call

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

14-Apr-1994 01:01pm

TO: Carol H. Rasco

FROM: Stanley S. Herr
Domestic Policy Council

SUBJECT: FYI, signing of DD Act

In case you did not know the specifics, the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994 was signed into law by the President on April 6, 1994. S. 1284 now becomes P.L. 103-230. I'm in the process of getting us the Public Law and a summary.

THE WHITE HOUSE

WASHINGTON

November 22, 1993

Mrs. Juliette George
9444 Lathrop Place
Stanford, California 94305

Dear Mrs. George:

Thank you for your call last week. I am informed that at the request of parents like yourself language was added to the Development Disabilities Amendments that reflects an individualized approach.

I appreciate your having shared your concerns with me.

Sincerely,

Stanley S. Herr
Kennedy Public Policy Fellow

BILL TEXT Report for H.R.3505
As introduced in the House, November 10, 1993

H.R.3505 As introduced in the House, November 10, 1993

I

103d CONGRESS
1st Session

H. R. 3505

To amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
November 10, 1993

Mr. Waxman introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1993".

SEC. 2. TITLE AND PART HEADINGS.

(a) Title.--The heading of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is amended to read as follows:

"TITLE I--PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES".

(b) Part.--The heading of part A of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is amended to read as follows:

"PART A--GENERAL PROVISIONS".

SEC. 3. FINDINGS AND PURPOSES.

Section 101 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000) is amended to read as follows:

"SEC. 101. FINDINGS, PURPOSES, AND POLICY. Same

"(a) Findings.--The Congress finds that--

"(1) in 1993 there are more than 3,000,000 individuals with developmental disabilities in the United States;

"(2) disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to enjoy the opportunity to live independently, enjoy self-determination, make choices, contribute to society, and experience full integration and inclusion in the economic, political, social, cultural, and educational mainstream of American society;

"(3) individuals with developmental disabilities continually encounter various forms of discrimination in critical areas;

"(4) there is a lack of public awareness of the capabilities and competencies of individuals with developmental disabilities;

"(5) individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;

"(6) individuals with developmental disabilities often require lifelong specialized services and assistance, provided in a coordinated and culturally competent manner by many agencies, professionals, advocates, community representatives, and others to eliminate barriers and to meet the needs of such individuals and their families;

"(7) a substantial portion of individuals with developmental disabilities and their families do not have access to appropriate support

and services from generic and specialized service systems and remain unserved or underserved;

"(8) family members, friends, and members of the community can play an important role in enhancing the lives of individuals with developmental disabilities, especially when the family and community are provided with the necessary services and supports; and

"(9) the goals of the Nation properly include the goal of providing individuals with developmental disabilities with the opportunities and support to--

"(A) make informed choices and decisions;

"(B) live in homes and communities in which such individuals can exercise their full rights and responsibilities as citizens;

"(C) pursue meaningful and productive lives;

"(D) contribute to their family, community, State, and Nation;

"(E) have interdependent friendships and relationships with others; and

"(F) achieve full integration and inclusion in society;

in an individualized manner, consistent with unique strengths, resources, priorities, concerns, abilities and capabilities of each individual.

"(b) Purpose.--The purpose of this Act is to assure that individuals with developmental disabilities and their families have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity, and integration and inclusion into the community, through--

"(1) support to State Developmental Disabilities Councils in each State to promote, through systemic change, capacity building, and advocacy (consistent with section 101(c)(2)), a consumer and family-centered, comprehensive system, and a coordinated array of services, supports, and other assistance for individuals with developmental disabilities and their families;

"(2) support to protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities;

"(3) support to university affiliated programs to provide interdisciplinary preservice preparation of students and fellows, community service activities, and the dissemination of information and research findings; and

"(4) support to national initiatives to collect necessary data, provide technical assistance to State Developmental Disabilities Councils, protection, and advocacy systems and university affiliated programs, and support other nationally significant activities.

"(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 that--

"(1) individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of achieving independence, productivity, and integration and inclusion into the community, and the provision of services, supports and other assistance can improve such individuals' ability to achieve independence, productivity, and integration and inclusion;

"(2) individuals with developmental disabilities and their families have competencies, capabilities and personal goals that should be recognized, supported, and encouraged and any assistance should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual;

"(3) individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families;

"(4) services, supports, and other assistance are provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences;

"(5) communities accept and support individuals with developmental disabilities and are enriched by the full and active participation and the contributions by individuals with developmental disabilities and their families; and

"(6) individuals with developmental disabilities have opportunities and the necessary support to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, community, State, and Nation.".

SEC. 4. TECHNICAL AMENDMENTS.

(a) Protection and Advocacy of the Rights of Individuals With Developmental Disabilities.--The heading of part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) is amended to read as follows:

"PART C--PROTECTION AND ADVOCACY OF THE RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES".

(b) System Required.--Section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042) is amended by adding at the end the following subsection:

"(i) Public Notice of Federal Onsite Review.--The Secretary shall provide advance public notice of any Federal programmatic and administrative review and solicit public comment on the system funded under this part through such notice. The findings of the public comment solicitation notice shall be included in the onsite visit report. The results of such reviews shall be distributed to the Governor of the State and to other interested public and private parties.".

SEC. 5. AUTHORIZATIONS OF APPROPRIATIONS.

