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1ST SESSION

S. 1836

To support national training, technical assistance, and resource centers to ensure that all individuals with significant disabilities affecting communication have access to the augmentative and alternative communication devices, services, and supports the individuals need to interact with others, in order to learn, work, socialize, and take advantage of all aspects of society in the United States.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Mr. CASEY (for himself, Ms. HASSAN, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To support national training, technical assistance, and resource centers to ensure that all individuals with significant disabilities affecting communication have access to the augmentative and alternative communication devices, services, and supports the individuals need to interact with others, in order to learn, work, socialize, and take advantage of all aspects of society in the United States.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Access to Free Speech
3 for All Act” or the “AFSFA Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) For individuals with disabilities, the lack of
7 the ability to effectively communicate is a high pre-
8 dictor of poor school and post-school outcomes and
9 creates a serious risk for abuse and neglect.

10 (2) No student is too severely disabled to ben-
11 efit from communication devices, services, and other
12 supports. Students with the most significant cog-
13 nitive and sensory disabilities can learn to use sym-
14 bolic, augmentative, or alternative communication
15 devices, services, or supports in 6 months or less.

16 (3) Students with significant disabilities affect-
17 ing communication too often enter school without
18 communication systems that allow for participation
19 in typical curricular activities and without the tools
20 necessary for academic instruction and participation.

21 (4) National professional organizations have
22 identified lack of training in augmentative and alter-
23 native communication devices, services, and supports
24 and assistive technology for students with low-incidence
25 disabilities as one of the greatest challenges to

1 providing supports to students with significant dis-
2 abilities affecting communication.

3 (5) Title II of the Americans with Disabilities
4 Act of 1990 (including its implementing regulations)
5 requires local educational agencies to ensure that
6 communication with students with hearing, vision, or
7 speech disabilities is as effective as communication
8 with students without disabilities. To ensure this ef-
9 fective communication, schools must provide auxil-
10 iary aids and services where necessary to provide ef-
11 fective communication.

12 (6) Communication is both a basic human need
13 and right of all human beings. For individuals with-
14 out access to the means for meaningful communica-
15 tion, this right is denied.

16 (7) The leadership of individuals with signifi-
17 cant disabilities affecting communication is essential
18 to achieving solutions and obtaining supports that
19 improve, for such individuals, communication access
20 and participation in the decisions most impacting
21 their lives.

22 **SEC. 3. PURPOSE.**

23 The purpose of this Act is to provide for comprehen-
24 sive training, technical assistance, and resource centers on

1 augmentative and alternative communication devices, serv-
2 ices, and supports that—

3 (1) are created and operate in order to raise ex-
4 pectations and improve awareness of the need for ef-
5 fective augmentative and alternative communication
6 devices, services, and supports for individuals with
7 significant disabilities affecting communication;

8 (2) identify, document, and disseminate infor-
9 mation regarding best and promising practices (in
10 existence on the date of identification of the prac-
11 tices), from research carried out in a manner that
12 includes individuals with significant disabilities af-
13 fecting communication and their families at every
14 point in the research process, to increase commu-
15 nication access, literacy, and effective communica-
16 tion for individuals with significant disabilities af-
17 fecting communication;

18 (3) partner with assistive technology or engi-
19 neering programs in institutions of higher education
20 to conduct research in and development of commu-
21 nication options for individuals with significant dis-
22 abilities affecting communication;

23 (4) increase the skills of speech-language pa-
24 thologists, special educators, early intervention spe-
25 cialists, occupational therapists, administrators, and

1 related services personnel, to evaluate and provide
 2 communication services, and other supports to indi-
 3 viduals with significant disabilities affecting commu-
 4 nication to enable those individuals to obtain in-
 5 creased or improved—

6 (A) participation in elementary, secondary,
 7 and postsecondary education;

8 (B) academic skills including literacy and
 9 math skills;

10 (C) employment and career outcomes; and

11 (D) self-advocacy and self-determination
 12 skills; and

13 (5) increase the ability of individuals with sig-
 14 nificant disabilities affecting communication to com-
 15 municate, through leadership training for individuals
 16 who use augmentative or alternative communication
 17 devices, services, or supports, their families, and per-
 18 sons who provide devices, services, and other sup-
 19 ports to such individuals, on topics related to self-
 20 determination, self-advocacy, and person-centered
 21 planning.

