

TECHNOLOGY-RELATED ASSISTANCE ACT AMENDMENTS
OF 1993

AUGUST 3 (legislative day, JUNE 30), 1993.—Ordered to be printed

Mr. KENNEDY, from the Committee on Labor and Human
Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 1283]

The Committee on Labor and Human Resources, to which was referred the bill (S. 1283) the Technology-Related Assistance Act Amendments of 1993, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. INTRODUCTION

On July 30, 1993, the Committee on Labor and Human Resources, by a unanimous voice vote, ordered favorably reported S. 1283, the Technology-Related Assistance Act Amendments of 1993.

The bill is sponsored by Senator Tom Harkin, chair of the Subcommittee on Disability Policy, and cosponsored by Senators

Durenberger, Kennedy, Jeffords, Metzenbaum, Simon, Wellstone, Wofford, Dole, Pell and Hatch.

As approved by the Committee on Labor and Human Resources, S. 1283 reauthorizes the Technology-Related Assistance for Individuals with Disabilities Act of 1988.

The purposes of this legislation are:

(1) To ensure the Federal support necessary to allow the States to successfully complete the systemic change process begun under the Technology-Related Assistance for Individuals with Disabilities Act of 1988.

(2) To require that the State projects include systemic change and advocacy activities and clarify that these activities are to be the focus of the projects.

(3) To promote systemic change through individual advocacy by ensuring that individuals with disabilities have access to protection and advocacy services to secure their rights to assistive technology devices and assistive technology services.

(4) To emphasize the importance of consumer involvement in all aspects of the program.

(5) To increase the accountability of the program in the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance.

(6) To authorize the necessary technical assistance on a national level to the State projects and to individuals with disabilities and other interested parties.

(7) To provide the basis for improved information systems and data collection on assistive technology through the development of a national classification system and to enhance the skills and competencies of individuals involved in providing assistive technology, consumers, and others.

II. BACKGROUND AND NEED FOR LEGISLATION

LEGISLATIVE HISTORY

The Technology-Related Assistance Act Amendments of 1993 revise and extend the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (hereinafter referred to as the Technology Act). The Technology Act includes two titles.

Title I establishes a competitive grant program designed to assist each participating State to develop and implement a consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities. Title II authorizes a variety of discretionary activities and studies. The Technology Act is administered by the National Institute on Disability and Rehabilitation Research in the Office of Special Education and Rehabilitative Services in the Department of Education.

Assistive technology is a critical tool necessary for many individuals with disabilities to gain and maintain employment, to secure public services, to utilize transportation, and to access public accommodations and communication systems. The full impact of the Americans with Disabilities Act on access issues related to assistive technology has yet to be fully realized, but the ADA will play a sig-

nificant role in the increased recognition of the assistive technology needs of individuals with disabilities.

While the ADA bars discrimination and opens the doors of opportunity, many persons with disabilities need services and supports to take advantage of the ADA. These services and supports in many cases include assistive technology devices and assistive technology services.

In 1989, Technology Act grants averaging \$515,000 were awarded to nine States. In fiscal year 1993, NIDRR made grants to 42 States ranging from \$500,000 to \$730,000.

HEARING AND TESTIMONY

The Subcommittee on Disability Policy held a hearing on Tuesday, June 29, 1993, to consider the reauthorization of the Technology Act.

The first panel consisted of Dr. William Smith, Acting Assistant Secretary, Office of Special Education and Rehabilitative Services, accompanied by Carol Cichowski, Director of the Division of Special Education, Rehabilitation and Research Analysis; Office of Management and Budget/CFO and Betty Jo Berland, Planning and Evaluation Officer, National Institute on Disability and Rehabilitation Research.

The second panel was made up of two consumers of assistive technology, Rachel Esparza, from Mendota Heights, MN, accompanied by her mother, Anne Esparza, and Casey Hayse from Iowa City, Iowa.

The third panel was made up of John A. Gannon, Acting Chair, National Council on Disability, accompanied by Edward P. Burke, Chief Governmental Liaison, James Hardy, Project Director, Iowa Program of Assistive Technology, on behalf of the State project directors and Jenifer Simpson, Policy Associate, Governmental Activities, United Cerebral Palsy Associations, Inc., on behalf of the Consortium for Citizens with Disabilities accompanied by her son, Joshua Chartienitz.

ISSUES RAISED

Based upon testimony by witnesses at the June 29, 1993, hearing, additional written testimony submitted for the record, and discussions with all interested parties, several common themes emerged regarding the changes needed.

CONTINUATION OF THE PROGRAM

Witnesses at the Subcommittee hearing testified regarding the importance of assistive technology and the need for a continuation of the efforts to effect systems change in the manner in which individuals with disabilities access assistive technology. John Gannon, Acting Chair of the National Council on Disability, testified that "In our [Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities], we found that assistive technology devices and services can play a major role in increasing independence and empowering individuals with disabilities in a cost-effective manner." The study reported the following statistics:

Almost 75 percent of children were able to remain in a regular classroom, and 45 percent were able to reduce school-related services.

Sixty-two percent of working-age persons were able to reduce dependency on their family members, and 58 percent were able to reduce dependence on paid assistance.

Eighty percent of older persons were able to reduce their dependence on others and half were able to avoid entering a nursing home.

Ninety-two percent of employed persons reported that assistive technology helped them to work faster or better, 83 percent indicated that they earned more money, and 67 percent reported that assistive technology has helped them to obtain employment in the first place.

With the aid of an augmentative communication device, Rachel Esparza, from Mendota Heights, Minnesota, testified to the importance of assistive technology in her life:

I use lots of technology every day. At school I use a computer with a special keyboard. I do all my work on it. At home I use a computer to do my homework and to play games with my friends. * * * I have special switches that turn on lights and that help me cook with my Mom. I go places in a van with a lift on it. Without my van, I couldn't go to T-ball or my swimming and horseback riding lessons.

Dr. William Smith, Acting Assistant Secretary, Office of Special Education and Rehabilitative Services, testified that every State has made at least one application for a grant under the Act indicating that there is a recognition of the "major benefits to be obtained through improving the provision of assistive technology." He stated that the Administration supports the reauthorization of the Act in order "to give all States sufficient opportunity to establish statewide systems as envisioned by the Act."

Dr. Smith reported that the evaluation of the program conducted by the Research Triangle Institute of North Carolina (RTI) found that "the States had not yet succeeded fully in establishing comprehensive, consumer-responsive, statewide systems . . . [h]owever the report indicated there had been enough progress to suggest that, with additional time and Federal support, the States would be able to make significant improvements."

James Hardy, Project Director, Iowa Program of Assistive Technology, on behalf of the State project directors, explained in his testimony that the systems change envisioned by the Act is too broad and extensive to be completed in five years. He testified that:

Systems change is a complex process which will result in permanent changes only through an extended period of vigilance, advocacy, and education. It would be most unfortunate if the systems change initiatives of these grants were abandoned before it is certain they will be continued through implementation by State and national programs.

According to Jenifer Simpson, testifying on behalf of the Consortium for Citizens with Disabilities, "There is so much to be done: still a paucity of expertise among advocates, attorneys, persons

with disabilities, family members, and professionals across disciplines who can effectively weave their way through the complex web of Federal regulations regarding eligibility and technology funding."

FOCUS ON SYSTEMIC CHANGE AND ADVOCACY ACTIVITIES

Clarifying that the activities under the Act should focus on systemic change and advocacy was a recurrent theme of those making recommendations for changes in the Act. In her testimony before the Subcommittee, Jenifer Simpson noted that the focus of the recommendations made by the Consortium for Citizens with Disabilities was on systems change. She testified that:

During the next few years, the Tech Act offers an opportunity to turn individual funding decisions to precedent setting policy change. As the [Research Triangle Institute] study suggests, the future of the Tech Projects lies in the success of the States in achieving lasting systems change.

Dr. Hardy noted in his testimony that "[t]he term 'systems change' was not used in the Act of 1988. Nevertheless, the purposes that are articulated therein clearly call for the State grant programs to work for a comprehensive systemic change in all of the funding and service systems for persons with disabilities."

Dr. Smith testified that the RTI study found that States were successful in increasing awareness of assistive technology and its potential, but that the lack of access to funding continues to be a significant obstacle to the widespread use of assistive technology. In addition, the study found a lack of uniformity among the State projects in regard to focusing project activities on the systems change activities that hold the most promise for facilitating the implementation of the comprehensive statewide system.

Edward Burke, testifying on behalf of the National Council on Disability, stated that "without a focus on access and financing, all the other activities will cast State efforts adrift in a sea of process, with no guarantee that the result of this process will actually benefit real people in real communities." In addition, Mr. Burke noted that "experience dictates that advocacy is one of the most potent forces for consumer-responsive systems change."

Casey Hayse described the efforts of the Iowa project in bringing about systems change:

We recognized that our systems change strategy had to be multifaceted and comprehensive. It had to include work on the State level to facilitate cooperation among agencies, by sharing information and standardizing policies and procedures. On a local and regional level, community service agencies not only need to learn about assistive technology services, but also must cooperate with each other to ensure that those services and resources are optimal.

SUPPORT FOR INDIVIDUAL ADVOCACY

Many commentators expressed the view that one of the missing components in the efforts to bring about systemic change was support for individual advocacy. The commentators identified two dif-

ferent types of advocacy that are essential to accomplish "systemic change." The first of these is the focus of the State projects: working within the present public-private system of assistive technology providers. The other type of advocacy is currently not being provided by most State projects. It is advocacy that is outside the system of assistive technology providers. As Jenifer Simpson stated in her testimony, "Laws are not self-enforcing and there are many families and individuals with disabilities who need someone to advocate for them."

Dr. Hardy testified that "[t]he Directors strongly believe that advocacy activities to assist consumers to gain their rightful access to assistive technology * * * are requisite for the most rapid and effective systems change." Jenifer Simpson stated, "The existence of an entity in an 'outsider' role * * * supports the efforts of the lead State agency as well as offering protection and advocacy services on an individual basis."

SYSTEMIC AND INDIVIDUAL CONSUMER INVOLVEMENT

Another theme was that consumers should be involved in both the development and implementation of the programs of technology-related assistance, in the individual decisions related to assistive technology in a meaningful way, and in regard to programs funded under title II of the Act.

Dr. Hardy noted in his testimony that "the Tech Bill was the first that calls for enhancing services for persons with disabilities [so] that * * * the services are consumer-responsive."

Dr. Smith testified that the evaluation conducted by the Research Triangle Institute found "that many States were not as 'consumer-responsive' in the operation of the 'Tech grants' as they could have been." The RTI study also found that the State projects had "difficulty in reaching elderly persons with disabilities, persons in rural areas, and those who are not English-speaking."

Casey Hayse explained for the Subcommittee the difference between involving consumers superficially and involving consumers in a ongoing, meaningful way:

[A] consumer responsive system cannot occur without a large number of consumers not only being involved in the development of that system, but continually placing demands on the system for accountability and responsiveness. Consumers cannot place demands on the system or hold it accountable without being informed, educated, and trained on assistive technology and other disability related issues. * * * [I]n order for * * * [the] goals [of the Act] to be realized and sustained over time * * * "systems change" must be recognized and defined as involving informed consumers at all levels and in all capacities of policy development."

ACCOUNTABILITY

A recurrent theme throughout the reauthorization was the need to improve the accountability measures included in the Act. Jenifer Simpson testified that the Consortium for Citizens with Disabilities has concluded that greater accountability at the State and Federal

levels is critical and that there needs to be reporting requirements that relate the outcomes of the program activities in each State.

Dr. Smith testified that one of the Administration's priorities for the reauthorization is increasing accountability through annual reports by the States on the specific progress made toward achieving systems change. He stated:

States should be required to undertake annual assessments of their statewide systems to determine the extent to which the State's goals for systems change and consumer responsiveness have been achieved and the areas that need to be addressed in the next year.

TECHNICAL ASSISTANCE

Dr. Smith testified that the Administration's recommendations for the reauthorization include the expansion of technical assistance, information, and training in the areas of effective systems change activities, models for providing outreach to underserved groups, and training to improve the capacity of the system to provide assistive technology. Specifically, Dr. Smith noted that there is a need to provide the States with technical assistance to help them achieve the requirement that the program of technology-related assistance be "comprehensive."

Jenifer Simpson spoke to the specific need to provide technical assistance to individuals with disabilities on funding related to assistive technology. She stated that this "would complement the work of the States, lead to more consistent funding decision-making at a local and State level, and would provide a badly needed new resource to be responsive to individuals with disabilities and their families."

NATIONAL CLASSIFICATION SYSTEM

Two studies conducted under the Technology Act included the recommendation that a national classification system for assistive technology devices and assistive technology services be developed. The first policy recommendation made in the "Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities" conducted by the National Council on Disability was that the Federal Government mandate by statute the development of a national classification system for assistive technology devices and services and establish and collect uniform data sets across public programs.

The report of the Center for Developmental Disabilities of the University of South Carolina recommended the development of a national "taxonomy" for purposes of linking assistive technology information and referral systems electronically. The study found that a common taxonomy and thesaurus of terms is necessary to ensure the accuracy and quality of information provided through information and referral services.

III. LEGISLATIVE CONSIDERATION AND VOTES IN COMMITTEE

At the request of all members of the Subcommittee on Disability Policy, the bill was considered directly by the Committee on Labor and Human Resources.

In an executive session of the Committee on Labor and Human Resources on Friday, July 30, 1993, the motion to favorably report the bill as introduced was passed unanimously by voice vote of the Committee.

IV. EXPLANATION OF THE BILL AND COMMITTEE VIEWS FINDINGS, PURPOSES, AND POLICY

Section 3 of the bill amends section 2 of the Act to specify congressional findings, purposes, and policy for the Act.

The bill adds a new finding that the goals of the Nation include providing individuals with disabilities with the tools necessary to make informed choices and achieve equality of opportunity. These tools include assistive technology devices and assistive technology services. The bill clarifies that there are insufficient incentives for the private sector to pursue application of technology to the needs of persons with disabilities due to the perception that it is a limited market, rather than due to the fact that it is a limited market.

The bill adds to the purpose section that the grants under this title are to support "systemic change and advocacy activities" to clarify that the State projects should focus on these types of activities.

The bill reorders the current purposes to clarify that the primary purpose of the projects is to increase the availability of, funding for, and access to assistive technology devices and assistive technology services.

The bill adds three additional purposes to the Act:

To increase the active involvement of individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of individuals with disabilities in the planning, development, implementation and evaluation of programs of technology-related assistance;

To increase the involvement of individuals with disabilities, and, if appropriate, the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities in decisions related to the provision of assistive technology devices and assistive technology services; and

To enhance the skills and competencies of individuals involved in the provision of technology-related assistance, including providing assistive technology devices and assistive technology services.

