this title for ac-
3 tivities conducted pursuant to section 101(c)(3); and

4 “(6) providing any other appropriate informa-
5 tion and technical assistance to assist the States in
6 accomplishing the purposes of this Act.

7 “(c) INFORMATION AND TECHNICAL ASSISTANCE TO
8 INDIVIDUALS.—Information and technical assistance pro-
9 vided to individuals with disabilities and their family mem-
10 bers, guardians, advocates, and authorized representatives
11 under subsection (a) shall include—

12 “(1) disseminating information and providing
13 technical assistance on Federal, State and local laws,
14 regulations, policies, procedures, and practices that
15 facilitate funding for and access to assistive tech-
16 nology devices and services, to promote independ-
17 ence, productivity, and inclusion in the economic, po-
18 litical, social, cultural, and educational mainstream
19 of American society for individuals of all ages with
20 disabilities;

21 “(2) identifying, collecting, and disseminating
22 information, and providing technical assistance on
23 effective systems change activities, advocacy services,
24 and protection and advocacy services;

1 “(3) collecting, analyzing, and disseminating on
2 a national basis assistive technology funding deci-
3 sions made as a result of policies, procedures, and
4 practices, or through regulations, administrative
5 hearings, or legal action that enhance access to
6 funding of assistive technology devices and services
7 for individuals with disabilities;

8 “(4) promoting State-Federal coordination
9 through information dissemination and technical as-
10 sistance activities in response to funding policy im-
11 provements identified by the States that enhance
12 funding for, or access to, assistive technology devices
13 and services for individuals of all ages with disabil-
14 ities; and

15 “(5) providing any other appropriate informa-
16 tion and technical assistance to assist individuals
17 with disabilities and their family members, guard-
18 ians, advocates, and authorized representatives in
19 accomplishing the purposes of this Act.

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

21 “(1) PUBLIC OR PRIVATE AGENCIES.—The Sec-
22 retary shall provide the information and technical
23 assistance described in this section through grants,
24 contracts, or cooperative agreements with public or
25 private agencies and organizations, including institu-

1 tions of higher education, with documented experi-
2 ence, expertise, and capacity to accomplish identified
3 activities.

4 “(2) NUMBER.—The Secretary shall provide the
5 information and technical assistance described in
6 this section through one or two grants, contracts, or
7 cooperative agreements. An agency or organization
8 that is a party to such a grant, contract, or agree-
9 ment may contract with other public or private
10 agencies or organizations for the purposes of provid-
11 ing the information and technical assistance de-
12 scribed in this section.”.

13 **SEC. 108. FUNDING.**

14 Section 108 of the Technology-Related Assistance for
15 Individuals With Disabilities Act of 1988 (29 U.S.C.
16 2216) (as redesignated by section 104) is amended to read
17 as follows:

18 **“SEC. 108. FUNDING.**

19 **“(a) AUTHORIZATION OF APPROPRIATIONS.—**

20 **“(1) IN GENERAL.—**There are authorized to be
21 appropriated to carry out this title \$50,000,000 for
22 fiscal year 1994, and such sums as may be nec-
23 essary for each of the fiscal years 1995 through
24 2002.

1 “(2) RESERVATION.—The Secretary shall re-
2 serve 2 percent of funds appropriated in any fiscal
3 year under paragraph (1), or \$1,500,000, whichever
4 is greater, for the purpose of providing to States and
5 individuals with disabilities and their family mem-
6 bers, guardians, advocates, and authorized rep-
7 resentatives information and technical assistance
8 under section 107.

9 “(b) ADMINISTRATION.—From funds appropriated
10 for salaries and expenses with respect to the Department
11 of Education for each fiscal year beginning after October
12 1, 1993, the Secretary—

13 “(1) shall expend such amounts as may be nec-
14 essary to ensure that 4 full-time employees are
15 added to the number of employees serving on Sep-
16 tember 30, 1993, in the Office of Special Education
17 and Rehabilitative Services of the Department of
18 Education; and

19 “(2) shall assign such additional employees to
20 the National Institute on Disability and Rehabilita-
21 tion Research to be engaged in the full-time admin-
22 istration of this Act.”.