22 **SEC. 4. DEFINITIONS.**

23 In this Act:

24 (1) **AUGMENTATIVE OR ALTERNATIVE COMMU-**
 25 **NICATION DEVICE, SERVICE, OR SUPPORT.**—The

term “augmentative or alternative communication device, service, or support” means the technology, a service, or another support, used to supplement or replace speech or sign language for an individual who is unable to produce or be understood using spoken or signed language.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means an entity or partnership of entities that—

(A) submits an application to the Secretary in accordance with section 6;

(B) represents a partnership between at least 2 organizations demonstrating collaboration among institutions of higher education, and professional and self-advocacy disability organizations;

(C) is, or has at least 1 lead organization that is, consumer-controlled and led and directed by a council on which a majority of the members are individuals with significant disabilities affecting communication;

(D) has a cross-disability focus;

(E) has knowledge, experience, and capacity in conducting training, technical assistance, and research pertaining to augmentative and al-

ternative communication and assistive technology devices, services, and supports;

(F) has experience working directly with—

(i) individuals with significant disabilities affecting communication, and their families;

(ii) elementary or secondary schools, or postsecondary education programs;

(iii) independent living centers, employers, and State and local government agencies;

(G) includes individuals with significant disabilities affecting communication in positions of leadership in the planning, management, and operation of the training, technical assistance, and research programs;

(H) has experience developing and maintaining collaborative working relationships among self-advocacy disability organizations, professional organizations, and family organizations;

(I) has or will establish an advisory council or similar entity, a majority of the members of which are individuals with significant disabilities affecting communication who use augment-

1 ative or alternative communication devices, sys-
2 tems, or supports; and

3 (J) has a mission that values the impor-
4 tance of presuming competence of individuals
5 with significant disabilities affecting commu-
6 nication and their ability to express themselves
7 in the manner of their choosing.

8 (3) INDIVIDUALS WITH SIGNIFICANT DISABIL-
9 ITIES AFFECTING COMMUNICATION.—

10 (A) IN GENERAL.—The term “individual
11 with a significant disability affecting commu-
12 nication” means an individual of any age with
13 1 or more disabilities that affect communica-
14 tion, resulting in the need for extensive and on-
15 going support in order to enable the individual
16 to participate—

17 (i) in an integrated community set-
18 ting; and

19 (ii) in all aspects of life.

20 (B) PLURAL.—The term “individuals with
21 disabilities affecting communication” means
22 more than 1 individual with a disability affect-
23 ing communication.

24 (4) INSTITUTION OF HIGHER EDUCATION.—The
25 term “institution of higher education” has the

1 meaning given the term in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (5) RELATED SERVICES.—The term “related
4 services” means such services within the meaning of
5 the Individuals with Disabilities Education Act (20
6 U.S.C. 1400 et seq.).

7 (6) SECRETARY.—The term “Secretary” means
8 the Secretary of Health and Human Services.

9 **SEC. 5. GRANTS.**

10 (a) IN GENERAL.—The Secretary shall award grants
11 to eligible entities, through an open competition, to sup-
12 port comprehensive training, technical assistance, and re-
13 source centers (referred to individually in this Act as a
14 “National Resource Center”).

15 (b) AMOUNT.—In awarding grants under this section,
16 the Secretary shall, to the extent practicable, award a
17 grant to an eligible entity in an amount of not less than
18 \$500,000 and not more than \$2,000,000 per year.

19 (c) DISTRIBUTION.—The Secretary shall award not
20 fewer than 2 and not more than 5 of the grants. The Sec-
21 retary shall award the grants to eligible entities in geo-
22 graphically diverse regions of the Nation.