The bill clarifies that the purposes include not only increasing the awareness of laws, regulations, policies, practices and procedures that facilitate the availability of assistive technology, but facilitating the change of those policies that impede the availability of such technology.

The bill adds an overall policy for the entire Act: It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles of—

(1) Respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(2) Respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;

(3) Inclusion, integration, and full participation of the individuals;

(4) Support for the involvement of a parent, a family member, a guardian, an advocate, or an authorized representative if an individual with a disability requests, desires, or needs such support; and

(5) Support for individual and systemic advocacy and community involvement.

DEFINITIONS

Section 4 of the bill amends section 3 of the Act to clarify, update, and add new definitions applicable to the Act.

Consumer-responsive comprehensive statewide program of technology-related assistance.—Section 3 is amended by inserting the following new definition: The term “consumer-responsive comprehensive statewide program of technology related assistance” means a statewide program of technology-related assistance developed and implemented by a State under title I that—

(A) Is consumer-responsive; and

(B)(i) Addresses the needs of all individuals with disabilities, including underserved groups, who can benefit from the use of assistive technology devices and assistive technology services; (ii) addresses such needs without regard to the age, type of disability, race, ethnicity or gender of such individuals, or particular major life activity for which such individuals need the assistance; and (iii) addresses such needs without requiring that the assistance be provided through any particular agency or service delivery system.

Consumer-responsive.—Section 3 is amended by inserting the following new definition: The term “consumer-responsive” means, with respect to an entity or program, that the entity or program—

(A) Is easily accessible to and usable by individuals with disabilities and, when appropriate, the parents, family members, guardians, advocates, or authorized representatives of such individuals;

(B) Responds to the needs of individuals with disabilities in a timely and appropriate manner; and

(C) Facilitates the full and meaningful participation of individuals with disabilities in (i) decisions relating to the provision of the assistive technology devices and assistive technology services to such individuals; and (ii) the planning, development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities.

The Technology Act is unique in its requirement that its programs be “consumer-responsive.” The Committee believes that this requirement is integral to the purpose of the Technology Act and that it is important that consumer responsiveness go beyond the mere presence of consumers to the meaningful involvement of consumers in the planning, development, implementation, and evaluation of the program on a systemic level and in the decisions related to the provision of assistive technology on an individual level.

Individual with a disability.—The bill substitutes the phrases “individual with a disability” and “individuals with disabilities” for the phrase “individual with disabilities” and adds a definition of the term “disability”.

Protection and Advocacy Services.—Section 3 is amended by inserting the following new definition: The term “protection and advocacy services” means the services that—

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

(B) Assist individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, with respect to assistive technology devices and assistive technology services.

Systemic change.—Section 3 is amended by inserting the following new definition: The term “systemic change” means efforts that result in public or private agencies and organizations having greater capacity or enhanced ability to be consumer-responsive and provide funding for or access to assistive technology devices and assistive technology services, or otherwise increase the availability of such technology, to benefit individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of such individuals on a permanent basis.

Title I—Grants to States

PROGRAM AUTHORIZED

Grants to States.—Section 101 of the bill amends section 101(a) of the Act to emphasize that the grants are to support systemic change and advocacy activities.

The Committee reiterates that the primary goal of the Act is to change service delivery systems in order to provide greater access to assistive technology for individuals with disabilities.

The evaluation of the program conducted by the Research Triangle Institute found that 11 of 23 States had service delivery as their primary focus, four had a combination of service delivery and systems change, and eight had systems change as their primary focus. This finding supports the Committee’s belief that additional emphasis must be placed on systemic change in the Act to ensure that States focus their efforts on increasing access to and funding for assistive technology on a permanent basis.

Activities.—Section 101 of the bill strikes subsections 101(b) and (c) and inserts a new section 101(b), which incorporates the functions of 101(b) and the activities of 101(c) into one section of “activities” in order to streamline the structure of this section. The amendment requires that all the activities be carried out in a manner that is consumer-responsive and that the States carry out activities regarding:

(i) The development, implementation and monitoring of State, regional, and local laws, regulations, policies, practices, procedures and organizational structures, that will improve ac-

cess to and funding for assistive technology devices and assistive technology services;

(ii) The development and implementation of strategies to overcome barriers to funding of such devices and services, with particular emphasis on addressing the needs of underserved groups; and

(iii) The development and implementation of strategies to enhance the ability of individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of such individuals, to successfully advocate for access to and funding for assistive technology devices and assistive technology services.

The Committee is aware that one of the features of this legislation is the considerable flexibility given to the States regarding how best to use the grant funds to achieve the purposes of the Act. The Committee intends to maintain this flexibility, while focusing the efforts of the States on the systemic change and advocacy activities necessary to develop a consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities that will have a lasting impact.

The bill also delineates that systemic change and advocacy activities may be carried out through activities in the areas of access to and funding for assistive technology, individual case management or representation, interagency coordination, statewide needs assessments, outreach, public awareness programs, training and technical assistance, program data collection, access to technology-related information, interstate agreements, or other systemic change and advocacy activities.

The Committee does not intend the change in structure of this section to narrow the types of systemic change and advocacy activities for which a State may use grant funds in addition to the required activities.

DEVELOPMENT GRANTS

Section 102 of the bill amends section 102 of the Act in several ways

In general.—Section 102 of the bill amends section 102 of the Act to reiterate that the grants are to be used to support systemic change and advocacy activities.

Designation of the Lead Agency.—The bill includes a revision of the paragraph relating to the designation of the responsible entity to clarify that this entity is responsible for coordinating activities among all State agencies that have jurisdiction over any access to or funding for assistive technology devices and assistive technology services for individuals with disabilities. The term “responsible entity” is changed to “lead agency” to make this coordination role more clear. The lead agency’s responsibility for the application is changed from “preparing” to “submitting” as well. The bill also delineates the types of entities that can be designated as the lead agency by the Governor.

The bill requires the lead agency to provide evidence of its ability to:

(i) Respond to needs of individuals with disabilities who represent a variety of ages and types of disabilities;

- (ii) Respond statewide to the assistive technology needs of individuals with disabilities;
- (iii) Promote and accomplish systemic change;
- (iv) Promote and accomplish the establishment of public-private partnerships;
- (v) Exercise leadership in identifying and responding to the technology needs of individuals with disabilities and the parents, family members, guardians, advocates, and authorized representatives of such individuals;
- (vi) Document consumer responsiveness to the consumer-responsive comprehensive statewide program of technology-related assistance; and
- (vii) Exercise leadership in implementing effective strategies for capacity building and training for appropriate entities, and enhancement of interagency coordination of activities related to funding for assistive technology devices and assistive technology services.

The Committee notes that the bill includes a number of changes to specify the requirements for a lead agency and to require input from individuals with disabilities and others on the ability of the lead agency to meet these requirements. In addition, the Committee wants to make it clear that the Governor may redesignate the lead agency provided the new lead agency meets the criteria set out in section 102(d)(2)(B). In addition, redesignation can be required by the Secretary as part of a corrective action plan.

Agency involvement.—The bill adds that the application include a description of the involvement of State agencies, including the State's Insurance Department, in the development and implementation of the program and a description of the process used by each agency involved to provide access to and funding for assistive technology.

The State agencies that may be involved in the program of technology-related assistance include, for example, agencies that provide programs related to special education, vocational rehabilitation, medical assistance, maternal and child health, social security, aging, veterans, and human services.

The bill specifies the State Insurance Department as an agency whose involvement with the program must be described since this department has the information on private insurance in the State that the program may need. The Committee wishes to clarify that this involvement does not mean that the Insurance Department must be involved in interactions that the program has with the private insurance industry, unless the program so chooses. This requirement is intended to ensure that the State Insurance Department cooperates with the program in the development and implementation of the consumer responsive comprehensive statewide program of technology-related assistance. The Committee also notes that the systems change focus should include the private insurance industry as well as public funding sources for assistive technology.

Consumer involvement.—The bill adds that the application must include a description of the procedures for the active involvement of individuals with disabilities and their families in the development and implementation of the program and in the individual de-

cisions related to assistive technology devices and assistive technology services. Such procedures shall include mechanisms to provide support for the expenses of such individuals including payment for travel expenses, qualified interpreters, readers, personal care assistants, or other similar services; and mechanisms for measuring consumer satisfaction and participation in the program.

The Committee intends that the support for the involvement of individuals with disabilities and their families can include support for child care expenses.

Public involvement.—The bill adds that the application must include a description of the involvement of the private sector including individuals with disabilities and their families in the designation of the lead agency, the development of the application, and a description of their continuing role in the program.

Goals, objectives, activities, and outcomes.—In this section of the application the State is required to describe the goals, objectives, activities, and outcomes planned under the grant. The bill reiterates that the activities are systemic change and advocacy activities and requires that these activities include, at a minimum, activities in the areas of access to and funding for assistive technology, case management or representation, and interagency coordination as described in section 101(b) unless the State demonstrates through the progress reports required under section 104 that significant progress has been made and that other activities are more likely to accomplish the purposes of the Act as set out in section 2(b)(1).

Information and evaluations.—The application must include a description for compiling information as required by the Secretary and to the extent that a national classification system is developed, consistent with such a system.

Authority to use funds.—The application must include an assurance that the lead agency will have the authority to use funds made available through a grant under title I to comply with the State grant requirements, including the ability to hire qualified staff necessary to carry out activities under the program.

The Committee is aware that some programs have experienced difficulty or delays in operation when State budget or personnel hiring freezes have occurred. This provision is to ensure that Federal grant funds can be spent in these instances and that the programs can continue to operate under these circumstances.

Protection and advocacy services.—The application must include an assurance that the State will provide at least \$75,000 or 10 percent of the grant funds, whichever is less, to support protection and advocacy services to assist individuals with disabilities to receive assistive technology through the entities responsible for protection and advocacy programs under the Developmental Disabilities Act, the Protection and Advocacy for Mentally Ill Individuals Act, and the Rehabilitation Act. The State may choose to directly contract for these services or may have the Secretary reserve the amount and contract with the entities. The Committee intends that awards made under title I to the entity providing protection and advocacy services may include accountability measures to ensure, among other things, maximum consumer responsiveness.

The Committee intends that contracts for the provision of protection and advocacy services will be in place as soon as possible after

the grant award for fiscal year 1994. In cases where the State chooses to make the award to the protection and advocacy provider and the lead agency has delegated the responsibility for the development and implementation of the program of technology-related assistance to another entity, the contract should be developed between that entity and the protection and advocacy service provider in order to ensure ongoing collaboration.

The Committee intends that in the event that the protection and advocacy provider determines at any time during the fiscal year that it cannot expend the minimum amount in an effective, efficient, and prudent manner, the funds shall be returned to the State program.

Indirect costs.—The application must include an assurance that indirect costs will not exceed 8 percent.

Coordination with State councils.—The application must include a description of how the project will coordinate with State councils or commissions established under the Rehabilitation Act, the advisory panel established under the Individuals with Disabilities Education Act, the State Planning Council described in the Developmental Disabilities Act, the State mental health planning council established in the Public Health Service Act and any council established under the Older Americans Act.

Coordination with other systemic change projects.—The application must include an assurance that the project will coordinate with other Federal or State systemic change projects.

Protection and advocacy requirements.—A State that, as of June 30, 1993, has provided protection and advocacy services through a program that is comparable to the protection and advocacy programs under the Developmental Disabilities Act, the Protection and Advocacy for Mentally Ill Individuals Act, and the Rehabilitation Act shall be considered to meet the requirement to provide protection and advocacy services.

In those instances where the State has the Secretary reserve the funds for the provision of protection and advocacy services, the Secretary shall solicit and consider input from the lead agency with respect to the terms of the grant or contract and the protection and advocacy service provider shall provide the monthly updates and reports at least every 6 months to the technology-related assistance program.

EXTENSION GRANTS

General authority.—Section 103 of the bill amends section 103 of the Act to authorize an additional 3-year extension grant after the first 2-year extension grant authorized by current law.

Standards.—The bill adds a new section on standards to specify that the lead agency must meet certain criteria in order for the State to qualify for an extension grant. The State also must demonstrate that the grant activities have resulted in significant progress. In addition, in order to qualify for an additional extension grant, the State must describe the steps it has taken or will take to continue the program on a permanent basis and to maintain the outcomes achieved by the systemic change and advocacy activities, and must identify future funding options and commitments for the program.

Applications.—The bill makes several changes to the application requirements for an extension grant.

Information and assurances.—The bill clarifies that all of the application requirements for development grants also apply to extension grants, with the exception of the preliminary needs assessment described in section 102(e)(4).

Needs, problems, strategies, and outreach.—The bill adds that States must describe the need for the extension grant, the problems that remain with the development and implementation of the program and the strategies planned to remedy the problems. The bill also requires a description of outreach activities to be conducted by the State, including dissemination of information, with special attention to underserved groups.

Activities and progress under previous grant.—The bill incorporates the description of activities and progress requirements in current law into one paragraph.

Public hearing.—The bill requires that the State hold a public hearing in the last year of a development grant and the last year of the initial extension grant to allow interested parties the opportunity to comment on the program.

Public involvement.—The bill adds a requirement that the State include in an application for an extension grant a report on the public hearing conducted to provide interested parties an opportunity to comment on the program. The report must also describe the other State actions taken to determine the degree of satisfaction of individuals with disabilities, their families and other interested parties with their degree of involvement in the program, with the specific system change and advocacy activities carried out by the program, with the progress toward the development and implementation of the program, and with the ability of the lead agency to meet the specified criteria.

The Committee intends that the phrases “satisfaction of individuals with disabilities” and “consumer satisfaction” shall be construed in a manner consistent with the term “consumer-responsive” as defined in section 3(3) of the Act.

Comments.—The bill requires that the application include a summary of any comments received and the State’s response to those comments.

PROGRESS CRITERIA AND REPORTS

Section 104 of the bill amends section 104 of the Act in several ways.

Regulations.—The bill requires the Secretary to publish criteria to define “significant progress” under the development grant and the initial extension grants.

Reports.—The bill deletes the current progress report section and specifies reporting requirements in the areas of identification of successful systemic change and advocacy activities to increase access to and funding for assistive technology, consumer involvement and consumer satisfaction, involvement of various State agencies, including the State Insurance Department, and interagency coordination efforts, efforts to collect and disseminate information on successful systemic change activities, and identification and docu-

mentation of policies, practices or procedures to notify individuals with disabilities of their rights to assistive technology, particularly under the Individuals with Disabilities Education Act and the Rehabilitation Act.