(a) Planning of Priority Area Activities.-- Section 130 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6030) is amended by striking "$77,400,000" and all that follows and inserting the following: "$70,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

(b) Protection and Advocacy of Individual Rights.--Section 143 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6043) is aended by striking "$24,200,000" and all that follows and inserting the following: "$24,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

(c) University Affiliated Program.--Section 154 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6064) is amended to read as follows:

"SEC. 154. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of making grants under subsections (a) through (e) of section 152, there are authorized to be appropriated $19,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

(d) Projects of National Significance.--Section 163(a) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6083(a)) is amended by striking "$3,650,000" and all that follows and inserting the following: "$4,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

Please type desired COMMAND (or MENU)

QUICK BILL

S. 1284 by Sen. Tom Harkin (D-IA)

Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1993

Counterpart or Companion Bills:

H.R. 3505 by Rep. Henry A. Waxman (D-CA) -- Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1993

passed yesterday afternoon
Cal. rep. -- statement -- document mem
close allin Intro.

Laws Bill would Amend or Repeal:

Pub.L. 88-164 SEC. 101, 102, 103, 104, 105, 107, 108, 121, 122, 123, 124, 125, 126, 127, 129, 130, 141, 142, 143, 151, 152, 153, 154, 161, 162, 163 -- Community Mental Health Centers Act; Developmental Disabilities Services and Facilities Construction Act; Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963

Pub.L. 98-527 SEC. 2 -- Developmental Disabilities Assistance and Bill of Rights Act (Act of 10/18/84)

Energy, Commerce

Senate -- version
VOR --
Gov. Wilson -- independence council

Cultural - competence
- diversity

Barbara Clarke
690-6311
leg. affairs

- VAP
- Removal formula
held harmless
old formula
Ray Sanchez
Counsel/PHR
NV PR agency

:

LEGI-SLATE Report for the 103rd Congress Wed, November 17, 1993 4:29pm (EST)

Q U I C K B I L L

H.R. 3505 by Rep. Henry A. Waxman (D-CA)

Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1993

Counterpart or Companion Bills:

S. 1284 by Sen. Tom Harkin (D-IA) -- Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1993

Laws Bill would Amend or Repeal:

Pub.L. 98-527 -- Developmental Disabilities Assistance and Bill of Rights Act (Act of 10/18/84)

De Soto National Memorial Act
Mar. 11, 1948, ch. 109, 62 Stat. 78 (Title 16, §§ 450dd, 450dd-1)
Sept. 8, 1960, Pub. L. 86-728, 74 Stat. 856 (Title 16, § 450dd)

DeSoto National Trail Study Act of 1987
Pub.L. 100-187, Dec. 11, 1987, 101 Stat. 1287 (Title 16, §§ 1241 note, 1244)

Destruction of Records Act (Interstate Commerce)
Feb. 25, 1909, ch. 193, 35 Stat. 648 (See Title 49, §§ 11144, 11909, 11910)

Destruction of War Material Act
Apr. 20, 1918, ch. 59, 40 Stat. 533 (Title 50, §§ 101-103)

Developmental Disabilities Act of 1984
Pub.L. 98-527, Oct. 19, 1984, 98 Stat. 2662 (Title 42, §§ 6000 to 6009, 6021 to 6030, 6041 to 6043, 6061 to 6064, 6081 to 6083)

Developmental Disabilities Assistance and Bill of Rights Act
Pub. L. 97-35, title IX, §§ 911, 912(a), 913, Aug. 13, 1981, 95 Stat. 563 (Title 42, §§ 6009, 6012, 6033, 6061, 6081)
Pub.L. 98-221, Title III, §§ 301 to 305, Feb. 22, 1984, 98 Stat. 34, 35 (Title 42, §§ 6001, 6012, 6033, 6061, 6081)
Pub.L. 98-527, § 2, Oct. 19, 1984, 98 Stat. 2662 to 2684 (Title 42, §§ 6000, 6000 note, 6001 to 6009, 6021 to 6030, 6041 to 6043, 6061 to 6064, 6081 to 6083)
Pub.L. 99-91, §§ 6(b), 8, Aug. 15, 1985, 99 Stat. 391, 392 (Title 21, § 360aa note; Title 42, § 6022)
Pub.L. 100-146, Title I, §§ 101 to 103, Title II, §§ 201 to 205, 207, 208, Title III, §§ 301, 302, Title IV, §§ 401 to 404, Title V, §§ 501 to 503, Oct. 29, 1987, 101 Stat. 840 to 858 (Title 42, §§ 6000, 6001, 6006, 6021 to 6025, 6027, 6030, 6042, 6061 to 6064, 6081 to 6083)
Pub.L. 101-496, §§ 3 to 22, Oct. 31, 1990, 104 Stat. 1191 (Title 42, §§ 6000 to 6002, 6006 to 6009, 6021, 6022, 6024, 6025, 6030, 6042, 6043, 6062 to 6064, 6081 to 6083)
Pub.L. 102-119, § 26(b), Oct. 7, 1991, 105 Stat. 607 (Title 42, §§ 6022, 6024)

Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987
Pub.L. 100-146, Oct. 29, 1987, 101 Stat. 840 (Title 42, §§ 6000, 6000 note, 6001, 6006, 6021 to 6027, 6030, 6042, 6043, 6061 to 6064, 6081 to 6083)
Pub.L. 101-476, Title IX, § 901(a)(2), Oct. 30, 1990, 104 Stat. 1142 (Title 20, §§ 238, 244, 1087ee, 1203a, 1206a, 1401 note, 1402 note, 1412 note 1415 note, 1419 note, 2323, 2334, 2372, 2377, 2421, 2744, 2782, 2791, 2792, 2794, 2796, 3227, 3291, 3441, 4311, 4321, 4342, 4356, 4907; Title 25, §§ 2503, 2504; Title 29, §§ 721, 774, 777a, 795m, 796d, 2215; Title 42, §§ 1396b, 1396n, 5117c, 6022, 6024, 9835, 9886)

Developmental Disabilities Assistance and Bill of Rights Act of 1990
Pub.L. 101-496, Oct. 31, 1990, 104 Stat. 1191 (Title 42, §§ 6000, 6000 note, 6001, 6002, 6006 to 6009, 6021, 6022, 6024, 6025, 6030, 6042, 6043, 6062 to 6064, 6081 to 6083)