1 **TITLE II—PROGRAMS OF**
2 **NATIONAL SIGNIFICANCE**

3 **SEC. 201. PROGRAMS AUTHORIZED.**

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

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

9 **“PART A—NATIONAL CLASSIFICATION SYSTEM**

10 **“SEC. 201. NATIONAL CLASSIFICATION SYSTEM.**

11 “(a) IN GENERAL.—The Secretary—

12 “(1) shall collect the uniform data described in
13 subsection (c) across the publicly funded programs
14 described in subsection (d) through the use of a sin-
15 gle taxonomy and a uniform data collection instru-
16 ment; and

17 “(2) shall develop, in consultation with the In-
18 ternal Revenue Service, procedures for determining
19 whether devices and services are assistive technology
20 devices or services within the meaning of paragraph
21 (2) or (3) of section 3.

22 “(b) SINGLE TAXONOMY.—

23 “(1) IN GENERAL.—The Secretary, in consulta-
24 tion with the technical assistance contractees de-
25 scribed in section 107(d), the States receiving funds

1 under title I, organizations that have worked in the
2 information and referral field in the past, and
3 assistive technology reimbursement specialists, shall
4 adopt a single taxonomy for assistive technology de-
5 vices and services.

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

15 “(B) If the Secretary does not carry out this
16 subsection through contract or grant, the Secretary
17 shall adopt the taxonomy described in paragraph (1)
18 within the 2-year period beginning on the date of the
19 enactment of the Technology-Related Assistance for
20 Individuals With Disabilities Amendments of 1993.

21 “(c) UNIFORM DATA.—The uniform data referred to
22 in subsection (a) shall include the following:

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

25 “(2) Type of disability of the individual.

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

3 “(4) Type of device.

4 “(5) Type of service.

5 “(6) Type of provider.

6 “(7) Age of the individual.

7 “(8) Gender of the individual.

8 “(9) Ethnicity of the individual.

9 “(10) Geographic residence of the individual.

10 “(11) Funding source.

11 “(d) PUBLICLY FUNDED PROGRAMS.—The publicly
12 funded programs referred to in subsection (a) shall in-
13 clude—

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

16 “(2) parts H and B of the Individuals with Dis-
17 abilities Education Act (20 U.S.C. 1400 et seq.);

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

20 “(4) programs funded under the Older Ameri-
21 cans Act of 1965 (42 U.S.C. 3001 et seq.); and

22 “(5) programs funded under the Developmental
23 Disabilities and Bill of Rights Act (42 U.S.C. 6000
24 et seq.).

1 **“PART B—TRAINING AND DEMONSTRATION**

2 **PROJECTS**

3 **“SEC. 211. TRAINING GRANTS.**

4 “(a) TECHNOLOGY TRAINING.—

5 “(1) GENERAL AUTHORITY.—The Secretary
6 shall enter into contracts or cooperative agreements
7 with appropriate public or private agencies and orga-
8 nizations, including institutions of higher education,
9 for the purposes of—

10 “(A) conducting training sessions; and

11 “(B) developing, demonstrating, dissemi-
12 nating, and evaluating curricula, materials, and
13 methods used to train individuals regarding the
14 provision of technology-related assistance.

15 “(2) ELIGIBLE ACTIVITIES.—Activities con-
16 ducted under contracts or cooperative agreements
17 entered into under paragraph (1) may address the
18 training needs of individuals with disabilities and
19 their family members, guardians, advocates, and au-
20 thorized representatives, representatives of public
21 agencies and private entities that have contact with
22 individuals with disabilities (including insurers),
23 teachers and related services personnel, technology
24 experts (including engineers), employers, and other
25 appropriate individuals.

26 “(b) TECHNOLOGY CAREERS.—

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

7 “(A) engineering;

8 “(B) industrial technology;

9 “(C) computer science;

10 “(D) communication disorders;

11 “(E) special education;

12 “(F) rehabilitation; and

13 “(G) social work.

14 “(2) PRIORITY.—In awarding grants under
15 paragraph (1), the Secretary shall give priority to
16 the preparation of personnel who will provide tech-
17 nical assistance, administer programs, or prepare
18 personnel necessary to support the development and
19 implementation of consumer-responsive, consumer-
20 driven, comprehensive statewide programs of tech-
21 nology-related assistance for individuals with disabili-
22 ties.

23 “(3) USES OF FUNDS.—Amounts made avail-
24 able for grants under paragraph (1) may be used by
25 institutions of higher education to assist in covering

1 the cost of courses of training or study for such per-
2 sonnel and for establishing and maintaining fellow-
3 ships or traineeships with such stipends and allow-
4 ances as may be determined by the Secretary.