ADMINISTRATIVE PROVISIONS

Section 105 of the bill amends section 105 of the Act to clarify the Federal monitoring of the programs.

Onsite visits.—The bill requires an additional onsite visit to any project that has been visited prior to the enactment of these amendments to ensure that every project has an onsite visit under the new requirements.

Team.—The bill clarifies that two-thirds of the onsite monitoring team is to be made up of qualified peer reviewers who are nonagency personnel and are not from the State being visited and shall include an individual with a disability or a parent, family member, guardian, advocate, or authorized representative of an individual with a disability. The Secretary is required to prepare a report of the onsite visit, which is to be considered in determining whether to award an extension grant. This report is to be available to the public.

Compensation.—The bill specifies compensation for the members of the peer review team.

Report.—The bill requires the Secretary to prepare a report of the findings of the onsite visit, to consider these findings when determining whether to continue funding a program, and to make the report available to the public.

Advance public notice.—The bill adds a new paragraph that requires the Secretary to provide advance public notice of the onsite visit and to solicit public comment from interested persons prior to the visit.

Corrective action plan.—The bill adds the required redesignation of the lead agency in the list of possible corrective actions for a State's failure to comply with requirements of this title.

The Committee notes that, in instances where a State is applying for a continuation grant or an extension grant and has not made significant progress toward the implementation of a consumer responsive comprehensive statewide program of technology related assistance, the Secretary may award the grant contingent on the State complying with a corrective action plan.

Change of protection and advocacy provider.—The bill includes a new subsection to allow the Governor to change the provider of protection and advocacy services in the event that the provider fails to meet the needs of individuals with disabilities and their families. The provider has the opportunity to appeal this decision to the Secretary on the basis that it is not for good cause.

Annual report.—The bill requires the Secretary to provide an annual report to Congress and the President on the activities funded under this Act and other Federal initiatives to improve access to assistive technology for individuals with disabilities. The Secretary is to include in the annual report information on the availability of assistive technology devices and assistive technology services consistent with the national classification system developed pursu-

ant to section 201 as soon as practicable and to the extent that such classification system is developed.

The Committee directs the Secretary to conduct an evaluation of the program similar to that conducted by the Research Triangle Institute and report the results of the evaluation to Congress by no later than January 1, 1996. The Committee intends that the evaluation measure, among other things, consumer-responsiveness and that the evaluation provide for active consumer involvement in its design and implementation.

Interagency Disability Coordinating Council.—The bill includes specific activities related to assistive technology to be carried out by the Interagency Disability Coordinating Council established under Section 506 of the Rehabilitation Act.

The Committee notes that because the program cuts across age and disability, interagency coordination is critical. Interagency coordination is needed at the Federal level to improve coordination among funding streams and increase consistency among the States in regard to funding criteria for assistive technology. Activities conducted by the Interagency Disability Coordinating Council may include: the adoption and monitoring of formal interagency agreements to improve consistent decisionmaking by States in meeting public funding objectives and coordination of services; the joint setting of priorities and the joint funding of demonstration activities to improve access to and the coordination of resources at the State and local levels for assistive technology for children and adults with disabilities; and the joint coordination of data sets for the collection of critical information about assistive technology funding and funding trends across Federal agencies and State governments; the joint coordination of priorities in existing training programs, with respect to assistive technology.

AUTHORIZATION OF APPROPRIATIONS

Section 106 of the bill makes several changes to section 106 of the Act

In General.—Such sums are authorized to carry out title I for fiscal years 1994, 1995, and 1996.

Reservation.—The bill increases the reservation for the provision of information and technical assistance to 2 percent or \$1,500,000, whichever is greater, and adds individuals with disabilities, their families, community-based organizations and protection and advocacy agencies as audiences for information and technical assistance. The bill specifies that the technical assistance provided to the State projects should be based on the input of the State project directors. The bill also enumerates the purposes of the technical assistance to the prospective audiences. In addition, the bill provides that no less than 45 percent or more than 55 percent of the funds available for technical assistance shall be targeted to each of the specified audiences, except that the Secretary may allocate up to \$300,000 to provide information and technical assistance related to funding to the technical assistance projects.

The Committee recognizes that the budget for the technical assistance to the State projects has remained constant over the duration of the program, despite the fact that the number of funded

State projects has increased from 9 to 42. In addition, technical assistance is provided only to State projects. The Committee believes that there is a need on a national level for technical assistance to individuals with disabilities, their families, and other providers of technology-related assistance.

The Committee intends that NIDRR will develop mechanisms to receive input from the State project directors regarding the provision of technical assistance to the States. Such mechanisms could include an advisory committee to the technical assistance provider with representation from the State projects.

There is also a particular need for nationwide information and technical assistance in the area of funding for assistive technology. The Committee intends that an entity with "demonstrated expertise in funding" will have documented experience at the State or national level in assisting individuals with disabilities, their family members, and appropriate agencies, in understanding and accessing public and private funding options for assistive technology. Such experience may include analysis of public funding options, the barriers to access to funding for assistive technology, and the identification, development, and implementation of possible solutions that enhance access to funding for assistive technology by individuals with disabilities.

EVALUATION

Section 107 of the bill repeals section 107 of the Act since the evaluation required by this section has been completed

Title II—Projects of National Significance

Title II of the Act provides funding for projects of national significance. The Committee intends that all such projects shall be consumer-responsive and promote the purposes of title I, particularly systemic change.

NATIONAL CLASSIFICATION SYSTEM

Section 201 of the bill replaces Part A of the Act with a new Part A—National Classification System

National Classification System.—The bill requires the Secretary to conduct a pilot project to develop and field test a national classification system for assistive technology devices with the goal of obtaining uniform data across public programs and information and referral networks.

The bill requires the Secretary report to Congress by no later than January 1, 1996, with the results of the pilot project and recommendations regarding the feasibility of implementing a uniform data collection system.

TRAINING AND PUBLIC AWARENESS PROJECTS

Section 202 of the bill amends section 221 of the Act

Training Projects.—The bill clarifies the entities that are eligible to receive funds under this section. It adds to the purpose of this section a new subsection:

(C) Providing training to develop awareness, skills, and competencies of service providers, consumers, and volunteers who are located in rural areas, in order to increase the availability of technology-related assistance in community-based settings for individuals with disabilities in rural areas.

The Committee recognizes the need for such training to address the technology-related assistance needs of individuals with disabilities that are unique to rural environments. It is anticipated that such projects will promote collaborative efforts and help build community resources to enhance the provision of assistive technology devices and assistive technology services in rural areas.

The bill also clarifies that training funds may be used for the cost of courses of training or study and for fellowships or traineeships, and specifies that applicants for these funds must describe how they will recruit and train persons from diverse backgrounds particularly individuals with disabilities and individuals who are members of minority groups.

DEMONSTRATION AND INNOVATION PROJECTS

Section 203 of the bill amends section 231(b)(3) of the Act

Direct Loan Project.—The bill broadens the current authority for demonstrations of income-contingent direct loans to include low interest loan funds, revolving loan funds, and loan insurance programs.

AUTHORIZATION OF APPROPRIATIONS

Section 204 of the bill amends section 241 of the Act

Authorization of Appropriations.—This section is deleted and such sums are authorized for carrying out title II for fiscal years 1994, 1995, and 1996.

REPEALS AND REDESIGNATIONS

Section 205 of the bill amends title II of the Act by repealing part B and section 222 and by redesignating parts C, D, and E as parts B, C, and D and sections 221, 223, 231, and 241 as sections 211, 212, 221, and 231, respectively.

V. COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 1993.

Hon. EDWARD M. KENNEDY
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As requested, the Congressional Budget Office has prepared the enclosed cost estimate for S. 1283, the Technology-Related Assistance Act Amendments of 1993, as ordered reported by the Committee on Labor and Human Resources on July 30, 1993.

The technology-related assistance to individuals with disabilities programs are currently authorized through fiscal year 1994 under the General Education Provisions Act (GEPA). S. 1283 extends the

authorization for these programs for fiscal years 1995 and 1996 and makes them discretionary programs. Therefore, the bill is not subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER, *Director*.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1283.
2. Bill title: Technology-Related Assistance Act Amendments of 1993.
3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources on July 30, 1993.
4. Bill purpose: To amend the Technology-Related Assistance for Individuals with Disabilities Act of 1988 to improve the act, and for other purposes.
5. Estimated cost to the Federal Government:

FEDERAL GOVERNMENT COSTS

[By fiscal year, in millions of dollars]

	1994	1995	1996	1997	1998
Grants to States:					
Estimated authorization of appropriations		34	35		
Estimated outlays		26	34	8	1
Projects:					
Estimated authorization of appropriations		2	2		
Estimated outlays		1	2		
Reports:					
Estimated authorization of appropriations	(1)	(1)	(1)		
Estimated outlays	(1)	(1)	(1)	(1)	(1)
Bill total:					
Estimated authorization of appropriations		36	37		
Estimated outlays		28	35	8	2

¹ Less than \$500,000.

Note: Details may not add to totals because of rounding.

The costs of this bill fall within budget function 500.

Basis of estimate: The grant programs for technology-related assistance to individuals with disabilities are currently authorized through 1994 under the General Education Provisions Act (GEPA) and are considered to be mandatory. S. 1283 extends the authorization for these programs to fiscal years 1995 and 1996 and makes the programs discretionary. For fiscal years 1995 and 1996, S. 1283 authorizes such sums as may be necessary to be appropriated. CBO has estimated the authorization levels for these fiscal years by adjusting the 1993 appropriation for inflation. Outlays are estimated by considering historical spending patterns to these programs. Estimated outlays assume full appropriation of authorized amounts.

S. 1283 authorizes the Secretary to prepare and make public reports of findings from on-site visits that the department conducts in the final year of each state's participation in the development grant program. Because the department already conducts the on-

site visits and prepares reports, CBO estimates the additional effort required by S. 1283 to be minimal.

S. 1283 also authorizes an annual report from the Secretary of Education to the President and Congress on federal initiatives to improve the access of individuals with disabilities to assistive technology devices and assistive technology services. Finally, the bill requires a report from the Interagency Disability Coordinating Council to the President and Congress by October 1995. CBO estimates the cost of the newly authorized reports to be insignificant.

6. Pay-as-you-go considerations: The Budget Enforcement Act of 1990 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1995. Because S. 1283 would not affect direct spending or receipts, it has no pay-as-you-go implications.

7. Estimated cost to State and local governments: S. 1283 reauthorizes competitive grants to states. There are no matching funds required.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: Dorothy Rosenbaum.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

VI. REGULATORY IMPACT STATEMENT

The Committee has determined that there will be minimal increase in the regulatory burden imposed by the bill.

VII. SECTION-BY-SECTION ANALYSIS

Section 1. This section provides that the short title of the bill is the "Technology-Related Assistance Act Amendments of 1993."

Section 2. This section provides that "except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other revision, the references shall be considered to be made to a section or other provision of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)."

Section 3. This section amends section 2 of the Act to revise the findings and purposes of the Act, to provide a policy that specifies that the programs, projects, and activities receiving assistance under the Act are to be carried out in a manner consistent with certain principles, and to make other technical and conforming changes.

Section 4. This section amends the definitions included in section 3 and makes other technical and conforming changes.

Title I—Grants to States

Section 101. This section amends section 101 of the Act in several ways. This bill includes that the States must carry out certain systemic change and advocacy activities. The bill deletes section 101(b) "Functions of the Programs," incorporates these items into the authorized activities, revises the authorized activities, and makes other technical and conforming changes.

Section 102. This section amends section 102 of the Act in several ways. The bill reiterates that the grants are to be used to support systemic change and advocacy activities. This bill amends the application requirements. The bill specifies the responsibilities and qualifications of the lead agency under a grant under title I. The bill revises the application requirements.

Section 103. This section amends section 103 of the Act to add an additional three year extension grant after a State has completed the first five years of funding under the Act. The bill revises the information and assurances required for an extension grant.

Section 104. This section amends section 104 of the Act to require the Secretary to establish criteria for significant progress for the programs funded under this title and to require the States to submit an annual report with specified information to the Secretary.

Section 105. This section amends section 105 of the Act to revise the subsection regarding monitoring of the State programs funded under this title, to require an annual report on the Federal initiatives in the area of assistive technology, and to require certain activities of the Interagency Disability Coordinating Council.

Section 106. This section revises section 106 of the Act to authorize such sums as are necessary for fiscal years 1994 through 1996.

Section 107. This section repeals section 107 of the Act.

Title II—Programs of National Significance

Section 201. This section replaces part A of title II of the Act to provide authorization for a pilot project to develop and test a national classification system for assistive technology devices and assistive technology services.

Section 202. This section amends section 221 of the Act to update this section and to make technical and conforming changes.

Section 203. This section amends section 231(b) to authorize demonstrations of direct loan projects involving low-interest loan funds, revolving loan funds and loan insurance programs.

Section 204. This section amends section 241 of the Act to authorize such sums as may be necessary for fiscal years 1994 through 1996.

Section 205. This section repeals part B and section 222 of the Act and redesignates parts C, D, and E as parts B, C, and D and sections 221, 223, 231, and 241 as sections 211, 212, 221 and 231, respectively.

ADDITIONAL VIEWS OF SENATOR JEFFORDS

As the principal sponsor of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (Tech Act), I continue to believe that this program provides vital aid to states for consumer-responsive statewide programs for technology-related assistance. I am proud to be an original cosponsor during this reauthorization process.

I am very supportive of many of the changes in the bill, however, one particular provision causes me concern. While the committee has retained much of the flexibility of the original Tech Act for states, I worry that the protection and advocacy requirement in Section 102 will undermine some of that flexibility. As currently written, the language requires states to set-aside the lesser of \$75,000 or 10 percent of the annual grant amount in order to contract with the established protection and advocacy provider in the state.

Clearly protection and advocacy services are critical. However, I do not believe that the prescriptive nature and scope of the set-aside in this legislation is the best way to go in supporting systems change. The Assistive Technology projects in many states, such as Vermont, are well on their way to such change through vigorous consumer-responsive advocacy activities. Mandating a set-aside of this type is not consistent with the activities many states are engaged in. Rather, I believe that states should determine the priorities relevant to their particular circumstances.

Above all, I am committed to enacting this bill in a form that will be beneficial to states and consumers of assistive technology. As such, it must recognize the systemic change accomplishments that many states have already made. I believe the desired goals of the act would be better achieved without the prescriptive protection and advocacy provision in Section 102.

JIM JEFFORDS.