Developmental Disabilities Services and Facilities Construction Act
Pub. L. 88-164, title I, Oct. 31, 1963, 77 Stat. 282 (Title 42, §§ 295-295e, 2661-2665, 2671-2677)
Pub. L. 90-170, §§ 2-5, Dec. 4, 1967, 81 Stat. 527-530 (Title 42, §§ 266, 2665, 2671, 2672, 2674, 2677-2678d)
Pub. L. 91-517, title I, §§ 101(b), title II, §§ 201-207, Oct. 30, 1970, 84 Stat. 1316, 1325 (Title 42, §§ 2661-2666, 2670-2677c)
Pub. L. 92-157, title III, § 303(b), Nov. 18, 1971, 85 Stat. 464 (Title 42, § 2676)
Pub. L. 93-45, title III, June 18, 1973, 87 Stat. 95 (Title 42, §§ 2661a, 2671, 2677)
Pub. L. 94-103, title I, §§ 101-128, title II, §§ 201-204, title III, §§ 301, 302(a), (b), Oct. 4, 1975, 89 Stat. 486-506 (Title 42, §§ 295-295e, 2661a, 2678-2678d, 6001-6012, 6031-6033, 6041-6043, 6061-6068, 6081)
Pub. L. 94-278, title XI, § 1107, Apr. 22, 1976, 90 Stat. 416 (Title 42, §§ 6001 note, 6062, 6064)
Pub. L. 95-602, title V, §§ 502-514, Nov. 6, 1978, 92 Stat. 3003-3017 (Title 42, §§ 6000, 6001, 6008-6012, 6031-6033, 6061-6065, 6067, 6081)
See Developmental Disabilities Assistance and Bill of Rights Act

Developmental Disabilities Services and Facilities Construction Amendments of 1970
Pub. L. 91-517, Oct. 30, 1970, 84 Stat. 1316 (Title 42, §§ 2661-2666, 2670-2677c, 2691, 2693-2696)

OVERVIEW OF 1994 ADD AMENDMENTS

The 1994 amendments to the Developmental Disabilities Assistance and Bill of Rights Act reaffirm the "systemics change, capacity building, and advocacy" purposes of the Act and reflect new ways of thinking about individuals with developmental disabilities.

In addition to providing for a three-year reauthorization of funding for the various programs under the Act, the 1994 amendments make numerous changes to update and clarify the law. Ten key features of the 1994 amendments are highlighted below:

(1) The 1994 amendments authorize appropriations of $131 million in FY 1994 and "such sums as may be necessary" for FY 1995 and FY 1996. The law requires a comprehensive review, analysis, and report on the current and alternative allotment formulas for distributing funds under the Act.

(2) The definitions provided in section 102 have been alphabetized to be more "user friendly." New definitions have been added. Obsolete definitions have been deleted. A few terms, such as University Affiliated Programs (UAPs), have been substantially revised.

(3) The new law repeals two provisions in the law--section 103 on Federal Share and section 128 on Nonduplication--and then regroups them in a new section 125A together with a limited waiver for and other clarifications of the non-Federal share requirements.

(4) The State plan requirements in section 122 have been significantly reorganized to group related provisions together. Some new or reworded assurances will be required by the Secretary from the States. New provisions provide for public review and approval of the State plan.

(5) The State Developmental Disabilities Councils and Designated State Agencies provisions in section 124 address Council appointments, autonomy, implementation strategies, and relationships with other agencies. New provisions require reports on resources leveraged by the States and on the dissemination of annual reports.

(6) New language in section 142 adds to and modifies the requirements for Protection and Advocacy (P&A) systems, including provisions to increase consumer involvement, P&A access to residents in facilities, and the confidentiality of client records.

(7) Other new provisions--such as the American Indian Consortium protection and advocacy projects--are contingent on new appropriations which have not been made at this time.

(8) The interdisciplinary purpose and scope of UAPs is updated in section 151 and the provision of direct services by UAPs is made optional. The training provisions in section 152 emphasize community training and technical assistance and open opportunities to work with other groups on such issues as compliance with the Americans with Disabilities Act.

(9) Projects of National Significance are expanded in section 161 to support special pilot projects to explore the expansion of services to all individuals with disabilities. Section 162 requires support for ongoing data collection and technical assistance efforts and specifies other projects that may be supported, including initiatives targeted on unserved and underserved individuals.

(10) The 1993 amendments repeal section 105 on Recovery and section 123 on Habilitation Plans because they are "not relevant."

The Honorable Leon E. Panetta
Director, Office of Management
and Budget
Washington, DC 20503

Dear Mr. Panetta:

This is in response to your request for the views of the Department of Health and Human Services on S. 1284, an enrolled bill entitled the "Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994".

We recommend that the President approve the enrolled bill, which extends through fiscal year 1996 authorizations of appropriations for the programs under the Developmental Disabilities Assistance and Bill of Rights Act (the Act) and makes several amendments to update, clarify and strengthen the Act.

S. 1284 makes amendments to the Act to emphasize respect for individual dignity, personal preferences, and cultural differences in the provision of services, supports and other assistance, and to recognize that individuals with developmental disabilities and their families are the primary decisionmakers regarding services, supports, and other assistance they receive. We strongly support strengthening the Act to emphasize the principles of empowerment, self-determination, and individual dignity for individuals with developmental disabilities. The aforementioned amendments will empower individuals with developmental disabilities and their families to control their own lives and will foster full inclusion of individuals with developmental disabilities in all aspects of our society.