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

11 **“SEC. 212. TECHNOLOGY TRANSFER.**

12 “The Secretary shall provide funds to an organization
13 whose primary function is to promote technology transfer
14 from, and cooperation among, Federal laboratories (as de-
15 fined in section 4(6) of the Stevenson-Wydler Technology
16 Innovation Act of 1980 (15 U.S.C. 3701 et seq.)). Such
17 funds shall be used to promote technology transfer that
18 will spur the development of assistive technology devices.

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

22 “(a) IN GENERAL.—The Secretary shall make grants
23 to, or enter into contracts or cooperative agreements with,
24 public agencies, private entities, or institutions of higher

1 education for the purpose of developing and establishing
2 recycling projects.

3 “(b) ELIGIBLE ACTIVITIES.—Eligible recycling ac-
4 tivities may include—

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

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

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

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

22 “(c) MULTIPLE PROVIDERS.—With respect to activi-
23 ties funded under this section, an agency, entity, or insti-
24 tution may utilize a single authority or may establish a
25 system of service providers. If an agency, entity, or institu-

1 tion uses multiple providers, the agency, entity, or institu-
2 tion shall assure that—

3 “(1) all consumers within a State receive equal
4 access to services, regardless of the geographic loca-
5 tion or socioeconomic status of the consumers; and

6 “(2) all activities of the providers are coordi-
7 nated and monitored by the agency, entity, or insti-
8 tution.

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

14 “(e) EXISTING PROGRAMS.—Public agencies, private
15 entities, or institutions of higher education that have al-
16 ready established recycling programs may extend and
17 strengthen such programs through grants, contracts, or
18 agreements under this section.

19 **“SEC. 214. BUSINESS OPPORTUNITIES FOR INDIVIDUALS**
20 **WITH DISABILITIES.**

21 “The Secretary may make grants to individuals with
22 disabilities to enable them to establish or operate commer-
23 cial or other enterprises which develop or market assistive
24 technology devices or services.

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

2 “The Secretary may make grants to commercial or
3 other enterprises and institutions of higher education for
4 the research and development of products of universal de-
5 sign. Preference shall be given to those enterprises which
6 are owned or operated by individuals with disabilities.

7 **“SEC. 216. GOVERNING STANDARDS FOR PART B PROJECTS.**

8 “Projects operated pursuant to this part shall—

9 “(1) be held to the same consumer-responsive,
10 consumer-driven standards as the program under
11 title I;

12 “(2) make available to individuals with disabili-
13 ties and their family members, guardians, advo-
14 cates, and authorized representatives information
15 concerning technology-related assistance in a form
16 that will allow such individuals with disabilities to
17 effectively use such information;

18 “(3) in preparing such information for dissemi-
19 nation, consider the media-related needs of individ-
20 uals with disabilities who have sensory and cognitive
21 limitations and consider the use of auditory mate-
22 rials, including audio cassettes, visual materials, in-
23 cluding video cassettes and video discs, and braille
24 materials; and

25 “(4) coordinate their efforts with the consumer-
26 responsive, consumer-driven, comprehensive state-

1 wide program of technology-related assistance for in-
2 dividuals with disabilities in the State or States in
3 which the projects operate.

4 **“PART C—AUTHORIZATION OF APPROPRIATIONS**

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

6 “(a) IN GENERAL.—There are authorized to be ap-
7 propriated to carry out this title \$10,000,000 for fiscal
8 year 1994, and such sums as may be necessary for each
9 of the fiscal years 1995 through 1998.

10 “(b) RESERVATION.—Of the amounts appropriated
11 under subsection (a), the Secretary shall reserve \$200,000
12 in each of the fiscal years 1994 and 1995 for the purpose
13 of adopting the taxonomy under section 201.”.

14 **TITLE III—ALTERNATIVE**
15 **FINANCING MECHANISMS**

16 **SEC. 301. ALTERNATIVE FINANCING MECHANISMS AUTHOR-**
17 **IZED.**

18 The Technology-Related Assistance for Individuals
19 With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)
20 is amended by adding 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 provide a Federal share for the estab-
7 lishment of, or the expansion of, alternative financing
8 mechanisms to allow individuals with disabilities and their
9 family members, guardians, and authorized representa-
10 tives to purchase assistive technology devices and services.
11 Grants under this section may be used to provide up to
12 one half of the costs of providing and administering such
13 alternative financing mechanisms. The mechanisms may
14 include—

15 “(1) a low-interest loan fund;

16 “(2) a revolving fund;

17 “(3) a loan insurance program;

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

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

1 “(b) CONSTRUCTION OF TITLE I.—Nothing in this
2 section shall be construed as affecting the authority of a
3 State to establish alternative financing mechanisms under
4 title I.