VIII. CHANGES IN EXISTING LAW

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988

* * * * *

[SEC. 2. FINDINGS AND PURPOSES.]

SEC. 2. FINDINGS, PURPOSES, AND POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) * * *

* * * * *

(C) interact to a greater extent with [nondisabled individuals] *individuals who do not have disabilities*; and

* * * * *

(4) *The goals of the Nation properly include providing individuals with disabilities with the tools, including assistive technology devices and assistive technology services, necessary to—*

(A) *make informed choices and decisions; and*

(B) *achieve equality of opportunity, full inclusion and integration in society, employment, independent living, and economic and social self-sufficiency, for such individuals.*

[(4)] (5) Although the development of assistive technology devices designed to assist individuals with disabilities is still in its early stages, there already exist a substantial number of assistive technology devices, including simple adaptations to existing equipment, that could significantly benefit, in all major life activities, individuals of all ages with disabilities. Such devices, including adaptations, could be used in programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

[(5)] (6) The use of [assistive technology devices and services] *assistive technology devices and assistive technology services* by individuals with disabilities can reduce the costs of the disabilities to society, individuals with disabilities, and [families] *the parents, family members, guardians, advocates, and authorized representatives* of individuals with disabilities by reducing expenditures associated with early intervention, education, rehabilitation, health care, transportation, tele-

communication services, and other services required by individuals with disabilities.

[(6)] (7) Many individuals with disabilities do not have access to the assistive technology devices and assistive technology services that such individuals need to allow such individuals to function in society commensurate with their abilities. States do not have comprehensive programs for making available technology-related assistance to individuals with disabilities. There is a lack of—

(A) * * *

* * * * *

[(C) information about the potential of technology available to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;]

(C) information about the potential of technology available to individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of the individuals, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, employers, and other appropriate individuals;

* * * * *

[(7)] (8) There are sufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of [limited markets] *a perception that such individuals constitute a limited market.*

[(8)] (9) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. Also, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services [to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.] *to individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of the individuals, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, employers, and other appropriate individuals.*

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

[(1) To provide financial assistance to the States to help each State to develop and implement a consumer-responsive statewide program of technology-related assistance for individuals of all ages with disabilities that is designed to—

[(A) increase awareness of the needs of individuals with disabilities for assistive technology devices and assistive technology services;

[(B) increase awareness of policies, practices, and procedures that facilitate or impede the availability or provision of assistive technology devices and assistive technology services;

[(C) increase the availability of and funding for the provision of assistive technology devices and assistive technology services for individuals with disabilities;

[(D) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;

[(E) increase the capacity of public and private entities to provide technology-related assistance, particularly assistive technology devices and assistive technology services, and to pay for the provision of assistive technology devices and assistive technology services;

[(F) increase coordination among State agencies and public and private entities that provide technology-related assistance, particularly assistive technology devices and assistive technology services; and

[(G) increase the probability that individuals of all ages with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living.]

(1) To provide financial assistance to the States to support systemic change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals of all ages who are individuals with disabilities, that is designed to—

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

(B) increase the active involvement of individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of individuals with disabilities in the planning, development, implementation and evaluation of such a program;

(C) increase the involvement of individuals with disabilities, and, if appropriate, the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, in decisions related to the provision of assistive technology devices and assistive technology services;

(D) increase and promote interagency coordination among State agencies, and between State agencies and pri-

vate entities, that are involved in carrying out activities under section 101, particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another subparagraph of this paragraph;

(E)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of assistive technology devices or assistive technology services;

(F) increase the probability that individuals of all ages who are individuals with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living;

(G) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

(H) increase awareness and knowledge of the efficacy of assistive technology devices, and assistive technology services, among—

(i) individuals with disabilities;

(ii) the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities;

(iii) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

(iv) educators and related services personnel;

(v) employers; and

(vi) other appropriate individuals and entities;

(I) increase the capacity of public entities and private entities to provide and pay for assistive technology devices and assistive technology services, on a statewide basis for individuals of all ages who are individuals with disabilities; and

(J) increase the awareness of the needs of individuals with disabilities for assistive technology devices and for assistive technology services.

(c) **POLICY.**—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be carried out in a manner consistent with the principles of—

(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of the individuals;

(3) inclusion, integration, and full participation of the individuals;

(4) support for the involvement of a parent, a family member, a guardian, an advocate, or an authorized representative if an individual with a disability requests, desires, or needs such support; and

(5) support for individual and systemic advocacy and community involvement.

* * * * *

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) * * *

* * * * *

(E) training or technical assistance [for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and] for an individual with a disability, or, where appropriate, the parent, family member, guardian, advocate, or authorized representative of an individual with a disability; and

* * * * *

(3) **CONSUMER-RESPONSIVE COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.**—The term “consumer-responsive comprehensive statewide program of technology-related assistance” means a statewide program of technology-related assistance developed and implemented by a State under title I that—

(A) is consumer-responsive; and

(B)(i) addresses the needs of all individuals with disabilities, including underserved groups, who can benefit from the use of assistive technology devices and assistive technology services;

(ii) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such individuals, or the particular major life activity for which such individuals need the assistance; and

(iii) addresses such needs without requiring that the assistance be provided through any particular agency or service delivery system.

(4) **CONSUMER-RESPONSIVE.**—The term “consumer-responsive” means, with respect to an entity or program, that the entity or program—

(A) is easily accessible to and usable by individuals with disabilities and, when appropriate, the parents, family members, guardians, advocates, or authorized representatives of such individuals;

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

(C) facilitates the full and meaningful participation of individuals with disabilities in—

(i) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

(ii) the planning, development, implementation, and evaluation of the consumer-responsive comprehensive

statewide program of technology-related assistance for individuals with disabilities.

(5) **DISABILITY.**—*The term “disability” means a condition considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State involved.*

[(3)] [(6) **INDIVIDUAL WITH DISABILITIES.**—*The “individual with disabilities” means any individual—*

[(A) who is considered to have a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides; and

[(B) who is or would be enabled by assistive technology devices or assistive technology services to maintain a level of functioning or to achieve a greater level of functioning in any major life activity.]

(6) **INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.**—

(A) INDIVIDUAL WITH A DISABILITY.—*The term “individual with a disability” means any individual—*

(i) who is considered to have a disability for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides; and

(ii) who is or would be enabled by assistive technology devices or assistive technology services to maintain a level of functioning or to achieve a greater level of functioning in any major life activity.

(B) INDIVIDUALS WITH DISABILITIES.—*The term “individuals with disabilities” means more than one individual with a disability.*

[(4) (7) **INSTITUTION OF HIGHER EDUCATION.**—*The term “institution of higher education” has the meaning given such term in [section 435(b)] section 481 of the Higher Education Act of 1965, and includes community colleges receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).*

(8) **PROTECTION AND ADVOCACY SERVICES.**—*The term “protection and advocacy services” means services that—*

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

(B) assist individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, with respect to assistive technology devices and assistive technology services.

[(5)] (9) **SECRETARY.**—*The term “Secretary” means the Secretary of Education.*

[(6)] (10) **STATE.**—*Except as otherwise provided, the term “State” means each of the [several States] several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the [Virgin Islands] United States Virgin Islands,*

Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and [the Trust Territory of the Pacific Islands] *the Republic of Palau (until the Compact of Free Association with Palau takes effect)*.

(11) SYSTEMIC CHANGE.—The term “systemic change” means efforts that result in public or private agencies and organizations having greater capacity or enhanced ability to be consumer-responsive and provide funding for or access to assistive technology devices and assistive technology services, or otherwise increase the availability of such technology, to benefit individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of such individuals on a permanent basis.

[(7)] (12) TECHNOLOGY-RELATED ASSISTANCE.—The term “technology-related assistance” [functions performed and] activities carried out under section 101 that accomplish the purposes described in any of subparagraphs (A) through (J) of section 2(b)(1).

[(8)] (13) UNDERSERVED GROUP.—The term “underserved group” means any group of individuals with disabilities who, because of disability, place of residence, geographic location, age, race,

* * * * *

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) GRANTS TO STATES.—The Secretary of Education shall make grants to States in accordance with the provisions of this title to support systemic change and advocacy activities designed to assist States [to develop and implement] in developing and implementing consumer-responsive comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

[(b)] FUNCTIONS OF PROGRAMS.—Any State that receives a grant under this title may accomplish the purposes described in section 2(b)(1) by carrying out any of the following functions:

[(1)] IDENTIFICATION AND NEEDS ASSESSMENT.—Identification of individuals with disabilities (including individuals from underserved groups) who reside in the State and the conduct of an ongoing evaluation of the needs of such individuals for technology-related assistance, which may be based on existing data.

[(2)] IDENTIFICATION AND COORDINATION OF RESOURCES.—Identification and coordination of Federal and State policies, resources, and services relating to the provision of assistive technology devices and assistive technology services to individuals with disabilities, including entering into interagency agreements.

[(3)] PROVISION OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—Provision of assistive technology devices and assistive technology services to individuals

with disabilities and payment for the provision of assistive technology devices and assistive technology services.

[(4) DISSEMINATION OF INFORMATION.—Dissemination of information relating to technology-related assistance and sources of funding for assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

[(5) TRAINING AND TECHNICAL ASSISTANCE.—Provision of training and technical assistance relating to assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

[(6) PUBLIC AWARENESS PROGRAM.—Conduct of a public awareness program focusing on the efficacy and availability of assistive technology devices and assistive technology services for individuals with disabilities.

[(7) ASSISTANCE TO STATEWIDE AND COMMUNITY-BASED ORGANIZATIONS.—Provision of assistance to statewide and community-based organizations or systems that provide assistive technology services to individuals with disabilities.

[(8) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—Support of the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to facilitate the development and implementation of a statewide program of technology-related assistance for individuals with disabilities.

[(9) QUALIFICATIONS OF STAFF.—Taking actions to develop standards, or where appropriate, apply existing standards to ensure the availability of qualified personnel.

[(10) PROGRAM DATA.—Compilation and evaluation of appropriate data relating to the program.

[(11) PROCEDURES FOR INVOLVEMENT OF CONCERNED INDIVIDUALS.—The establishment of procedures providing for the active involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals in the development and implementation of the program, and for the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices and assistive technology services in decisions relating to such assistive technology devices and assistive technology services.

[(12) OTHER FUNCTIONS.—Any other functions the Secretary considers appropriate.

[(c) AUTHORIZED ACTIVITIES.—In carrying out the functions described in subsection (b), any State may use amounts made available to the State under a grant under this title for activities including the following:

[(1) MODEL DELIVERY SYSTEMS.—The State may support model systems for the delivery of assistive technology devices and assistive technology services to individuals with disabilities that if successful could be replicated or made generally applicable. Any such system may include—

[(A) the purchase, lease, or other acquisition of assistive technology devices and assistive technology services or payment for the provision of assistive technology devices and assistive technology services;

[(B) the use of counselors, including peer counselors, to assist individuals with disabilities and the families of individuals with disabilities to obtain assistive technology devices and assistive technology services;

[(C) the involvement of individuals with disabilities or, if appropriate, families or representatives of individuals with disabilities in decisions related to the provision of assistive technology devices and assistive technology services to individuals with disabilities; and

[(D) the evaluation of the efficacy of the particular model delivery system involved.

[(2) STATEWIDE NEEDS ASSESSMENT.—The State may conduct a statewide needs assessment, which may be based on existing data and may include—

[(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity,

[(B) a description of efforts during the fiscal year ending before the date of the enactment of this Act to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

[(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

[(ii) a description of the devices and services provided;

[(C) the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

[(D) the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

[(E) a description of State and local public resources and private resources (including insurance) that are available to establish a statewide program of technology-related assistance for individuals with disabilities;

[(F) the identification of State and Federal policies that facilitate or interfere with the operation of a statewide program of technology-related assistance;

[(G) a description of—

[(i) alternative State-financed systems of subsidies for the provisions of assistive technology devices and assistive technology services, including—

[(I) a loan system for assistive technology devices;

[(II) a low-interest loan fund;

[(III) a revolving fund;

[(IV) a loan insurance program; and

[(V) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provisions of assistive technology services; and

[(ii) a description of the eligibility criteria for such a system;

[(H) a description of the State's procurement policies and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance under a great under this titles and compatible with other technology devices, including technology devices designed primarily for use by individuals without disabilities, elderly individuals or individuals with particular disabilities; and

[(I) an inquiry into whether it is advantageous for either a State agency or a task force (composed of individuals representing the State and individuals representing the private sector) the study and the practices of private insurance companies holding licenses with the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

[(i) the purchase, lease, or other acquisition of assistive technology devices; or

[(ii) the use of assistance technology services.

[(3) SUPPORT GROUPS.—The State may encourage the creation or maintenance of statewide or community-based organizations or systems that assist individuals with disabilities to use assistive technology devices or assistive technology services, or support any existing organization or system that provides such assistance.

[(4) PUBLIC AWARENESS PROGRAM.—The State may support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employees and other appropriate individuals, or may establish and support such a program if no such program exists. Such a program may include—

[(A) the development and dissemination of information relating to—

[(i) the nature of assistive technology devices and assistive technology services;

[(ii) the appropriateness, cost, and availability of, and access to assistive technology devices and assistive technology services; and

[(iii) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

[(B) procedures for providing direct communication between public providers of assistive technology devices and assistive technology services and private providers of such devices and services (including employers); and

[(C) the development and dissemination and information relating to

[(i) use of the program by individuals with disabilities, families or representatives of individuals with disabilities, and professionals who work in the field or technology-related assistance, and other appropriate individuals; and

[(ii) the nature of the inquiries made by the individuals described in clause (i).

[(5) TRAINING AND TECHNICAL ASSISTANCE.—The State may provide directly or support public or private training and technical assistance activities relating to the use of assistive technology devices and assistive technology services to individuals with disabilities, the familiar or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

[(6) ACCESS TO TECHNOLOGY-RELATED INFORMATION.—The State may develop, operate, or expand a system for public access to information concerning technology-related assistance, including information about assistive technology devices and assistive technology services, funding sources, costs, and individuals, organizations, and agencies capable of providing technology-related assistance to individuals with disabilities. In developing, operating, or expanding a system described in the preceding sentence, the State may—

[(A) develop, compile, and categorize print, braille, audio, and video materials containing the information described in such sentence;

[(B) identify and classify existing funding sources, conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

[(C) identify existing support groups and systems designed to help individuals with disabilities make effective use of technology-related assistance; and

[(D) maintain a record of the extent to which citizens of the State use or make inquiries of the system established under this paragraph, and of the nature of such inquiries.