The enrolled bill amends the Act to ensure that racial and ethnic minorities are fully included at all levels and in all activities authorized under this Act. Language is added regarding unserved and underserved populations (which include individuals from racial and ethnic minority backgrounds) and "culturally competent" services, supports and other assistance. We fully support ensuring full participation of racial and ethnic minorities at all levels and in all activities authorized under the Act. We also adhere to the principle that services should be provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language and behaviors of the individuals with developmental disabilities who are receiving such assistance.

S. 1284 also includes several provisions to update the programs under the Act and increase their effectiveness, including the development of new program standards for University Affiliated Programs (UAPs) and the review, analysis, and identification of alternatives to the current allotment formula under part B (State Developmental Disabilities Councils) and part C (Protection and Advocacy Systems). We support strengthening the responsiveness of programs under the Act to the changing needs of individuals with developmental disabilities. New UAP standards will more accurately reflect the current focus of UAPs. We also believe it is important to review the allotment formulas under parts B and C of the Act to determine if allotments to States accurately account for the population of individuals with developmental disabilities in each State and to determine if the factors, data elements, and measures used reflect the current purposes of the programs under parts B and C.

The enrolled bill directs the Secretary to support grants to conduct an investigation on the expansion of part B programs to individuals with severe disabilities other than developmental disabilities (that is, disabilities that are manifested after age 21). Authorized projects include a study of State Developmental Disabilities Councils that are currently using an expanded definition of eligible individuals, a study by up to five Councils that are considering an expansion of the definition, and a national project to analyze the experiences of the Councils and provide recommendations regarding expansion. We believe that an investigation into expansion of the part B programs is a prudent approach. It will allow us to discern the implications of expanding the population focus of the Act.

The bill makes several technical and conforming amendments to make the Act more "user friendly" by simplifying the language, adding headings, and grouping related provisions of the Act together. We believe these amendments are important, because the Act is used as an educational tool for individuals with developmental disabilities and their families, Council members, service providers, and policymakers at all levels.

For the foregoing reasons, we recommend that the President approve the enrolled bill.

The provisions of the enrolled bill are described in detail in the enclosed section-by-section summary.

Sincerely,

Donna E. Shalala

Enclosure

"DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS OF 1994"

SECTION-BY-SECTION SUMMARY

TITLE I -- GENERAL PROVISIONS

SEC. 101. HEADINGS AND SHORT TITLE.

Section 101 of the bill would amend the heading of title I of the Developmental Disabilities Assistance and Bill of Rights Act (the Act) to read as follows: "TITLE I -- PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES". The heading of part A of title I would become "PART A -- GENERAL PROVISIONS".

SEC. 102. FINDINGS AND PURPOSES.

Section 102 of the bill would amend section 101(a) of the Act to add findings as follows: (1) recognition of the right of individuals with developmental disabilities to live independently, enjoy self-determination, contribute to society, and experience full integration and inclusion in society; (2) national goals to provide such individuals with the opportunities and support to achieve their rights; (3) acknowledgment that individuals with developmental disabilities continually encounter discrimination; (4) the lack of public awareness of the capabilities and competencies of individuals with developmental disabilities; and (5) the need to ensure that individuals from racial and ethnic minority backgrounds are fully included in all activities under this Act.

Section 102 of the bill would amend section 101(b) of the Act to provide that the purpose of the Act is to assure that individuals with developmental disabilities and their families have access to culturally competent services, supports and other assistance and opportunities which promote independence, productivity, and integration and inclusion into the community, through support to State Developmental Disabilities Councils, protection and advocacy systems, university affiliated programs, and national initiatives.

Section 102 of the bill would further amend section 101 of the Act to add a new subsection (c) to provide a policy statement that includes recognition of the decision-making roles played by individuals and their families; recognition that individuals with developmental disabilities and their families have competencies, capabilities and personal goals that should be supported and encouraged; respect for individual dignity, personal preferences, and cultural differences; recognition that efforts must be made to ensure that individuals from racial and ethnic minority

backgrounds enjoy effective and meaningful opportunities for full participation in the developmental disabilities system; and acknowledgment that with education and support, communities can be responsive to the needs of individuals with developmental disabilities and their families.

SEC. 103. DEFINITIONS.

Section 103 of the bill would amend section 102 of the Act to revise and delete existing definitions and add new definitions as detailed below.

The term "American Indian Consortium" would be added and defined to mean any confederation of two or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in two or more States.

The term "community living activities" would be revised by replacing the phrase "suitable residential arrangements" with the phrase "their family home or a home of their own with people of their choice".

The term "culturally competent" would be added and defined to mean services that are provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language and behaviors of individuals who are receiving such services.

The definition of the term "early intervention services" would be revised to mean services provided to enhance the development of infants, toddlers, and young children with disabilities and to minimize their potential for developmental delay, and to enhance the capacity of families to meet the special needs of their infants, toddlers, and young children.

The term "integration and inclusion" would replace the term "integration" and the definition would be expanded to include "full and active participation" in the community.

A definition for the term "other organizations" would be added and would include private sector organizations and unincorporated local community groups that are interested in supporting individuals with developmental disabilities.

The term "personal assistance services" would be added and defined to mean a range of services, provided by one or more individuals, designed to assist an individual with a disability

to perform daily living activities on or off a job and to increase such individual's control in life.

The term "rehabilitation technology" would replace the term "assistive technology", and the definition would be revised to include rehabilitation engineering.

The term "service coordination activities" would replace the term "case management activities", and the definition would be revised to emphasize activities that assist and enable individuals with developmental disabilities and their families to access services, supports, and other assistance.

The definition of "State" would eliminate the Trust Territory of the Pacific, and add the Republic of Palau (pending ratification of the Compact of Free Association).

The term "State Developmental Disabilities Council" would replace the term "State Planning Council".