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

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

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

13 “(2) a State that desires to receive a grant
14 under this title shall submit an application that con-
15 tains—

16 “(A) an assurance that the State will pro-
17 vide an amount not less than the amount paid
18 to the State by the Secretary under this title,
19 as set forth under section 304, for the purpose
20 of supporting the alternative financing mecha-
21 nisms that are covered by the grant;

22 “(B) an assurance that an alternative fi-
23 nancing mechanism shall continue on a perma-
24 nent basis; and

1 “(C) a description of the degree to which
2 the alternative financing mechanisms to be
3 funded under this title will expand and empha-
4 size consumer choice and control;

5 “(3) a State that receives a grant under this
6 title—

7 “(A) shall contract with a community-
8 based organization (or a consortia of such orga-
9 nizations) that has individuals with disabilities
10 involved at all organizational levels for the ad-
11 ministration of the alternative financing mecha-
12 nisms that are supported by this title; and

13 “(B) shall require that such community-
14 based organization contract, for the purpose of
15 expanding opportunities under this title and fa-
16 cilitating the administration of the alternative
17 financing mechanisms, with—

18 “(i) commercial lending institutions or
19 organizations; or

20 “(ii) State financing agencies; and

21 “(4) a contract between a State that receives a
22 grant under this title and a community-based orga-
23 nization described in paragraph (3)—

24 “(A) shall include the administration of
25 both the Federal and non-Federal matching

1 share in a manner consistent with the provi-
2 sions of this title; and

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

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

8 “A State that receives a grant under this title, to-
9 gether with any community-based organization that con-
10 tracts to administer an alternative financing mechanism
11 that is supported by this title, shall develop and submit
12 to the Secretary, pursuant to a timeline that the Secretary
13 may establish or, if the Secretary does not establish a
14 timeline, within the 12-month period beginning on the
15 date that the State receives the grant, the following poli-
16 cies or procedures for administration of the mechanism:

17 “(1) A procedure to review and process in a
18 timely fashion requests for financial assistance for
19 both immediate and potential technology needs, in-
20 cluding consideration of methods to reduce paper-
21 work and duplication of effort, particularly relating
22 to need, eligibility and determination of the specific
23 device or service to be provided.

24 “(2) A policy and procedure to assure that ac-
25 cess to the alternative funding mechanism shall be

1 given to consumers regardless of type of disability,
2 age, location of residence in the State, or type of
3 assistive technology device or service requested and
4 shall be made available to applicants of all income
5 levels.

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

8 **“SEC. 304. FINANCIAL REQUIREMENTS.**

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

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

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

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

20 “(C) shall not be taken from, or obtained
21 by the reduction of any services in, any pro-
22 gram providing similar services to individuals
23 with disabilities which is in operation on the
24 date of the submission of the application.

1 “(2) Funds that support an alternative financ-
2 ing mechanism under this title—

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

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

9 “(3) All funds that support an alternative fi-
10 nancing mechanism funded under this title, includ-
11 ing funds repaid during the life of the mechanism,
12 shall be placed in a permanent separate account and
13 identified and accounted for separately from any
14 other fund. Funds within this account may be in-
15 vested in low-risk securities in which a regulated in-
16 surance company may invest under the law of the
17 State for which the grant is provided and shall be
18 administered with the same judgment and care that
19 a person of prudence, discretion, and intelligence
20 would exercise in the management of the financial
21 affairs of such person.

22 “(4) The principal and interest from an account
23 described in paragraph (3) shall be available to sup-
24 port an alternative financing mechanism supported
25 under this title. Any interest or investment income

1 that accrues on any funds covered under this para-
2 graph after such funds have been placed under the
3 control of the entity administering the mechanism,
4 but before such funds are distributed for purposes of
5 supporting the mechanism, shall be the property of
6 the entity administering the mechanism and shall
7 not be taken into account by any officer or employee
8 of the Federal Government for any purpose.

9 **“SEC. 305. AMOUNT OF GRANTS.**

10 “(a) IN GENERAL.—A grant under this title shall be
11 for an amount that is not more than \$500,000 increased
12 by any amount made available under subsection (b).