[(7) INTERSTATE AGREEMENTS.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals of all ages with disabilities to learn about acquire, use, maintain, adapt, and up-

grade assistive technology devices and assistive technology services that such individuals need at home school, work, or in other environments that are part of daily living.

[(8) OTHER ACTIVITIES.—The State may utilize amounts made available under grants made under this title for any other activities necessary for developing, implementing, or evaluating the statewide program of technology-related assistance.]

(b) ACTIVITIES.—

(1) USE OF FUNDS.—

(A) IN GENERAL.—Any State that receives a grant under section 102 or 103 shall use the funds made available through the grant to accomplish the purposes described in section 2(b)(1) by carrying out any of the systemic change and advocacy activities described in paragraphs (2) through (12) in a manner that is consumer-responsive.

(B) PARTICULAR ACTIVITIES.—In carrying out such systemic change and advocacy activities, the State shall particularly carry out activities regarding—

(i) the development, implementation, and monitoring of State, regional, and local laws, regulations, policies, practices, procedures, and organizational structures, that will improve access to and funding for assistive technology devices and assistive technology services;

(ii) the development and implementation of strategies to overcome barriers to funding of such devices and services, with particular emphasis on addressing the needs of underserved groups; and

(iii) the development and implementation of strategies to enhance the ability of individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of such individuals, to successfully advocate for access to and funding for assistive technology devices and assistive technology services.

(2) ACCESS TO AND FUNDING FOR ASSISTIVE TECHNOLOGY.—The State may support activities to increase access to and funding for assistive technology, including—

(A) the identification of barriers to funding of assistive technology devices and assistive technology services for individuals of all ages who are individuals with disabilities, with priority for identification of barriers to funding through State special education services, vocational rehabilitation services, and medical assistance services or, as appropriate, other health and human services; and

(B) the development, and evaluation of the efficacy, of model delivery systems that provide assistive technology devices and assistive technology services to individuals with disabilities, that pay for such devices and services, and that, if successful, could be replicated or generally applied, such as—

(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of

assistive technology devices and assistive technology services; and

(ii) the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

(I) a loan system for assistive technology devices (including assistive technology demonstration and recycling centers);

(II) an income-contingent loan fund;

(III) a low-interest loan fund;

(IV) a revolving loan fund;

(V) a loan insurance program; and

(VI) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices and the provision of assistive technology services.

(3) **REPRESENTATION.**—The State may support individual case management or representation of individuals with disabilities to secure their rights to assistive technology devices and assistive technology services.

(4) **INTERAGENCY COORDINATION.**—The State may support activities—

(A) to identify and coordinate Federal and State policies, resources, and services, relating to the provision of assistive technology devices and assistive technology services, for individuals with disabilities, including entering into inter-agency agreements;

(B) to support the establishment or continuation of partnerships and cooperative initiatives among public sector agencies and between the public sector and the private sector to facilitate the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities;

(C) to convene interagency work groups to enhance public funding options and coordinate access to funding for assistive technology devices and assistive technology services for individuals of all ages who are individuals with disabilities, with special attention to the issues of transition, home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; or

(D) to document and disseminate information about interagency activities that promote coordination with respect to assistive technology services and assistive technology devices, including evidence of increased participation of State and local special education, vocational rehabilitation, and State medical assistance agencies and departments.

(5) **STATEWIDE NEEDS ASSESSMENT.**—The State may conduct a statewide needs assessment, which may be based on data in existence on the date on which the assessment is initiated and may include—

(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

(B) in the case of an assessment carried out under a development grant, a description of efforts, during the fiscal year preceding the first fiscal year for which the State received such a grant, to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

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

(C) information on the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

(D) information on the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

(E) a description of State and local public resources and private resources (including insurance) that are available to establish a consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities;

(F) information identifying Federal and State laws, regulations, policies, practices, procedures, and organizational structures, that facilitate or interfere with the operation of a consumer-responsive comprehensive statewide program of technology-related assistance;

(G) a description of the procurement policies of the State and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance made available through a grant made under section 102 or 103 are compatible with other technology devices, including technology devices designed primarily for use by—

(i) individuals who are not individuals with disabilities;

(ii) individuals who are elderly; or

(iii) individuals with particular disabilities; and

(H) information resulting from an inquiry about whether a State agency or a task force (composed of individuals representing the State and individuals representing the private sector) should study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

(i) the purchase, lease, or other acquisition of assistive technology devices; or

(ii) the use of assistive technology services.

(6) **OUTREACH.**—The State may provide assistance to statewide and community-based organizations, or systems, that pro-

vide assistive technology devices and assistive technology services to individuals with disabilities. Such assistance may include outreach to consumer organizations and groups in the State to coordinate the activities of the organizations and groups with consumer-driven efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, to obtain funding for and access to assistive technology devices and assistive technology services.

(7) PUBLIC AWARENESS PROGRAM.—

(A) IN GENERAL.—The State may—

(i) support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for—

(I) individuals with disabilities;

(II) the parents, family members, guardians, advocates, or authorized representatives of such individuals;

(III) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

(IV) educators and related services personnel;

(V) employers; and

(VI) other appropriate individuals and entities;

or

(ii) establish and support such a program if no such program exists.

(B) CONTENTS.—Such a program may include—

(i) the development and dissemination of information relating to—

(I) the nature of assistive technology devices and assistive technology services;

(II) the appropriateness, cost, and availability of, and access to assistive technology devices and assistive technology services; and

(III) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

(ii) the development of procedures for providing direct communication among public providers of assistive technology devices and assistive technology services and between public providers and private providers of such devices and services (including employers); and

(iii) the development and dissemination of information relating to—

(I) use of the program by individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, professionals who work in a field related to an activity described in this section, and other appropriate individuals; and

(II) the nature of the inquiries made by the persons described in subclause (I).

(8) **TRAINING AND TECHNICAL ASSISTANCE.**—The State may carry out directly, or may provide support to a public or private entity to carry out, training and technical assistance activities—

(A) that—

(i) are provided for individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of the individuals, and other appropriate individuals; and

(ii) may include—

(I) training in the use of assistive technology devices and assistive technology services;

(II) the development of written materials, training, and technical assistance describing the means by which agencies consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing, for the individual, any individualized education program described in section 614(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(5)), any individualized written rehabilitation program described in section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722), any individualized family service plan described in section 677 of the Individuals with Disabilities Education Act (20 U.S.C. 1477), and any other individualized plans or programs;

(III) training regarding the rights of the persons described in clause (i) to assistive technology devices and assistive technology services under public laws and regulations in existence at the time of the training, to promote fuller independence, productivity, and inclusion in and integration into society of such persons; and

(IV) training to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

(B) that—

(i) enhance the assistive technology skills and competencies of—

(I) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

(II) educators and related services personnel;

(III) employers; and

(IV) other appropriate personnel; and

(ii) include—

(I) developing and implementing strategies for including such training within State training initiatives; and

(II) taking actions to facilitate the development of standards, or, when appropriate, the application

of such standards, to ensure the availability of qualified personnel.

(9) **PROGRAM DATA.**—The State may support the compilation and evaluation of appropriate data related to a program described in subsection (a).

(10) **ACCESS TO TECHNOLOGY-RELATED INFORMATION.**—

(A) **IN GENERAL.**—The State may develop, operate, or expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such assistance, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities.

(B) **SYSTEM.**—In developing, operating, or expanding a system described in subparagraph (A), the State may—

(i) develop, compile, and categorize print, braille, audio, and video materials, and materials in electronic formats, containing the information described in subparagraph (A);

(ii) identify and classify existing funding sources, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(iii) identify existing support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection; and

(iv) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in subparagraph (A), and of the nature of such inquiries.

(11) **INTERSTATE AGREEMENTS.**—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals of all ages who are individuals with disabilities to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

(12) **OTHER ACTIVITIES.**—The State may utilize amounts made available through grants made under section 102 or 103 for any systemic change and advocacy activities, other than the activities described in another paragraph of this subsection, that are necessary for developing, implementing, or evaluating the consumer-responsive comprehensive statewide program of technology-related assistance.

* * * * *

SEC. 102. DEVELOPMENT GRANTS.

(a) **GENERAL AUTHORITY.**—The Secretary shall award to States [3 year grants] 3-year grants to support systemic change and advocacy activities described in section 101(b) to assist States [to develop and implement statewide programs] in developing and imple-

menting consumer-responsive comprehensive statewide programs of technology-related assistance for individuals with disabilities in accordance with the provisions of section 101

[(b) NUMBER OF GRANTS TO BE AWARDED.—From amounts appropriated under section 106, the Secretary shall award under this section, to the extent appropriate applications are submitted—

[(1) in the first fiscal year for which amounts are appropriated, not more than 10 grants on a competitive basis;

[(2) in the second fiscal year for which amounts are appropriated, not more than 20 grants on a competitive basis; and

[(3) in the third fiscal year for which amounts are appropriated, any number of grants on a competitive basis.]

[(c) (b) AMOUNTS OF GRANTS.—

* * * * *
 (3) CALCULATION OF AMOUNTS.—The Secretary shall calculate the amounts described in paragraph (1) and (2) on the basis of—

(A) * * *

* * * * *
 (C) the types of activities proposed by the State relating to the development of a [statewide program] consumer-responsive statewide program of technology-related assistance.

* * * * *
 (5) DEFINITIONS.—For purposes of this subsection.

[(A)] (A) STATE.—The term “State” does not include the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the [Trust Territory of the Pacific Islands] Republic of Palau.

[(B)] (B) TERRITORY.—The term “territory” means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the [Trust Territory of the Pacific Islands] Republic of Palau (until the Compact of Free Association takes effect).

[(d)](C) PRIORITIES FOR DISTRIBUTION.—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

(1) * * *

(2) distributes the grants among States that have differing levels of development of [statewide programs] consumer-responsive comprehensive statewide programs of technology related assistance.

(d) DESIGNATION OF THE LEAD AGENCY.—

(1) DESIGNATION.—In each State that desires to receive a grant under this section, the Governor shall designate a lead agency responsible for—

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

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

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

(ii) coordinating the planning, development, and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

(iii) coordinating efforts related to, and supervising, the active, timely, and meaningful participation by individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, and other appropriate individuals, with respect to activities carried out under the grant; and

(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals.

(2) QUALIFICATIONS.—In designating the lead agency, the Governor—

(A) may designate—

(i) a commission appointed by the Governor;

(ii) a public-private partnership or consortium;

(iii) a university-affiliated program;

(iv) a public agency;

(v) a council established under Federal or State law;

or

(vi) another appropriate office, agency, entity, or individual; and

(B) shall designate an entity that provides evidence of ability to—

(i) respond to needs of individuals with disabilities who represent a variety of ages and types of disabilities;

(ii) respond statewide to the assistive technology needs of individuals with disabilities;

(iii) promote and accomplish systemic change;

(iv) promote and accomplish the establishment of public-private partnerships;

(v) exercise leadership in identifying and responding to the technology needs of individuals with disabilities and the parents, family members, guardians, advocates, and authorized representatives of such individuals;

(vi) document consumer confidence in, and responsiveness to, the consumer-responsive comprehensive statewide program of technology-related assistance; and

(vii) exercise leadership in implementing effective strategies for capacity building and training for appropriate entities, and enhancement of interagency coordination of activities related to funding for assistive technology devices and assistive technology services.

(e) APPLICATIONS.—Any State that desires to receive a grant under this section shall submit an application that contains the following information and assurances:

[(1) DESIGNATION OF RESPONSIBLE ENTITY.—The designation by the Governor of the office, agency, entity, or individual responsible for—

[(A) preparing the application;

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

[(C) planning and developing the statewide program of technology-related assistance;

[(D) coordination between public and private agencies, including the entering into of interagency agreements;

[(E) ensuring active timely, and meaningful participation by individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals with respect to performing functions and carrying out activities under the grant; and

[(F) the delegation of any responsibilities described above, in whole or in part, to one or more appropriate offices, agencies, entities, or individuals.

[(2) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies in the preparation of the application and the continuing role of such agencies in the development of the statewide program of technology-related assistance.

[(3) PUBLIC INVOLVEMENT.—A description of the nature and extent of involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals who are not employed by a State agency in the development of the application and the continuing role of such individuals in the development of the statewide program of technology-related assistance.]

(1) *DESIGNATION OF THE LEAD AGENCY.*—*Information identifying the lead agency designated by the Governor under subsection (d).*

(2) *AGENCY INVOLVEMENT.*—*A description of the nature and extent of involvement of various State agencies, including the State insurance department, in the preparation of the application and the continuing role of each such agency in the development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance, including a description of the process used by each agency for providing access to and funding for assistive technology devices and assistive technology services.*

(3) *INVOLVEMENT.*—

(A) *CONSUMER INVOLVEMENT.*—*A description of procedures that—*

(i) *provide for—*

(I) *the active involvement of individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of the individuals, and other appropriate individuals, in the development, implementation, and evaluation of the program; and*

(II) *the active involvement, to the maximum extent appropriate, of individuals with disabilities*

who use assistive technology devices and assistive technology services, in decisions relating to such devices and services; and

(ii) shall include—

(I) mechanisms to provide support for the expenses related to such involvement of individuals with disabilities, including payment of travel expenses, qualified interpreters, readers, personal care assistants, or other similar services and action necessary to ensure participation by such individuals; and

(II) mechanisms for determining consumer satisfaction and participation of individuals with disabilities who represent a variety of ages and types of disabilities, in the consumer-responsive comprehensive statewide program of technology-related assistance.

(B) PUBLIC INVOLVEMENT.—A description of the nature and extent of—

(i) the involvement of—

(I) individuals with disabilities;

(II) the parents, family members, guardians, advocates, or authorized representatives of such individuals;

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

(IV) organizations, providers, and interested parties, in the private sector,

in the designation of the lead agency under subsection (d), and in the development of the application; and

(ii) the continuing role of the individuals and entities described in clause (i) in the program.

(4) PRELIMINARY NEEDS ASSESSMENT.—A tentative assessment of the extent of the need of individuals with disabilities in the State, including individuals from underserved groups, for a [statewide program] consumer-responsive comprehensive statewide program of technology-related assistance and a description of previous efforts and efforts continuing on the date of the application to develop a [statewide program] consumer-responsive comprehensive statewide program of technology-related assistance

(5) STATE RESOURCES.—A description of State resources and other resources (to the extent such information is available) that are available to commit to the development of a [statewide program] consumer-responsive comprehensive statewide program of technology-related assistance.