The definition of "supported employment" would be revised by replacing the phrase "on-going support services" with the phrase "intensive supported employment services or extended services" in the description of the type of services certain individuals with developmental disabilities need in order to perform competitive work in integrated work settings.

The definition of "system coordination and community education activities" would be expanded to include activities that "develop and support coalitions and individuals through training in self-advocacy, educating policymakers and citizen leadership skills".

The definition of "university affiliated program" would be revised to mean "a university affiliated program as established under section 152".

The term "unserved and underserved" would be added and defined to include populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, individuals from underserved geographic areas, and individuals with developmental disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.

The terms "construction" and "title" would be eliminated.

The definition of the term "priority area activities" would be eliminated and the descriptions of activities listed in the definition would be incorporated into section 123, under responsibilities of State Developmental Disabilities Planning Councils.

The term "satellite center" would be eliminated. (The bill would repeal all provisions regarding satellite centers.)

SEC. 104. FEDERAL SHARE.

Section 104 of the bill would repeal section 103 of the Act. (These provisions are moved to parts B and D of the Act.)

SEC. 105. RECORDS AND AUDITS.

Section 105 of the bill would make technical amendments to section 104 of the Act.

SEC. 106. RECOVERY.

Section 106 of the bill would repeal section 105 of the Act. (Current law provides the right of recovery, for a period of 20 years, for facilities for which part B or part D funds were used toward construction costs. All facilities for which such funds had been used toward construction costs have been completed for more than 20 years.)

SEC. 107. STATE CONTROL OF OPERATIONS.

Section 107 of the bill would amend section 106 of the Act to replace the phrase "facility for persons" with the phrase "programs, services, and supports for individuals". It would also make technical amendments to section 106.

SEC. 108. REPORTS.

Section 108 of the bill would amend section 107(a)(4) of the Act to allow State Developmental Disabilities Councils to selectively review the annual survey reports and correction and reduction plans, within the Intermediate Care Facility for the Mentally Retarded program, and to utilize summary data. Current law requires the Councils to describe their response to significant actions taken by the State with respect to each annual survey report and each correction and reduction plan.

The bill would further amend section 107(a) by adding a requirement that the Councils include in their annual report to

the Secretary descriptions of (1) the trends and progress made in the State concerning systemic change and capacity building on behalf of individuals with developmental disabilities, with particular attention to individuals who are members of ethnic and racial minority groups or from underserved geographic areas, (2) systemic change, capacity building and advocacy activities that affect individuals with disabilities other than developmental disabilities, (3) the resources leveraged as a result of Council activities, and (4) the method by which the Council will disseminate the annual report to affected constituencies as well as the general public.

Section 108(b)(2) of the bill would amend section 107(b) of the Act to require that each protection and advocacy system include in its annual report to the Secretary a description of the system's priorities for the fiscal year, the process used to obtain public input, the nature of such input, and how such input was used.

Section 108(b)(3) of the bill would amend section 107(c) of the bill to require the Secretary to include in the annual report a description of systemic change, capacity building and advocacy activities that affect individuals with disabilities other than developmental disabilities.

Section 108 would also make numerous technical amendments to section 107 of the bill.

SEC. 109. RESPONSIBILITIES OF THE SECRETARY.

Section 109 of the bill would make technical amendments to section 108 of the Act.

SEC. 110. EMPLOYMENT OF HANDICAPPED INDIVIDUALS.

Section 110 of the bill would amend section 109 of the Act to replace the term "handicapped individuals" with the term "individuals with disabilities" and to make technical amendments.

SEC. 111. RIGHTS OF THE DEVELOPMENTALLY DISABLED.

Section 111 of the bill would make technical amendments to section 110 of the Act.

TITLE II -- FEDERAL ASSISTANCE FOR PRIORITY AREA ACTIVITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 201. PART HEADING.

Section 201 of the bill would amend the heading of Part B of title I of the Act to read as follows: "PART B -- FEDERAL ASSISTANCE TO STATE DEVELOPMENTAL DISABILITIES COUNCILS.".

SEC. 202. PURPOSE.

Section 202 of the bill would amend section 121 of the Act to provide that the purpose of part B is to provide for allotments to support State Developmental Disabilities Councils in each State in their efforts to promote -- through systemic change, capacity building, and advocacy -- the development of a consumer and family-centered, comprehensive system and a coordinated array of culturally competent services, supports, and other assistance for individuals with developmental disabilities.

SEC. 203. STATE PLANS.

Section 203 of the bill would amend section 122 of the Act by reorganizing existing State plan provisions. It would also revise and add provisions to section 122 as detailed below.

Comprehensive Review and Analysis.--Section 122(c)(3) would contain all of the State plan review and analysis requirements, including existing provisions. Children's mental health would be added as one of the federally assisted State programs to be reviewed by the Council. It would also include new provisions with respect to examination of the Federal priority areas and the optional State priority area, including an analysis of the barriers that impede full participation of members of unserved and underserved groups and consideration of the data collected by the State educational agency under section 618 of the Individuals with Disabilities Education Act.

Plan Objectives.--Section 122(c)(4) would contain all of the State plan objectives requirements regarding (1) the selection of priority areas, (2) a description of 1-year and 3-year objectives to be achieved, and (3) the establishment of a method for the evaluation of the plan's effectiveness in meeting the objectives.

Assurances.--Section 122(c)(5) would contain all of the State plan assurances requirements. New assurances would be added:

- to require that service demonstration projects funded by the State Developmental Disabilities Council through the designated State agency have been explicitly authorized by such Council;

- to specify the activities that may be funded by part B funds other than those required to be spent on priority area activities by adding other activities related to systemic change, capacity building, and advocacy to implement the responsibilities of the State Developmental Disabilities Council;

- to require the Council to approve conflict of interest policies by October 1, 1994;

- to assure that any direct services provided to individuals with developmental disabilities will be provided in an individualized manner, consistent with unique strengths, resources, priorities, concerns, abilities, and capabilities of an individual; and

- to assure that the designated State agency or other office of the State does not interfere with activities of the Council.