23 (d) PERIODS.—The Secretary shall award grants for
24 periods of 5 years, through an open competition held ini-
25 tially and at the end of each 5-year period. An eligible

1 entity that receives a grant under this section may reapply
2 for such a grant at the end of the grant period.

3 **SEC. 6. APPLICATIONS.**

4 (a) IN GENERAL.—To be qualified to receive a grant
5 under section 5, an eligible entity shall submit an applica-
6 tion to the Secretary at such time and in such manner
7 as the Secretary may require.

8 (b) CONTENTS.—Each such application shall include,
9 at a minimum, each of the following:

10 (1) A description of the applicant's experience
11 in providing training, information, and support re-
12 lated to augmentative and alternative communica-
13 tion devices, services, and supports to individuals
14 with significant disabilities affecting communication.

15 (2) A description of the applicant's experience
16 in providing training, information, and support to
17 early intervention specialists, and elementary edu-
18 cation, secondary education, postsecondary edu-
19 cation, and community personnel, related to aug-
20 mentative and alternative communication devices,
21 services, and supports.

22 (3) A description of the applicant's experience
23 in working with State, local, and, in appropriate
24 cases, tribal government agencies in providing train-
25 ing, information, and support related to augment-

1 ative and alternative communication devices, serv-
2 ices, and supports.

3 (4) A description of the applicant's experience
4 in disseminating training and information to mul-
5 tiple stakeholders.

6 (5) A description of the applicant's plan to en-
7 sure that the applicant will provide training, tech-
8 nical assistance, and information to the communities
9 most in need of the knowledge and ability to obtain
10 augmentative and alternative communication devices,
11 services, and supports, including low-income commu-
12 nities, and individuals with significant disabilities af-
13 fecting communication and their families.

14 (6) A description of the applicant's partnerships
15 with consumer-controlled organizations focused on
16 augmentative and alternative communication devices,
17 services, and supports.

18 (7) An assurance that the applicant, acting
19 through the National Resource Center, will—

20 (A) work with State, tribal, and local gov-
21 ernment agencies and educational agencies to
22 disseminate information about augmentative
23 and alternative communication devices, services,
24 and supports;

1 (B) increase the capacity of early interven-
2 tion service, elementary and secondary edu-
3 cation, postsecondary education, and develop-
4 mental disability services agencies to provide
5 and support augmentative and alternative com-
6 munication devices, services, and supports for
7 those who need such devices, services, and sup-
8 ports;

9 (C) assist States to establish plans to en-
10 sure augmentative and alternative communica-
11 tion devices, services, and supports are available
12 to those who need such devices, services, and
13 supports;

14 (D) ensure that training, technical assist-
15 ance, and information developed under the
16 grant is available in the language, including
17 American Sign Language, of the communities
18 served; and

19 (E) provide to the Secretary requested in-
20 formation for purposes of evaluating the grant
21 activities.

22 **SEC. 7. PRIORITY.**

23 In awarding grants for activities described in this
24 Act, the Secretary shall give priority to eligible entities
25 that—

1 (1) demonstrate a minimum of 3 years of expe-
2 rience providing training and technical assistance,
3 and disseminating information, related to augment-
4 ative and alternative communication devices, serv-
5 ices, and supports;

6 (2) propose activities that will expand the num-
7 ber of individuals with significant disabilities affect-
8 ing communication who have access to augmentative
9 and alternative communication devices, services, and
10 supports to enable the individuals to participate as
11 described in section 4(3)(A);

12 (3) propose activities that will expand the num-
13 ber of families, educators, and disability service pro-
14 viders with the knowledge, skills, and abilities to
15 promote access to augmentative and alternative com-
16 munication devices, services, and supports for indi-
17 viduals with significant disabilities affecting commu-
18 nication;

19 (4) propose activities that will enhance the abil-
20 ity of users of augmentative and alternative commu-
21 nication devices, services, and supports to learn
22 about and become leaders in—