[(6) GOALS, OBJECTIVES, FUNCTIONS, ACTIVITIES, AND OUTCOMES.—The State's goals, objectives, functions, and activities planned under the grant, and the expected outcomes at the end of the grant period with respect to a consumer-responsive statewide program of technology-related assistance, consistent with the purposes described in section 2(b)(1).

[(7) INFORMATION AND EVALUATIONS. A description of—

[(A) procedures used for compiling information; and

[(B) procedures that will be used to conduct evaluations.]

(6) GOALS, OBJECTIVES, ACTIVITIES, AND OUTCOMES.—Information on the program to be carried out under the grant with respect to—

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

(B) the systemic change and advocacy activities described in section 101(b) that the State plans to carry out under the program, including, at a minimum, activities related to access to, and funding for, assistive technology devices and assistive technology services, case management or representation, and interagency coordination as described in section 101(b), unless the State demonstrates through the progress reports required under section 104 that—

(i) significant progress has been made in the development and implementation of such a program; and

(ii) other systemic change and advocacy activities described in section 101(b) will increase the likelihood that the program will accomplish the purposes set out in 2(b)(1); and

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

(7) DATA COLLECTION AND EVALUATIONS.—A description of—

(A) the data collection system used for compiling information about the program, consistent with such requirements as the Secretary may establish for such system, and, to the extent that a national classification system is developed pursuant to section 201, consistent with such classification system; and

(B) the procedures that will be used to conduct evaluations of the program.

* * * * *

(11) SUPPLEMENT OTHER FUNDS.—And assurance that amounts received under the grant—

(A) * * *

* * * * *

(i) such payment is made only to prevent a delay in the receipt of appropriate technology-related assistance (including the provision of assistive technology devices or assistive technology services) by an [individual with a disabilities] *individual with a disability*; and

* * * * *

(12) CONTROL OF FUNDS AND PROPERTY.—An assurance that—

(A) * * *

* * * * *

(B) a public agency or an [individual with disabilities] *individual with a disability* shall—

* * * * *

(16) AVAILABILITY OF INFORMATION.—An assurance that the State will—

(A) make available to individuals with disabilities and the [families or representatives] *parents, family members, guardians, advocates, or authorized representatives* of individuals with disabilities information concerning technology-related assistance in a form that will allow such individuals to effectively use such information; and

* * * * *

(17) AUTHORITY TO USE FUNDS.—An assurance that the lead agency designated under subsection (d) will have the authority to use funds made available through a grant made under section 102 or 103 to comply with the requirements of section 102 or 103, respectively, including the ability to hire qualified staff necessary to carry out activities under the program.

(18) PROTECTION AND ADVOCACY SERVICES.—Either—

(A) an assurance that the State will annually provide, from the funds made available to the State through a grant made under section 102 or 103, not less than an amount equal to the lesser of—

(i) \$75,000; or

(ii) 10 percent of such funds,

in order to make a grant or enter into a contract to support protection and advocacy services to assist individuals with disabilities in receiving appropriate assistive technology devices and assistive technology services through the systems established to provide protection and advocacy under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); or

(B) at the discretion of the State, a request that the Secretary annually reserve, from the funds made available to the State through a grant made under section 102 or 103, not less than the amount described in subparagraph (A) in order for the Secretary to make a grant or enter into a contract to support the protection and advocacy services described in subparagraph (A) through entities described in subparagraph (A).

(19) LIMIT ON INDIRECT COSTS.—An assurance that the State will not use more than 8 percent of the funds made available to the State through a grant made under section 102 or 103 for the indirect costs of the program.

(20) COORDINATION WITH STATE COUNCILS.—An assurance that the lead agency will coordinate the activities funded through a grant made under section 102 or 103 with the activities carried out by other councils within the State, including—

(A) any council or commission specified in the assurance provided by the State in accordance with section 101(36) of the Rehabilitation Act of 1973 (29 U.S.C. 721(36));

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

(C) the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

(D) the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024);

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

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

(21) COORDINATION WITH OTHER SYSTEMIC CHANGE PROJECTS.—An assurance that the lead agency will coordinate the activities funded through a grant made under section 102 or 103 with the activities carried out by other systemic change projects funded through Federal or State sources.

[(17) (22) OTHER INFORMATION.—Such other information and assurances] as the Secretary may reasonably require.

(f) PROTECTION AND ADVOCACY REQUIREMENTS.—

(1) REQUIREMENTS.—A State that, as of June 30, 1993, has provided for protection and advocacy services through a program that—

(A) is comparable to the program described in subsection (e)(18); and

(B) is not carried out by an entity described in such subsection,

shall be considered to meet the requirements of such subsection.

(2) PROTECTION AND ADVOCACY SERVICE PROVIDER REPORT.—

(A) PREPARATION.—An entity that receives funds reserved under subsection (e)(18)(B) to carry out the protection and advocacy services described in subsection (e)(18)(A) in a State shall prepare reports that—

(i) describe the activities carried out by the entity with such funds; and

(ii) contain such additional information as the Secretary may require.

(B) SUBMISSION.—The entity shall submit the reports to the program described in subsection (a) in the State not less often than every 6 months.

(C) UPDATES.—The entity shall provide monthly updates to the program described in subsection (a) concerning the activities and information described in subparagraph (A).

(3) CONSULTATION WITH STATE PROGRAMS.—Before making a grant or entering into a contract under subsection (e)(18)(B) to support the protection and advocacy services described in subsection (e)(18)(A) in a State, the Secretary shall solicit and consider the opinions of the lead agency designated under subsection (d) in the State with respect to the terms of the grant or contract.

* * * * *

[SEC. 103. EXTENSION GRANTS.

[(a) GENERAL AUTHORITY.—The Secretary may award a 2-year extension grant to any State that demonstrates to the Secretary that the State made significant progress in developing and implementing a statewide program of technology-related assistance under a grant provided under section 102, consistent with the requirements of such section and the purposes described in section 2(b)(1).

[(b) AMOUNTS OF GRANTS.—

[(1) IN GENERAL.—(A) From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each State that receives a grant under this section an amount that is not less than \$500,000 and not more than \$1,500,000.

[(B) From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than \$150,000.

[(C) For purposes of this paragraph:

[(i) The term "State" does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

[(ii) The term "territory" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

[(2) CALCULATION OF AMOUNT.—The Secretary shall calculate the amount described in paragraph (1) on the basis of—

[(A) amounts available for making grants pursuant to this section;

[(B) the population of the State;

[(C) the types of assistance to be provided; and

[(D) the amount of resources committed and available from other sources.

[(3) PRIORITY FOR PREVIOUS PARTICIPATING STATES.—Amounts appropriated in any fiscal year for purposes of carrying out the provisions of this section shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

[(c) APPLICATION.—A State that desires to receive an extension grant under this section shall submit an application that contains the following:

[(1) NEEDS.—A description of needs relating to technology-related assistance of individuals with disabilities, including individuals from underserved groups, families or representatives of individuals with disabilities, and other appropriate individuals within the State.

[(2) ACTIVITIES UNDER DEVELOPMENT GRANT.—A description of the specific activities carried out under the development grant received under section 102 and the relationship of such activities to the development of a statewide program of technology-related assistance.

[(3) PROGRESS.—Documentation of the progress made under the development grant toward development of a statewide program of technology-related assistance.

[(4) PUBLIC INVOLVEMENT.—A description of State actions designed to determine the degree of satisfaction of individuals with disabilities, families or representatives of individuals with disabilities, public and private service providers, employers, and other appropriate individuals with—

[(A) the degree of their ongoing involvement in the development and implementation of the statewide program of technology-related assistance;

[(B) the specific activities carried out by the State under the development grant; and

[(C) progress made toward development and implementation of a consumer-responsive statewide program of technology-related assistance under the development grant.

[(5) COMMENTS.—A summary of any comments received concerning the issues described in paragraph (4) and the State's response to such comments, solicited from individuals affected by the statewide program of technology-related assistance, including individuals with disabilities, public and private service providers, employers, and other appropriate individuals.

[(6) OTHER INFORMATION AND ASSURANCES.—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

[(7) COMPATIBILITY AND ACCESSIBILITY OF ELECTRONIC EQUIPMENT.—An assurance that the State will comply with guidelines established under section 508 of the Rehabilitation Act of 1973.]

SEC. 103. EXTENSION GRANTS.

(a) EXTENSION GRANTS.—

(1) *INITIAL EXTENSION GRANT.*—*The Secretary may award an initial 2-year extension grant to any State that meets the standards specified in subsection (b)(1).*

(2) *ADDITIONAL EXTENSION GRANT.*—*The Secretary may award an additional 3-year extension grant to any State that meets the standards specified in subsection (b)(2).*

(b) STANDARDS.—

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

(A) provide the evidence described in section 102(d)(2)(B); and

(B) demonstrate that the State has made significant progress, and has carried out systemic change and advocacy activities described in section 101(b) that have resulted in significant progress, toward development and the implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102.

(2) *ADDITIONAL EXTENSION GRANT.*—*In order for a State to receive an additional extension grant under this section, the designated lead agency shall—*

(A) provide the evidence and make the demonstration described in paragraph (1);

(B) describe the steps the State has taken or will take to continue on a permanent basis the consumer-responsive

comprehensive statewide program of technology-related assistance with the ability to maintain, at a minimum, the outcomes achieved by the systemic change and advocacy activities; and

(C) identify future funding options and commitments for the program from the public and private sector and the key individuals, agencies, and organizations to be involved in, and to direct future efforts of, the program.

(c) AMOUNTS OF GRANTS.—

(1) IN GENERAL.—

(A) STATES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each State that receives a grant under this section an amount that is not less than \$500,000 and not more than \$1,500,000.

(B) TERRITORIES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section an amount that is not more than \$150,000.

(C) DEFINITIONS.—For purposes of this paragraph:

(i) STATE.—The term 'State' does not include the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau.

(ii) TERRITORY.—The term 'territory' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association takes effect).

(2) CALCULATION OF AMOUNT.—The Secretary shall calculate the amount described in subparagraph (A) or (B) of paragraph (1) with respect to a State on the basis of—

(A) amounts available for making grants pursuant to this section;

(B) the population of the State;

(C) the types of assistance to be provided in the State; and

(D) the amount of resources committed by the State and available to the State from other sources.

(3) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—Amounts appropriated in any fiscal year for purposes of carrying out the provisions of this section shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

(d) APPLICATION.—A State that desires to receive an extension grant under this section shall submit an application that contains the following information and assurances with respect to the consumer-responsive comprehensive statewide program of technology-related assistance in the State:

(1) INFORMATION AND ASSURANCES.—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

(2) NEEDS; PROBLEMS; STRATEGIES; OUTREACH.—

(A) **NEEDS.**—A description of needs relating to technology-related assistance of individuals with disabilities (including individuals from underserved groups), the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, and other appropriate individuals within the State.

(B) **PROBLEMS.**—A description of any problems that remain with the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance in the State.

(C) **STRATEGIES.**—A description of the strategies that the State will pursue during the grant period to remedy the problems with the development and implementation of such a program.

(D) **OUTREACH ACTIVITIES.**—A description of outreach activities to be conducted by the State, including dissemination of information to eligible populations, with special attention to underserved groups.

(3) **ACTIVITIES AND PROGRESS UNDER PREVIOUS GRANT.**—A description of—

(A) the specific systemic change and advocacy activities described in section 101(b) carried out under the development grant received by the State under section 102, or, in the case of an application for a grant under subsection (a)(2), under an initial extension grant received by the State under this section, including—

(i) a description of State actions that were undertaken to produce systemic change on a permanent basis for individuals of all ages who are individuals with disabilities;

(ii) a description of activities undertaken to improve the involvement of individuals with disabilities in the program, including training and technical assistance efforts to improve individual access to assistive technology devices and assistive technology services as mandated under public laws and regulations as in effect on the date of the application; and

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

(B) the relationship of such systemic change and advocacy activities to the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

(C) the progress made toward the development and implementation of such a program.

(4) **PUBLIC INVOLVEMENT.**—

(A) **REPORT.**—In the case of an application for a grant under subsection (a)(1), a report on the hearing described in subsection (e)(1) or, in the case of an application for a grant under subsection (a)(2), a report on the hearing described in subsection (e)(2).

(B) **OTHER STATE ACTIONS.**—A description of State actions, other than such a hearing, designed to determine the degree of satisfaction of individuals with disabilities, the

parents, family members, guardians, advocates, or authorized representatives of such individuals, public service providers and private service providers, educators and related services providers, employers, and other appropriate individuals and entities with—

(i) the degree of their ongoing involvement in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance;

(ii) the specific systemic change and advocacy activities described in section 101(b) carried out by the State under the development grant or the initial extension grant;

(iii) progress made toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

(iv) the ability of the lead agency to carry out the activities described in section 102(d)(2)(B).

(5) **COMMENTS.**—A summary of any comments received concerning the issues described in paragraph (4) and response of the State to such comments, solicited through a public hearing referred to in paragraph (4) or through other means, from individuals affected by the consumer-responsive comprehensive statewide program of technology-related assistance, including—

(A) individuals with disabilities;

(B) the parents, family members, guardians, advocates, or authorized representatives of such individuals;

(C) public service providers and private service providers;

(D) educators and related services personnel;

(E) employers; and

(F) other appropriate individuals and entities.

(6) **COMPATIBILITY AND ACCESSIBILITY OF ELECTRONIC EQUIPMENT.**—An assurance that the State will comply with guidelines established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(e) **PUBLIC HEARING.**—

(1) **INITIAL EXTENSION GRANT.**—To be eligible to receive a grant under subsection (a)(1), a State shall hold a public hearing in the third year of a program carried out under a grant made under section 102, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

(2) **ADDITIONAL EXTENSION GRANT.**—To be eligible to receive a grant under subsection (a)(2), a State shall hold a public hearing in the second year of a program carried out under a grant made under subsection (a)(1), after providing the notice described in paragraph (1).

* * * * *

[SEC. 104. PROGRESS REPORTS.

[(a) IN GENERAL.—Each State that receives a grant under this title shall submit to the Secretary annually a report that describes—

[(1) completed activities carried out under the grant, especially with regard to section 102(e)(6), including, to the extent appropriate, a description of the impact of such activities on individuals with disabilities, public agencies, financial resources committed to technology-related assistance for individuals with disabilities, community-based organizations, and employers;

[(2) unanticipated problems encountered in carrying out such activities;

[(3) activities planned to rectify such problems in the following year.

[(b) SPECIFIC REQUIREMENTS FOR REPORTS WITH RESPECT TO EXTENSION GRANTS.—Each State that receives a development grant under section 102 may include, and each State that receives an extension grant under section 103 shall include in the report required by subsection (a) a description of—

[(1) the types of assistance provided under the grant and the effects of such assistance, especially with respect to individuals with disabilities;

[(2) the types of environments in which assistance was provided under the grant; and

[(3) how the information required by this subsection was derived.]