Public Review, Submission, and Approval.--Section 122(d) would incorporate all the provisions regarding the public review, submission and approval of the State plan. Paragraph (2) would specify that the Council consults with the designated State agency on the State plan only to obtain assurances and to ensure that the plan is consistent with State law.

SEC. 204. HABILITATION PLANS.

Section 204 of the bill would repeal section 123 of the Act, which requires State assurances that each program receiving funds from the State's allotment under part B has in effect a habilitation plan for each developmentally disabled individual receiving services under that program. Instead, a provision would be included in the assurances (section 122(c)(5)(F) of the Act) that grantees providing direct services funded under part B shall provide such services in an individualized manner,

consistent with unique strengths, resources, priorities, concerns, abilities, and capabilities of an individual.

SEC. 205. COUNCILS.

Section 205 of the bill would amend section 124 of the Act by incorporating existing provisions and adding new provisions regarding the State Developmental Disabilities Council and designated State agencies as detailed below.

Council Membership.--Section 124(b) would incorporate the provisions describing Council membership, rotation, vacancies, and appointments, and add or modify the following provisions:

- Section 124(b)(1) would require that the Governor solicit recommendations for Council membership from the non-State agency members of the Council and from organizations representing individuals with developmental disabilities and that, to the extent feasible, the Council membership be geographically representative of the State and reflect the racial and ethnic diversity of the State.

- Section 124(b)(2) would specify that Council members serve until their replacements are appointed. It would also require Councils to notify the Governor of significant delays in appointments.

- Section 124(b)(3) would require that individuals representing the agencies and organizations on the Council have the authority to engage in policy, planning and implementation on behalf of the agency they represent. It would also require these representatives to recuse themselves from any discussion of grants or contracts for which their department, agency, or program are grantees or applicants.

- Sections 124(b)(4) would specify that the Council members representing individuals with developmental disabilities may include parents or guardians of **children** with developmental disabilities or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.

- Section 124(b)(6) would specify that the representative of institutionalized individuals on the Council may be

an individual with a developmental disability who resides or previously resided in an institution. It would also waive the requirement that a representative of institutionalized individuals be a member of the Council if such an individual does not reside in that State.

Council Responsibilities.--Section 124(c) would incorporate the provisions describing the Council's responsibilities into one section, and add or modify the following provisions:

- Section 124(c)(1) would specify that the Council serve as an advocate for individuals with developmental disabilities and conduct programs, projects and activities that carry out the purpose of the Council.

- Section 124(c)(3) would specify that the purpose of the consultation with the designated State agency in the development of the State plan is solely to obtain State assurances and to ensure consistency of the State plan with State law.

- Section 124(c)(4) would describe the types of strategies that Councils may use to implement the State plan, such as assisting grantees who are conducting successful demonstration activities to develop strategies for securing funding from other sources and promoting interagency collaboration and coordination of programs concerned with individuals with disabilities.

- Section 124(c)(6) would require the Council to periodically review the appropriateness of the designated State agency and to make any recommendations for change to the Governor.

- Section 124(c)(8) would specify the responsibilities of the Council with regard to preparing, approving and implementing a budget. A description of the types of expenditures that can be paid for by part B funds is provided. It would also specify that Federal funds may be used to hire qualified staff to carry out the functions of the Council, and that the State cannot apply hiring freezes, reductions in force, prohibitions on staff travel, or other policies that negatively affect the provision of staff support to the Council when such staff are paid from Federal funds and that would prevent the Council from carrying out its functions under this Act. It would also clarify that

the Council has the authority to direct the expenditure of funds through grants, contracts, and interagency agreements, to the extent that such agreements are considered binding contracts under State law.

- Section 124(c)(11) would provide that nothing in this part would preclude Councils from engaging in systemic change, capacity building, and advocacy activities for individuals with disabilities other than developmental disabilities, where appropriate. It would also provide that nothing in this Act would authorize a Council to direct, control, or exercise any policy making authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 and the Individuals with Disabilities Education Act.

Designated State Agency.--Section 124(d) would incorporate the provisions regarding the designated State agency into one subsection, and add or modify the following provisions:

- Section 124(d)(2) would add a reference to the role of the State legislature in designating the State agency. It would also require that the Council provide documentation concerning the reason the Council desires a change in the designated State agency and recommend a preferred designated State agency. It would further provide that a majority of the non-State agency members of the Council may appeal to the Secretary for a review of the designation if Council independence as an advocate is not assured because of the actions or inactions of the designated State agency.

- Section 124(d)(3) would add requirements that the designated State agency, at the request of the Council, provide timely financial reports regarding the status of expenditures, obligations, liquidation, and the Federal and non-Federal share and enter into memorandum of understanding specifying its roles and responsibilities to the Council program.

- Section 124(d)(4) would add a provision that allows Councils (with the agreement of the designated State agency) to use or contract with agencies other than the designated State agency for needed support services.

1990 Report.--Section 124(e) would incorporate all the provisions related to the report required on January 1, 1990.

SEC. 206. STATE ALLOTMENTS.

Section 206 of the bill would amend section 125 of the Act by holding each State harmless at the higher of the fiscal year 1992 or fiscal year 1993 levels, with a ratable reduction if funds are not adequate. It would also set minimum funding levels of $210,000 for American Samoa, Guam, the United States Virgin Islands, Northern Mariana Islands and Palau, and $400,000 for other States if the appropriation is less than $75,000,000. For appropriations greater than $75,000,000, the minimum funding levels are set at $220,000 and $450,000 respectively.