23 (A) disability education and policy; and

24 (B) the disability service delivery field;

1 (5) employ individuals with significant disabili-
2 ities affecting communication who use augmentative
3 or alternative communication devices, services, or
4 supports;

5 (6) demonstrate the ability to collaborate with
6 self-advocacy disability, education, direct service,
7 health, employment, housing, and transportation en-
8 tities, whether the entities are public agencies or pri-
9 vate organizations; and

10 (7) demonstrate expertise in promoting the use
11 of universal design (as defined in section 103 of the
12 Higher Education Act of 1965 (20 U.S.C. 1003)) in
13 training, technical assistance, and information dis-
14 semination.

15 **SEC. 8. USE OF FUNDS.**

16 (a) IN GENERAL.—An eligible entity that receives a
17 grant under section 5 shall use the grant funds only for
18 activities described in an application submitted under sec-
19 tion 6 and approved by the Secretary, to—

20 (1) identify best practices and innovative com-
21 munication technologies, including free and low-cost
22 options, for the purpose of increasing communication
23 for individuals with significant disabilities affecting
24 communication to enable the individuals to commu-

1 nicate and succeed in school, employment, and their
2 communities;

3 (2) partner with institutions of higher education
4 with assistive technology and engineering programs,
5 to conduct research in and development of commu-
6 nication options for individuals with significant dis-
7 abilities affecting communication;

8 (3) develop or adapt postsecondary coursework
9 in augmentative and alternative communication de-
10 vices, services, and supports for speech-language pa-
11 thologists, special educators, early intervention spe-
12 cialists, administrators, related services personnel,
13 and developmental disability services providers to
14 promote best practices and innovative communica-
15 tion strategies for individuals with significant dis-
16 abilities affecting communication;

17 (4) provide leadership training for individuals
18 who use augmentative or alternative communication
19 devices, services, or supports, their family members,
20 and persons who provide services and other supports
21 to such individuals, on the use of augmentative and
22 alternative communication devices, services, and sup-
23 ports, and on topics related to self-determination,
24 self-advocacy, and person-centered planning;

1 (5) conduct national, regional, State, tribal, and
2 local training and technical assistance relating to—

3 (A) increase the knowledge and skills re-
4 lated to augmentative and alternative commu-
5 nication devices, services, and supports of fam-
6 ily members of individuals with significant dis-
7 abilities affecting communication;

8 (B) increase the knowledge and skills re-
9 lated to augmentative and alternative commu-
10 nication devices, services, and supports, of
11 speech-language pathologists, special educators,
12 early intervention specialists, administrators,
13 related services personnel, and developmental
14 disability services providers;

15 (C) increase the use of augmentative and
16 alternative communication devices, services, and
17 supports in early intervention services, elemen-
18 tary school, secondary school, and postsec-
19 ondary education programs;

20 (D) increase the use of augmentative and
21 alternative communication devices, services, or
22 supports in employment settings; and

23 (E) increase the knowledge of the general
24 public to be aware of and interact with users of

1 augmentative and alternative communication
2 devices, services, and supports;

3 (6) develop user-friendly products related to
4 augmentative and alternative communication devices,
5 services, and supports that include—

6 (A) websites;

7 (B) training modules;

8 (C) products that facilitate making choices
9 related to augmentative and alternative commu-
10 nication devices, services, and supports;

11 (D) products that facilitate supported deci-
12 sionmaking;

13 (E) products that promote literacy and
14 language development;

15 (F) products that promote numeracy;

16 (G) products that promote inclusion in ele-
17 mentary schools, secondary schools, postsec-
18 ondary education programs, employment set-
19 tings, civic engagement, and recreation and lei-
20 sure settings; and

21 (H) other products as identified by the eli-
22 gible entities, and the advisory councils or simi-
23 lar entities established by the eligible entities;

24 (7) link the work of the National Resource Cen-
25 ter to existing (as of the date of the grant award)