13 “(b) EXCESS FUNDS.—If funds appropriated under
14 section 308 for a fiscal year are in excess of the amount
15 necessary to fund acceptable applications for such year,
16 the Secretary shall make such excess amount available to
17 States receiving grants under this title in such year on
18 a competitive basis. A State that desires to receive addi-
19 tional funds under this subsection shall amend and resub-
20 mit to the Secretary the application submitted under sec-
21 tion 302. Such amended application shall contain an as-
22 surance that the State will provide an additional amount
23 for the purpose of supporting the alternative financing
24 mechanisms covered by the grant that is not less than any

1 additional amount paid to the State by the Secretary
2 under this subsection.

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

11 **“SEC. 306. TECHNICAL ASSISTANCE.**

12 “(a) IN GENERAL.—The Secretary shall provide in-
13 formation and technical assistance to States under this
14 title. The information and technical assistance shall in-
15 clude—

16 “(1) assisting States in the preparation of ap-
17 plications for grants under this title;

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

21 “(3) providing any other information and tech-
22 nical assistance to assist States in accomplishing the
23 purposes of this title.

24 “(b) GRANTS, CONTRACTS, AND AGREEMENTS.—The
25 Secretary shall provide the information and technical as-

1 sistance described in subsection (a) through grants, con-
2 tracts, or cooperative agreements with public or private
3 agencies and organizations, including institutions of high-
4 er education, with documented experience, expertise, and
5 capacity to assist States in the development and imple-
6 mentation of the alternative financing mechanisms de-
7 scribed in section 301.

8 **“SEC. 307. ANNUAL REPORT.**

9 “Not later than December 31 of each year, the Sec-
10 retary shall submit a report to the Congress stating
11 whether each State program to provide alternative financ-
12 ing mechanisms that was supported by this title during
13 the year is making significant progress in achieving the
14 objectives of this title. The report shall include—

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

17 “(2) the number of grants made and the
18 amounts of such grants;

19 “(3) the ratio of the amount of funds provided
20 by each State for a State program to provide alter-
21 native financing mechanisms to the amount of Fed-
22 eral funds provided for such program;

23 “(4) the type of program to provide alternative
24 financing mechanisms that was adopted in each
25 State and the community-based organization (or

1 consortia of such organizations) with whom each
2 State has contracted; and

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

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

10 “(a) IN GENERAL.—There are authorized to be ap-
11 propriated to carry out this title \$8,000,000 for fiscal year
12 1994, and such sums as may be necessary for each of the
13 fiscal years 1995 through 2002.

14 “(b) AVAILABILITY IN SUCCEEDING FISCAL YEAR.—
15 Amounts appropriated under subsection (a) shall remain
16 available for expenditure in the fiscal year immediately fol-
17 lowing the fiscal year for which such amounts were appro-
18 priated.

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

1 **TITLE IV—AMENDMENTS TO**
2 **OTHER ACTS**

3 **SEC. 401. INDIVIDUALS WITH DISABILITIES EDUCATION**
4 **ACT.**

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

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

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

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

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

17 **SEC. 402. REHABILITATION ACT OF 1973.**

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

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

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

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

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

10 “(iv) projects to train personnel in the use,
11 applications, and benefits of assistive technology
12 devices and services (as defined in sections 3(2)
13 and 3(3) of the Technology-Related Assistance
14 for Individuals With Disabilities Act of 1988
15 (29 U.S.C. 2201 et seq.).”.

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

17 (a) ASSISTIVE TECHNOLOGY DEVICE.—Section 7(23)
18 of the Rehabilitation Act of 1973 (29 U.S.C. 706(23)),
19 as added by section 102(n) of Public Law 102–569 (106
20 Stat. 4350), is amended by striking “3(1)” and inserting
21 “3(2)”.

22 (b) ASSISTIVE TECHNOLOGY SERVICE.—Section
23 7(24) of the Rehabilitation Act of 1973 (29 U.S.C.
24 706(24)), as added by section 102(n) of Public Law 102–

1 569 (106 Stat. 4350), is amended by striking “3(2)” and
2 inserting “3(3)”.

3 **TITLE V—EFFECTIVE DATE**

4 **SEC. 501. EFFECTIVE DATE.**

5 This Act and the amendments made by this Act shall
6 take effect on October 1, 1993, or on the date of the enact-
7 ment of this Act, whichever occurs later.

Passed the House of Representatives August 2,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.

HR 2339 PCS—2

HR 2339 PCS—3

HR 2339 PCS—4

HR 2339 PCS—5

HR 2339 PCS—6