Section 125 is further amended by adding a requirement that the Secretary include the percentage of the total appropriation for each State in the required notification of adjustments six months prior to the beginning of the fiscal year.

Section 206 would also amend section 125 to specify that State Interagency Agreements would be considered valid obligations for the purpose of obligating Federal funds allotted to the State under this part.

SEC. 207. FEDERAL SHARE AND NON-FEDERAL SHARE.

Section 207 of the bill would add a new section 125A to the Act to incorporate all the provisions related to the Federal and non-Federal share. The bill would also add two new provisions as follows:

- Section 125A(a)(2) would waive the non-Federal share requirement in the case of projects or activities undertaken by Council members and staff to implement State plan priority activities.

- Section 125A(c)(3) would specify that Councils may vary the non-Federal share required on a grant-by-grant basis.

SEC. 208. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.

Section 208 of the bill would amend section 126 of the Act to add a new provision specifying that payments to States for support services provided by the designated State agency may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine. Section 208 of the bill would also make technical amendments to section 126 of the Act.

SEC. 209. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.

Section 209 of the bill would make technical amendments to section 127 of the Act.

SEC. 210. NONDUPLICATION.

Section 210 of the bill would repeal section 128 of the Act. (The provisions in section 128 of the Act would be incorporated into the new section 125A.)

SEC. 211. APPEALS BY STATES.

Section 211 of the bill would make technical amendments to section 129 of the Act.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the bill would amend section 130 of the Act to authorize appropriations of $70,000,000 for fiscal year 1994, and such sums as may be necessary for each of fiscal years 1995 and 1996 for allotments to States to support State Developmental Disabilities Councils.

SEC. 213. REVIEW, ANALYSIS, AND REPORT.

Section 213 of the bill would direct the Secretary to (1) review and analyze the current allotment formula under parts B and C, including the factors, data elements and measures, to determine whether the formula used is consistent with the purpose of the Act, (2) identify alternative funding formulas, consistent with the purposes of the Act, and (3) report back to the Committee on Labor and Human Resources of the Senate and to the Committee on Energy and Commerce of the House of Representatives no later than October 1, 1995.

TITLE III -- PROTECTION AND ADVOCACY OF THE RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 301. PART HEADING.

Section 301 of the bill would amend the heading of part C of title I of the Act to read as follows: "PART C -- PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS".

SEC. 302. PURPOSE.

Section 302 of the bill would make technical amendments to section 141 of the Act.

SEC. 303. SYSTEM REQUIRED.

Section 303 of the bill would amend section 142 of the Act by reorganizing existing Protection and Advocacy (P&A) systems provisions and by adding and modifying provisions as detailed below.

System Requirements.--Section 303(b)(1) of the bill would amend section 142(a) of the Act regarding P&A system requirements as follows:

- Section 142(a)(2) would be revised to further specify which individuals and groups shall have an opportunity to comment on the objectives, priorities and activities of the P&A system. Only non-State agency representatives of the State Developmental Disabilities Council would be given the opportunity to comment to eliminate any potential conflict of interest that may be created by allowing representatives of State agencies to comment on the priorities, objectives and activities of the P&A system. It would further be clarified that all individuals who meet the definition of developmental disability, including individuals with serious emotional disturbance, would have an opportunity to comment on the objectives, priorities and activities of such system.

- Section 142(a)(2) of the Act currently requires that the P&A system provide an opportunity for public comment on the P&A system's coordination with specific advocacy programs. It would be revised by adding other related advocacy programs, including parent training and information centers, education ombudsman programs, and assistive technology projects, to be coordinated with the P&A system.

- Section 142(a)(2)(H) would provide for the P&A system to have access at reasonable times and locations to individuals with developmental disabilities who reside in facilities.

- Section 142(a)(2)(J) would require the P&A system to hire and maintain sufficient numbers and types of

qualified staff to carry out such system's function. It would also specify that the State cannot apply hiring freezes, reductions in force, prohibitions on staff travel, or other policies which negatively affect staff support or functions funded with Federal funds and would prevent the P&A system from carrying out its functions under the Act.

- Section 142(a)(2)(K) would specify that P&A systems have the authority to educate policymakers.

- Section 142(a)(2)(L) would specify that the P&A system, not the State, would provide assurances that the Federal funds provided to operate the P&A system will supplement and not supplant non-Federal funds.

Allotments.--Section 303(b)(2) of the bill would amend section 142(b) of the Act with respect to allotments to States for P&A systems as follows:

- Section 142(b) of the Act would provide that allotments to States for P&A systems would be held harmless at the higher of 1992 or 1993 levels, whichever is higher, with a ratable reduction if funds are not adequate. It would also set minimum funding levels of $80,000 for American Samoa, Guam, the United States Virgin Islands, the Northern Mariana Islands, and Palau, and $150,000 for other States if the appropriation is less than $20,000,000. For appropriations greater than $20,000,000, the minimum funding levels would be set at $107,000 and $200,000 respectively.

- Section 142(b) is further amended by adding a provision that would require the Secretary, in any year that the amount appropriated under section 143 exceeds $24,500,000, to use not more than 2 percent of such amount for technical assistance to P&A systems, and to provide grants to American Indian Consortiums to provide protection and advocacy services.

Governing Board.-- Section 303(b)(4) of the bill would amend section 142(d) of the Act to require that P&A systems that are private non-profit entities with multimember governing boards, or public P&As with multimember governing boards include on their boards individuals with developmental disabilities, or family members, guardians, advocates, or authorized representatives of such individuals. The bill would also require P&A systems that are public systems and do not have a multimember

governing board or advisory board to establish an advisory council to advise the P&A system on policies or priorities to be carried out in protecting and advocating the rights of individuals with developmental disabilities. Furthermore, it would require that such advisory councils consist of a majority of individuals with developmental disabilities, or family members, guardians, advocates, or authorized representatives of such individuals.