1 policy and activities throughout the Federal Govern-
 2 ment on self-advocacy, supported decisionmaking,
 3 person-centered planning, and community living, for
 4 individuals with disabilities and particularly for indi-
 5 viduals with the most significant disabilities affect-
 6 ing communication, for the purpose of increasing
 7 success and self-determination in early intervention
 8 services, elementary education, secondary education,
 9 and postsecondary education programs;

10 (8) disseminate information about augmentative
 11 and alternative communication devices, services, and
 12 supports, including products developed under para-
 13 graph (6) and the recommended voluntary standards
 14 developed by the National Advisory Committee
 15 under section 10(d) to—

16 (A) professional accrediting organizations;

17 (B) institutions of higher education;

18 (C) local educational agencies and State
 19 educational agencies;

20 (D) national, State, tribal, and local busi-
 21 nesses, to enable the businesses to hire more in-
 22 dividuals who use augmentative or alternative
 23 communication devices, services, or supports;

24 (E) national, State, tribal, and local gov-
 25 ernment agencies that provide services and

1 other supports, including employment supports,
2 to individuals who use augmentative and alter-
3 native communication devices, services, and
4 supports;

5 (F) national and local disability advocacy
6 organizations, including disability self-advocacy
7 organizations;

8 (G) family support organizations, including
9 the parent training and information centers
10 supported under section 671 of the Individuals
11 with Disabilities Education Act (20 U.S.C.
12 1471);

13 (H) network partners, including the State
14 Councils on Developmental Disabilities de-
15 scribed in section 125 of the Developmental
16 Disabilities Assistance and Bill of Rights Act of
17 2000 (42 U.S.C. 15025), the protection and ad-
18 vocacy systems described in section 143 of that
19 Act (42 U.S.C. 15043), and University Centers
20 for Excellence in Developmental Disabilities
21 Education, Research, and Services supported
22 under subtitle D of title I of that Act (42
23 U.S.C. 15061 et seq.), participating in activities
24 under that Act (42 U.S.C. 15001 et seq.); and

(I) other groups and entities as identified by the eligible entity and the advisory councils or similar entities established by the eligible entity; and

(9) collaborate with—

(A) State assistive technology programs;

(B) State and local educational agencies;

(C) State Councils on Developmental Disabilities described in section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15025);

(D) the systems and University Centers described in paragraph (8)(H);

(E) local boards, as defined in section 3 of the Workforce Innovation Opportunity Act (29 U.S.C. 3102); and

(F) other State, regional, tribal, and local entities with the ability to provide support for individuals who use augmentative and alternative communication devices, services, and supports.

SEC. 9. ANNUAL REPORT.

Each eligible entity that receives a grant under section 5 to support a National Resource Center shall annually prepare and submit to the Secretary a report con-

1 taining, consistent with criteria established by the Sec-
 2 retary, information on—

3 (1) activities conducted by the Center related to
 4 training, technical assistance, and research and dis-
 5 semination of information;

6 (2) research conducted by the Center, solely or
 7 in collaboration with other entities; and

8 (3) collaboration by the Center with other enti-
 9 ties to promote the awareness and knowledge of, and
 10 skills to support, augmentative and alternative com-
 11 munication devices, services, and supports for indi-
 12 viduals with significant disabilities affecting commu-
 13 nication and persons who provide services and other
 14 supports to those individuals.

15 **SEC. 10. NATIONAL ADVISORY COMMITTEE.**

16 (a) ESTABLISHMENT.—The Secretary shall establish
 17 a National Advisory Committee on Augmentative and Al-
 18 ternative Communication (referred to in this section as the
 19 “National Advisory Committee”), in the Administration
 20 for Community Living.

21 (b) COMPOSITION.—

22 (1) APPOINTMENT.—The voting members of
 23 the National Advisory Committee shall be appointed
 24 by the Secretary.