SEC. 104. PROGRESS CRITERIA AND REPORTS.

(a) REGULATIONS.—*The Secretary shall by regulation establish criteria for determining, for purposes of this title, whether a State that received a grant under section 102 or 103 is making significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance. Such criteria shall include standards for assessing the impact of the systemic change and advocacy activities described in section 101(b) in the State in achieving the purposes described in section 2(b)(1).*

(b) REPORTS.—*Each State that receives a grant under section 102 or 103 to carry out a program shall submit to the Secretary annually a report that—*

(1) documents the significant progress made by the State in developing and implementing the program, consistent with the standards and criteria established under subsection (a); and

(2) includes information on—

(A) identification of the successful systemic change and advocacy activities carried out through the program to increase funding for, and access to, assistive technology devices and assistive technology services, including an analysis of laws, regulations, policies, practices, procedures, and organizational structures, that—

(i) have changed as a result of the program to facilitate the acquisition of assistive technology;

(ii) the program has attempted to change during the grant period; or

(iii) need to be changed in the next grant period;

(B) *the degree of consumer involvement of individuals with disabilities who represent a variety of ages and type of disabilities, in terms of—*

(i) *the numbers of consumers involved;*

(ii) *the activities that the consumers are involved in;*
and

(iii) *the outreach activities of the State intended to increase consumer participation in the consumer-responsive comprehensive statewide program of technology-related assistance;*

(C) *the degree of consumer satisfaction with the program;*

(D) *the degree of involvement of various State agencies, including the State insurance department, in the preparation of the application for the program and the continuing role of each agency in the development and implementation of the program, including—*

(i) *a description of the process used by each agency for providing access to and funding for assistive technology devices and assistive technology services; and*

(ii) *a description of the activities undertaken to enhance interagency coordination of the provision of assistive technology devices and assistive technology services;*

(E) *documentation of efforts to collect and disseminate information on successful efforts to secure assistive technology devices and assistive technology services that occurred as a result of systemic change and advocacy activities identified in paragraph (2); and*

(F) *identification and documentation of State and local laws, regulations, policies, practices, procedures, and organizational structures that have been developed or changed in order to inform individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of the individuals, of Federal requirements pertaining to assistive technology devices and assistive technology services, particularly under parts B and H of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq. and 1471 et seq.) and title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).*

* * * * *

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING STATES.—

(1) **IN GENERAL.**—The Secretary shall establish a system to assess the extent to which States that receive grants pursuant to this title are making significant progress in achieving the purposes of this title, *consistent with the standards and criteria established under section 104(a)*

[(2) **ONSITE VISITS.**—(A) The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program. Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers from other participating States.

[(B)(i) Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

[(ii) Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the pay rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.]

(2) **ONSITE VISITS.**—

(A) **VISITS.**—*The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program. The Secretary shall conduct an additional onsite visit to any State that received an extension grant under section 103 and whose initial onsite visit occurred prior to the date of enactment of the Technology-Related Assistance Amendments of 1993.*

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

(i) shall not be agency personnel;

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

(iii) shall include an individual with a disability, or a parent, family member, guardian, advocate, or an authorized representative of such an individual.

(C) **COMPENSATION.**—

(i) **OFFICERS OR EMPLOYEES.**—*Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.*

(ii) **OTHER MEMBERS.**—*Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as*

members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

(D) **REPORT.**—The Secretary shall prepare a report of findings from the onsite visit. The Secretary shall consider the findings in determining whether to continue funding the program either with or without changes. The report shall be available to the public.

(3) **ADVANCE PUBLIC NOTICE.**—The Secretary shall provide advance public notice of the onsite visit and solicit public comment through such notice from individuals with disabilities, and the parents, family members, guardians, advocates, and authorized representatives of such individuals, public service providers and private service providers, educators and related services personnel, employers, and other appropriate individuals and entities, regarding the State program funded through a grant made under section 102 or 103. The public comment solicitation notice shall be included in the onsite visit report described in paragraph (2).

[(3)] (4) **Minimum requirements.**—At a minimum the visits shall allow the Secretary to determine the extent to which the State is making significant progress in developing a [statewide program] *consumer-responsive comprehensive statewide program* of technology-related assistance consistent with the purposes described in section 2(b)(1).

[(4)] (5) **PROVISION OF INFORMATION.**—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) **CORRECTIVE ACTION PLAN.**—

(1) * * *

* * * * *

(2) **[Penalties] CORRECTIVE ACTIONS.**—A State that fails to comply with the requirements of this title may be subject to penalties such as—

(A) * * *

(B) ineligibility to participate in the grant program in the following year; [or]

(C) reduction in funding for the following year[.]; or

(D) *required redesignation of the lead agency designated under section 102(d), after notice and an opportunity for comment, in order to continue to receive funds through a grant made under section 102 or 103.*

(3) **APPEALS PROCEDURES.**—The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this title as the result of an onsite visit or failure to supply information required under [subsection (a)(4)] *subsection (a)(5).*

(d) **CHANGE OF PROTECTION AND ADVOCACY SERVICES PROVIDER.**—

(1) **DETERMINATION.**—The Governor of a State, based on input from individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of such individuals, may determine that the entity providing protection and advocacy services required by section 102(e)(18) has not met the protection and advocacy service needs of the individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of such individuals for securing funding for and access to assistive technology devices and assistive technology services, and that there is good cause to provide the required services for the State through a contract with another nonprofit agency, organization or institution of higher education.

(2) **NOTICE AND OPPORTUNITY TO BE HEARD.**—On making such a determination, the Governor shall—

(A) give the agency providing protection and advocacy services—

(i) 30 days notice of the intention of the Governor to change the agency providing such services, including specification of the good cause for such a change; and

(ii) an opportunity to respond to the determination that good cause has been shown;

(B) provide individuals with disabilities, or the parents, family members, guardians, advocates, or authorized representatives of such individuals, with timely notice of the proposed change and an opportunity for public comment; and

(C) provide the agency with the opportunity to appeal the determination on the basis that the change was not for good cause.

(3) **REVIEW.**—At the request of the agency, the Secretary shall review the protection and advocacy services provided by the entity pursuant to section 102(e)(18), based on the criteria for such services set out in the grant or contract to support such services that is described in such section.

(4) **REVIEW.**—Based on such review, the Secretary may refuse to change the agency providing the protection and advocacy services.

(e) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Congress, a report on Federal initiatives, including the initiatives funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

(2) **CONTENTS.**—Such report shall include information on—

(A) the demonstrated successes of such Federal initiatives at the Federal and State levels in improving interagency coordination, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

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

(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

(ii) establish additional options for obtaining such funding;

(C) the education and training activities carried out through the Federal initiatives to promote such access in public programs and the health care system and the efforts carried out through such activities to train professionals in a variety of relevant disciplines, and increase the competencies of the professionals with respect to technology-related assistance;

(D) the education and training activities carried out through the Federal initiatives to train individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, employers, and other appropriate individuals, about technology-related assistance;

(E) the research activities carried out through the Federal initiatives to improve understanding of the cost-benefit results of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

(F) the program outreach activities to rural and inner-city areas that are carried out through the Federal initiatives;

(G) the activities carried out through the Federal initiatives that are targeted to reach underserved groups; and

(H) the consumer involvement activities in the programs carried out under this Act.

(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, and to the extent that a national classification system for assistive technology devices and assistive technology services is developed pursuant to section 201, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services for individuals with disabilities, and shall report such information in a manner consistent with such national classification system.

(f) INTERAGENCY DISABILITY COORDINATING COUNCIL.—

(1) CONTENTS.—On or before October 1, 1995, the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c) shall prepare and submit to the President and to the Congress a report containing—

(A) the response of the Interagency Disability Coordinating Council to—

(i) the findings of the National Council on Disability resulting from the study entitled “Study on the Financing of Assistive Technology Devices and Services for In-

dividuals with Disabilities," carried out in accordance with section 201 of this Act, as in effect on the day before the date of enactment of this subsection; and

(ii) the recommendations of the National Council on Disability for legislative and administrative change, resulting from such study; and

(B) information on any other activities of the Interagency Disability Coordinating Council that facilitate the accomplishment of section 2(b)(2) with respect to the Federal Government.

(2) **COMMENTS.**—The report shall include any comments submitted by the National Council on Disability as to the appropriateness of the response described in paragraph (1)(A) and the effectiveness of the activities described in paragraph (1)(B) in meeting the needs of individuals with disabilities for assistive technology devices and assistive technology services.

* * * * *

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title [\$9,000,000 for the fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year ending before October 1, 1993] such sums as may be necessary for each of the fiscal years 1994 through 1996.

[(b) **RESERVATION.**—

[(1) **PROVISION OF INFORMATION.**—The Secretary shall reserve 1 percent of funds appropriated in any fiscal year under subsection (a), or \$500,000, whichever is greater, for the purpose of providing States with information and technical assistance with respect to the development and implementation of consumer-responsive statewide programs of technology-related assistance.

[(2) **ONSITE VISITS.**—The Secretary may reserve from amounts appropriated in any fiscal year under subsection (a) such sums as the Secretary considers necessary for the purposes of conducting onsite visits as required by section 105(a)(2).]

(b) **RESERVATIONS.**—

(1) **PROVISION OF INFORMATION AND TECHNICAL ASSISTANCE.**—

(A) **IN GENERAL.**—Of the funds appropriated for any fiscal year under subsection (a), the Secretary shall reserve 2 percent or \$1,500,000, whichever is greater, of such funds, for the purpose of providing information and technical assistance as described in subparagraphs (B) and (C) to States, individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, community-based organizations, and protection and advocacy agencies.

(B) **TECHNICAL ASSISTANCE TO STATES.**—In providing such information and technical assistance to States the Secretary shall consider the input of the directors of consumer-responsive comprehensive statewide programs of

technology-related assistance, and shall provide information and technical assistance that—

(i) facilitate service delivery capacity building, training of personnel from a variety of disciplines, and improvement of evaluation strategies, research, and data collection;

(ii) foster the development and replication of effective approaches to information referral, interagency coordination of training and service delivery, outreach to underserved groups, and public awareness activities;

(iii) improve the awareness and adoption of successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies;

(iv) assist in planning, developing, implementing, and evaluating appropriate activities to further extend consumer-responsive comprehensive statewide programs of technology-related assistance for individuals with disabilities; and

(v) promote effective approaches to the development of consumer-controlled systems that increase access to funding for, and awareness of assistive technology devices and assistive technology services.

(C) INFORMATION AND TECHNICAL ASSISTANCE TO INDIVIDUALS WITH DISABILITIES AND OTHER PERSONS.—The Secretary shall provide such information and technical assistance to individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of such individuals, community-based organizations, and protection and advocacy agencies, on a nationwide basis, to—

(i) foster awareness and understanding of Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for and access to assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion for individuals of all ages who are individuals with disabilities;

(ii) facilitate effective systemic change activities;

(iii) improve the understanding and use of assistive technology funding decisions made as a result of policies, practices, and procedures, or through regulations, administrative hearings, or legal actions, that enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

(iv) promote effective approaches to Federal-State coordination of programs for individuals with disabilities, through information dissemination and technical assistance activities in response to funding policy issues identified on a nationwide basis by organizations, and individuals, that improve funding for or access to

assistive technology devices and assistive technology services for individuals of all ages who are individuals with disabilities; and

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

(D) **COORDINATION.**—The Secretary shall coordinate the information and technical assistance activities carried out under subparagraph (B) or (C) with other activities funded under this Act.

(E) **GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.**—

(i) **IN GENERAL.**—The Secretary shall provide the technical assistance and information described in subparagraphs (B) and (C) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to carry out identified activities related to the provision of such technical assistance and information.

(ii) **ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SERVICE DELIVERY, INTERAGENCY COORDINATION, AND SYSTEMIC CHANGE ACTIVITIES.**—For the purpose of achieving the objectives described in paragraph (1)(B), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in assistive technology service delivery, interagency coordination, and systemic change activities.

(iii) **ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SYSTEMIC CHANGE, PUBLIC FUNDING OPTIONS, AND OTHER SERVICES.**—For the purpose of achieving the objectives described in paragraph (1)(C), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in—

(I) assistive technology systemic change;

(II) public funding options; and

(III) services to increase nationwide the availability of funding for assistive technology devices and assistive technology services.

(iv) **ENTITY WITH EXPERTISE IN FUNDING.**—The Secretary may reserve funds equally from the amounts reserved under clauses (ii) and (iii) for a fiscal year in

an amount up to \$300,000 for an additional grant to, or contract or cooperative agreement with, a public or private organization with demonstrated expertise in funding. An organization that receives funding through such a grant, contract, or agreement shall use the funding to provide information and technical assistance specifically related to funding to assist the agencies, and organizations described in clauses (ii) and (iii) in carrying out activities under this paragraph.

(v) APPLICATION.—The Secretary shall make any grants, and enter into any contracts or cooperative agreements, under this subsection on a competitive basis. To be eligible to receive funds under this subsection an agency, organization, or institution shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) ONSITE VISITS.—The Secretary may reserve, from amounts appropriated for any fiscal year under subsection (a), such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 105(a)(2).

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[SEC. 107. EVALUATION.

[(a) EVALUATION.—

[(1) IN GENERAL.—The Secretary, directly or by contract, shall conduct a national evaluation of the program of grants to States authorized by this title.

[(2) REPORT TO CONGRESS.—The Secretary shall report to the Congress on the results of the evaluation conducted as required by paragraph (1) not later than October 1, 1992.

[(b) PURPOSE.—The purpose of the evaluation required by subsection (a) shall be—

[(1) to assess, through representative samples, the status and effects of State efforts to develop statewide programs of technology-related assistance for individuals with disabilities in a manner consistent with the provisions of this title, particularly in terms of the impact of such efforts on individuals with disabilities; and

[(2) to recommend amendments to this title that the Secretary considers necessary to assist states to fully accomplish the purposes of this title.

[(c) INFORMATION SYSTEM.—The Secretary shall work with the States to consider and develop an information system designed to report and compile, from information provided by the States, a qualitative and quantitative description of the impact of the program of grants to States authorized by this title on—

[(1) the lives of individuals with disabilities, particularly with regard to the purposes described in section 2(a)(3);

[(2) public agencies;

[(3) fiscal resources committed to technology-related assistance for individuals with disabilities;

[(4) community-based organizations; and

[(5) employers.]