25 (2) MEMBERSHIP.—

1 (A) VOTING MEMBERS.—The National Ad-
2 visory Committee shall be composed of 21 vot-
3 ing members, of which—

4 (i) at least 11 members shall be indi-
5 viduals with significant disabilities affect-
6 ing communication who use augmentative
7 or alternative communication devices, serv-
8 ices, or supports to express themselves;

9 (ii) at least 6 members shall be family
10 members of individuals who, collectively,
11 have a variety of disabilities, including
12 traumatic brain injury, cerebral palsy, and
13 autism; and

14 (iii) the remaining members shall be
15 professionals, researchers, or faculty mem-
16 bers working in the field of augmentative
17 and alternative communication devices,
18 services, and supports.

19 (B) EX OFFICIO NONVOTING MEMBERS.—
20 Each of the following shall be an ex officio non-
21 voting member of the National Advisory Com-
22 mittee:

23 (i) The Secretary of Education.

24 (ii) The Secretary of Health and
25 Human Services.

1 (iii) The Secretary of Veterans Af-
2 fairs.

3 (iv) The Secretary of Labor.

4 (v) The Attorney General.

5 (vi) The Chairperson of the National
6 Council on Disability.

7 (3) TERM.—The voting members of the Com-
8 mittee shall serve for terms of 3 years.

9 (4) CHAIRPERSON AND VICE CHAIRPERSON.—
10 The members of the Committee shall select a Chair-
11 person and Vice Chairperson from among the mem-
12 bers of the Committee. At least 1 of the positions of
13 Chairperson and Vice Chairperson shall be held by
14 a person who uses augmentative or alternative com-
15 munication devices, services, or supports.

16 (c) MEETINGS.—

17 (1) IN GENERAL.—The Committee shall meet
18 at the call of the Chairperson, but not less often
19 than 4 times a year.

20 (2) FIRST MEETING.—Not later than 60 days
21 after the date on which all members of the National
22 Advisory Committee have been appointed, the Com-
23 mittee shall hold its first meeting.

24 (d) DUTIES.—The National Advisory Committee
25 shall—

1 (1)(A) recommend an initial set of voluntary
2 standards for provision of augmentative and alter-
3 native communication devices, services, and supports
4 to individuals who need those devices, services, and
5 supports; and

6 (B) not less often than once every 5 years
7 thereafter, recommend updated standards described
8 in paragraph (1); and

9 (2) annually—

10 (A) select a topic for a report related to
11 augmentative and alternative communication
12 devices, services, and supports; and

13 (B) prepare and submit such report to the
14 President, the officials described in subsection
15 (b)(2)(B), and the appropriate committees of
16 Congress.

17 (e) PERSONNEL.—

18 (1) TRAVEL EXPENSES.—The members of the
19 National Advisory Committee shall not receive com-
20 pensation for the performance of services for the
21 National Advisory Committee, but shall be allowed
22 travel expenses, including per diem in lieu of subsist-
23 ence, at rates authorized for employees of agencies
24 under subchapter I of chapter 57 of title 5, United
25 States Code, while away from their homes or regular

1 places of business in the performance of services for
2 the National Advisory Committee. Notwithstanding
3 section 1342 of title 31, United States Code, the
4 Secretary may accept the voluntary and uncompen-
5 sated services of members of the National Advisory
6 Committee.

7 (2) DETAIL OF GOVERNMENT EMPLOYEES.—
8 Any Federal Government employee may be detailed
9 to the National Advisory Committee without reim-
10 bursement, and such detail shall be without inter-
11 ruption or loss of civil service status or privilege.

12 (3) GRANTS FOR STAFFING.—The Secretary
13 shall select 1 or more of the entities that receive a
14 grant under section 5, to provide staff for the Na-
15 tional Advisory Committee.

16 (f) PERMANENT COMMITTEE.—Section 14 of the
17 Federal Advisory Committee Act (5 U.S.C. App.) shall not
18 apply to the National Advisory Committee.

19 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to carry out
21 this Act \$5,000,000 for each of fiscal years 2020 through
22 2024.

○