* * * * *

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

[PART A—STUDY ON FINANCING OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES FOR INDIVIDUALS WITH DISABILITIES

[SEC. 201. STUDY BY NATIONAL COUNCIL ON THE HANDICAPPED.

[(a) STUDY AND RECOMMENDATIONS.—The National Council on the Handicapped (hereafter in this part referred to as the “Council”), in addition to the duties of the Council described in section 401 of the Rehabilitation Act of 1973, shall conduct a study and make recommendations to the Congress and the President concerning—

[(1) Federal laws, regulations, procedures, and practices that facilitate or impede the ability of the States to develop and implement consumer-responsive statewide programs of technology-related assistance for individuals with disabilities;

[(2) Federal and State laws, regulations, procedures, and practices that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities;

[(3) policies, practices, and procedures of private entities (including insurers) that facilitate or impede the acquisition of financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities; and

[(4) alternative strategies for acquiring or paying for assistive technology devices and assistive technology services.

[(b) ADVISORY COMMITTEE.—The Council shall appoint an advisory committee in accordance with section 404(c) of the Rehabilitation Act of 1973 to assist the Council in carrying out the duties of the Council under this part. Such advisory committee shall be appointed from individuals from both the public and private sectors who have broad experience and expertise directly relevant to the issues to be studied by the Council under this part, and shall also include individuals with disabilities, families of individuals with disabilities, and representatives of organizations representing individuals with disabilities.

[(c) COOPERATION OF OTHER AGENCIES.—

[(1) FEDERAL AGENCIES.—The heads of all Federal agencies shall, to the extent not prohibited by law, cooperate with the Council in carrying out the duties of the Council under this part.

[(2) USE OF RESOURCES OF FEDERAL, STATE, AND LOCAL AGENCIES.—The Council may use in carrying out its duties under this part, with the consent of the agency involved, services, personnel, information, and facilities of other Federal, State, local, and private agencies, with or without reimbursement.

[(d) **REPORTS.**—The Council shall submit to the President and to the appropriate committees of the Congress—

[(1) such interim reports as the Council considers advisable; and

[(2) not later than 18 months after the date of the enactment of an Act providing appropriations to carry out this part, a final report of its study and investigation together with such recommendations, including specific proposals for legislation, as the Council considers advisable.]

PART A—NATIONAL CLASSIFICATION SYSTEM

SEC. 301. CLASSIFICATION SYSTEM.

(a) PILOT PROJECT.—

(1) **IN GENERAL.**—*The Secretary shall conduct a pilot project to develop and test a national classification system for assistive technology devices and assistive technology services, with the goal of obtaining uniform data through such a system on such devices and services across public programs and information and referral networks.*

(2) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—*The Secretary may carry out this section directly, or, if necessary, by entering into contracts or cooperative agreements with appropriate entities.*

(b) **SINGLE TAXONOMY.**—*In conducting the pilot project, the Secretary shall develop a national classification system that includes a single taxonomy and nomenclature for assistive technology devices and assistive technology services.*

(c) **DATA COLLECTION INSTRUMENT.**—*In conducting the pilot project, the Secretary shall develop a data collection instrument to—*

(1) *collect data regarding funding for assistive technology devices and assistive technology services; and*

(2) *collect such data from public programs, including, at a minimum, programs carried out under—*

(A) *title I, VI, or VII of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq., 795 et seq., or 796 et seq.);*

(B) *part B or H of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq. or 1471 et seq.);*

(C) *title V or XIX of the Social Security Act (42 U.S.C. 701 et seq. or 1396 et seq.);*

(D) *the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or*

(E) *the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).*

(d) CONSULTATION AND COORDINATION.—

(1) **CONSULTATION.**—*The Secretary shall conduct the pilot project in consultation with the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c) and the National Council on Disability established under section 400 of such Act (29 U.S.C. 780).*

(2) **COORDINATION.**—*The Secretary shall coordinate activities related to conducting the pilot project with—*

(A) *activities carried out through State programs funded under title I;*

(B) the provision of technical assistance under section 106(b);

(C) data collection activities that are being carried out on the date on which the Secretary initiates the pilot project;

(D) activities being carried out through data collection systems in existence on such date; and

(E) activities of appropriate entities, including entities involved in the information and referral field.

(e) **TIMING.**—The Secretary shall complete the pilot project not later than 24 months after the date of enactment of this section.

(f) **REPORT TO CONGRESS ON IMPLEMENTATION OF UNIFORM DATA COLLECTION SYSTEM.**—Not later than January 1, 1996, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing—

(1) the results of the pilot project; and

(2) the recommendations of the Secretary concerning the feasibility of implementing a uniform data collection system based on such a national classification system.

(g) **RESERVATION.**—From the amounts appropriated under part D, the Secretary shall reserve \$200,000 to carry out this part.”.

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[PART B—NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK

[SEC. 211. ESTABLISHMENT OF NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK.

[(Before the end of the 30-month period beginning on the date of the enactment of an Act providing appropriations to carry out this part, the Secretary shall—

[(1) determine whether it is appropriate, based on the findings and recommendations of the study conducted under section 212, to establish and operate a national information and program referral network to assist States to develop and implement consumer-responsive statewide programs of technology-related assistance; and

[(2) if the Secretary determines that establishment and operation of such a network is appropriate, enter into any contract or cooperative agreement necessary to establish and operate such a network, which may consist of information and program referral networks in existence or under development at the time of the study conducted under section 212.

[SEC. 212. FEASIBILITY STUDY REQUIRED.

[(a) **IN GENERAL.**—The Secretary shall conduct a study—

[(1) to determine the feasibility and desirability of creating the network described in section 211; and

[(2) to determine the appropriate structure for the organization and operation of such a network, if it is determined to be feasible and desirable.

[(b) **CONTRACT AUTHORITY.**—In carrying out the study required by subsection (a), the Secretary may enter into a contract or cooperative agreement necessary to conduct the study.

[SEC. 213. CONTENTS OF STUDY.

[The study conducted under section 212 shall—

[(1) analyze the needs of States that are interested in developing and implementing consumer-responsive statewide programs of technology-related assistance;

[(2) describe the types of information and program referral networks (including electronic networks) in existence or under development at the time of the study, including—

[(A) the types of information and program referral incorporated into or provided by such networks;

[(B) the cost of maintaining such networks;

[(C) the types of services provided by such networks;

[(D) the types and numbers of individuals served by such networks;

[(E) the location of such networks and accessibility to other networks; and

[(F) the feasibility and desirability of linking such networks, including proposed plans and an estimate of the cost of such a linkage;

[(3) analyze the impediments to the exchange of information and the development and operation of such networks;

[(4) describe the information that should be incorporated into a national information and program referral network to ensure that the network serves the entire United States, in particular addressing the gaps in existing networks and methods of filling such gaps using networks in existence or under development at the time of the study;

[(5) describe the information systems from other fields of technology development that may be incorporated into a national information and program referral network on technology-related assistance;

[(6) analyze the issues involved in operating a national information and program referral network;

[(7) analyze and describe management and cost projections for a national information and program referral network;

[(8) evaluate operational alternatives including at least the advantages and disadvantages of—

[(A) grant arrangements, contracting arrangements, or other funding mechanisms or arrangements, and the lengths of any such arrangements;

[(B) various network configurations, including—

[(i) regionally distributed;

[(ii) focused on functional limitations;

[(iii) age-focused;

[(iv) expertise-centered; and

[(v) other network configurations;

[(C) costs associated with funding arrangements described in subparagraph (A) and network configurations described in subparagraph (B), and options for paying such costs, including the possible use of Federal funds, State funds, and other alternatives;

[(D) mechanisms of payment for information and program referral services;

[(E) mechanisms for ensuring that information systems remain current, have relevant and useful information, and provide information in a form that allows individuals with disabilities to make effective use of the information;

[(F) forms of Federal oversight and independent evaluations that could be applied to a national information and program referral network;

[(G) types of staffing expertise required for different options; and

[(H) types of institutional oversight, such as governing boards and advisory panels; and

[(9) a timetable for implementation of various network options.

1SEC. 214. TIMETABLE FOR STUDY.

[(a) AWARD OF CONTRACT.—The Secretary shall, before the end of the six-month period beginning on the date of the enactment of an Act providing appropriations to carry out the study required by this part, enter into any contract or cooperative agreement necessary for conducting such study.

[(b) COMPLETION OF STUDY.—Any contract or agreement entered into under subsection (a) shall require the study to be completed and a report concerning such study to be submitted to the Secretary and to the appropriate committees of the Congress before the end of the 18-month period beginning on the date of the contract or agreement.

[(c) IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary, after allowing for public comment on the report submitted under subsection (b), shall take appropriate action based on the report before the end of the 6-month period following the date on which the Secretary receives the report.]

[PART C] PART B—TRAINING AND PUBLIC AWARENESS PROJECTS

SEC. [221.] 211. TRAINING.

(a) TECHNOLOGY TRAINING.—

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

(A) conducting training sessions; [and]

(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance[.], *to enhance opportunities for independence, productivity, and inclusion of individuals with disabilities; and*

(C) *providing training to develop awareness, skills, and competencies of service providers, consumers, and volunteers, who are located in rural areas, to increase the availability of technology-related assistance in community-based settings for rural residents who are individuals with disabilities.”;*

(2) **ELIGIBLE ACTIVITIES.**—Activities conducted under contracts or cooperative agreements entered into under paragraph (1) may address the training [needs of individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.] *needs of individuals with disabilities, the parents, family members, guardians, advocates, and authorized representatives of the individuals, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, employers, and other appropriate individuals.*

(3) **USES OF FUNDS.**—An agency or organization that receives a grant under paragraph (1) may use amounts made available through the grant to—

(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

(4) **APPLICATION.**—

(A) **IN GENERAL.**—To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) **STRATEGIES.**—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

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

(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

(b) **TECHNOLOGY CAREERS.**—

(1) **GENERAL AUTHORITY.**—The Secretary shall make grants to assist public and private agencies and organizations, including institutions of higher education to prepare personnel for careers relating to the provision of technology-related assistance to individuals with disabilities.

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

(A) support the development and implementation of consumer-responsive comprehensive statewide programs of

technology-related assistance to individuals with disabilities; and

(B) enhance the skills and competencies of individuals involved in the provision of technology-related assistance, including assistive technology devices and assistive technology services, to individuals with disabilities.

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

(3) USES OF FUNDS.—*An agency or organization that receives a grant under paragraph (1) may use amounts made available through the grant to—*

(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

(4) APPLICATION.—

(A) IN GENERAL.—*To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.*

(B) STRATEGIES.—*At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—*

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

(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

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SEC. 222. PUBLIC AWARENESS PROJECTS.

[(a) **PROGRAM AUTHORIZED.**—The Secretary shall make grants to, or enter into contracts with, public or private agencies and organizations, including institutions of higher education, to carry out national projects that recognize and build awareness of the importance and efficacy of assistive technology devices and assistive technology services for individuals of all ages with disabilities functioning in various settings of daily life.

[(b) **USES OF FUNDS.**—Amounts made available for grants and contracts under subsection (a) may be used to—

[(1) develop a national media campaign (including public service time slots on radio and television);

[(2) convene national or regional conferences;

[(3) prepare and disseminate information (including summaries, comparisons, analyses, and cost-benefit projections) concerning the efficacy of technology-related assistance;

[(4) encourage others to hold national or regional conferences;

[(5) develop and maintain recognition programs that are designed to promote public credit to entities that demonstrate an aggressive effort for a sustained time to provide or promote the use of technology-related assistance or the development of assistive technology devices; and

[(6) other activities considered appropriate by the Secretary.]

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SEC. [223.] 212. PRIORITIES.

[(a) **IN GENERAL.**—Beginning in fiscal year 1991, the Secretary shall—

(1) establish priorities for activities carried out with assistance under this part;

(2) publish such priorities in the Federal Register for the purpose of receiving public comment; and

(3) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes grant announcements for grants made under this part.

(b) **EXPLANATION OF DETERMINATION OF PRIORITIES.**—Concurrent with the publication required by subsection (a), the Secretary shall publish in the Federal Register an explanation of how the priorities were determined.

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[PART D] PART C—DEMONSTRATION AND INNOVATION PROJECTS

SEC. [231.] 221. PROGRAM AUTHORIZED.

(a) * * *

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(b) **ELIGIBLE ACTIVITIES.**—Amounts made available for purposes of carrying out this part may be used for the following activities:

(1) **MODEL PROJECTS FOR DELIVERING ASSISTIVE TECHNOLOGY DEVICES AND SERVICES.**—The establishment or operation of model projects for delivering assistive technology devices and assistive technology services to individuals of all ages with disabilities functioning in various environments and carrying out various life activities (including model systems described in [section 101(c)(1)] *section 101(b)(2)(B)* of title I).

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(3) **DIRECT LOAN PROJECTS.**—*Demonstration projects carried out in accordance with regulations issued by the Secretary (which may include a requirement that the Secretary provide not more than 90 percent of the costs of carrying out any such project under this section) to—*

(A) *examine alternative direct loan programs, including—*

- (i) *programs involving low-interest loan funds;*
- (ii) *programs involving revolving loan funds; and*
- (iii) *loan insurance programs,*

that would provide loans to individuals with disabilities, the parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities, or employers of individuals with disabilities; and

(B) evaluate the efficacy of the particular loan systems involved.

* * * * *

[PART E] PART D—AUTHORIZATION OF APPROPRIATIONS

[SEC. 241.] 231. AUTHORIZATION OF APPROPRIATIONS.

[(a) GENERAL AUTHORITY.—There are authorized to be appropriated for purposes of carrying out this title (other than section 231(b)(1)) \$5,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

[(b) MODEL DELIVERY PROJECTS.—There are authorized to be appropriated for purposes of carrying out section 231(b)(1) \$1,500,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

[(c) PRIORITIES.—

[(1) MODEL DELIVERY PROJECTS.—Notwithstanding any other provision of this Act, if amounts appropriated for purposes of carrying out this Act for the fiscal year 1989 equal or exceed \$6,000,000, the Secretary shall first make available, from such amounts, not less than \$500,000 for demonstration projects under section 231(b)(1).

[(2) OTHER TITLE II ACTIVITIES.—(A) Of amounts appropriated under subsection (a) for the fiscal year 1989, the Secretary shall first make available not more than \$250,000 for purposes of carrying out part A.

[(B) Subject to subparagraph (A), of amounts appropriated under subsection (a) for any fiscal year, the Secretary shall first make available, in order of priority—

[(i) not more than \$750,000 for purposes of carrying out section 212; and

[(ii) such sums as may be necessary for purposes of carrying out section 211.]

SEC. 231. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 1994, 1995, and 1996.

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