American Indian Consortium.-- Section 303(b)(10) of the bill would add a new provision to section 142 of the Act to fund, upon application to the Secretary, American Indian consortiums to provide protection and advocacy services. It would further specify that the consortiums must coordinate activities with existing P&A systems.

Disclosure of Information.-- Section 303(b)(11) would add a new requirement to section 142 of the Act to protect the confidentiality of client records.

Public Notice of Federal On-Site Review.--Section 303(b)(11) would add a new provision to section 142 of the Act requiring the Secretary to provide advance public notice of Federal reviews, to solicit public comment on the P&A system, and to include the findings of the public comment solicitation in the report of the review.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 304 of the bill would amend section 143 of the Act to authorize appropriations of $24,000,000 for fiscal year 1994, and such sums as necessary for each of fiscal years 1995 and 1996.

TITLE IV -- UNIVERSITY AFFILIATED PROGRAMS

SEC. 401. PART HEADING.

Section 401 of the bill would amend the heading of part D of title I to read as follows: "PART D -- UNIVERSITY AFFILIATED PROGRAMS".

SEC. 402. PURPOSE.

Section 402 of the bill would amend section 151 of the Act to revise the statement regarding the purpose and scope of university affiliated programs (UAPs). The revised purpose statement would reaffirm the interdisciplinary nature of these

programs and their unique role within universities, would make the provision of direct services optional, and would specify that dissemination of information and research findings may include the empirical validation of training and community service activities and contributions to the development of new knowledge in the field of developmental disabilities.

SEC. 403. GRANT AUTHORITY.

Section 403 of the bill would amend section 152 of the Act by reorganizing existing grant authority provisions and by adding or modifying provisions as detailed below.

Section 403(b)(1) of the bill would amend section 152(a) of the Act to provide for grant periods of up to 5 years for the administration and operation of UAPs.

Section 403(b)(2) of the bill would amend section 152(b) of the Act by providing for grant periods of up to 5 years for training projects. (Current law provides for grant periods of 3 years.) It would also update the descriptions of the training project areas, and would add two new training project areas -- training with respect to the provisions of the Americans with Disabilities Act of 1990 and training with respect to the transition of youth with developmental disabilities from school to adult life. Furthermore, it would add the following training project requirements: (1) utilization of strategies to recruit and train members from racial and ethnic minority backgrounds and individuals with disabilities and (2) addressing the issue of cultural competence in the training provided.

Section 403(b)(3) of the bill would amend section 152(c) of the Act by expanding the authority for supplemental awards to include interdisciplinary training, community training and technical assistance, community services, or dissemination of information.

Section 403(b)(4) of the bill would repeal section 152(d) of the Act related to satellite centers. (Section 152(d) authorizes the Secretary to make grants to pay part of the cost of establishing satellite centers and to pay part of their administration and operating costs.)

Section 403(b)(5) of the bill would make technical and conforming amendments to section 152(e) of the Act.

Section 403(b)(6) of the bill would repeal sections 152(f) and (g) of the Act. (These provisions would be incorporated into section 152(b)(2) and section 153(d) of the Act.)

SEC. 404. APPLICATIONS.

Section 404 of the bill amends section 153 of the Act by reorganizing existing application provisions and by adding and modifying provisions as detailed below.

Section 404(b)(1) of the bill would amend section 153(a) of the Act to require the Secretary to establish by regulation standards for university affiliated programs within 12 months of the enactment of this Act.

Section 404(b)(6) of the bill would amend section 153 of the Act by specifying that representatives from parent training and information centers may be included in the membership of the consumer advisory committee. It would further amend the consumer advisory committee provision to require the committee to reflect the racial and ethnic diversity of the geographic area served by the university affiliated program.

Section 404(b)(6) of the bill would further amend the Act by incorporating provisions related to the Federal share from section 103 of the Act into a new section 153(e).

Section 404(b)(7) of the bill would amend section 153(f) of the Act, as redesignated, to require that members of peer review groups be qualified by experience **and** training. Current law specifies experience or training.

SEC. 405. GRANT AWARDS.

Section 405 of the bill would amend section 154 to specify the following order of priorities for awarding funds under this part: (1) the provision of continued support at the level of $200,000 for existing UAPs that meet the requirements under section 153, (2) the establishment of new UAPs in States that do not have UAPs, (3) the establishment of a training project in every eligible UAP, (4) the provision of an increase in the amount of training project grants from $90,000 to $100,000, (5) the provision of an increase in the amount of UAP grant awards from $200,000 to $250,000, and (6) the provision of additional training in underserved areas through additional funding to an existing UAP or through a new UAP.

Section 154 of the Act would further allow the Secretary to accept applications under section 152(a) (administration and operation) and 152(b) (training projects) in the same application when every State has a UAP and every UAP has a training project.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS AND DEFINITION.

Section 406 of the bill would add a new section 155 to the Act regarding the definition of the term "State". It would specify that for the purposes of this part, the term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.

Section 406 of the bill would further amend the Act by relocating the provisions with respect to authorization of appropriations (section 154) to a new section 156 of the Act and by revising such provisions as follows:

- Section 156(a) would authorize to be appropriated under this part $19,000,000 for fiscal year 1994, and such sums as may be necessary for each of fiscal years 1995 and 1996. Current law authorizes two line items, one for administration and operation grants and one for training projects. The bill would combine these two authorizations into one.

- Section 156(b) would authorize the Secretary to use not more than $300,000 for peer review and related activities.

TITLE V -- PROJECTS OF NATIONAL SIGNIFICANCE

SEC. 501. PART HEADING.

Section 501 of the bill would amend the heading of part E of title I of the Act to read as follows: "PART E -- PROJECTS OF NATIONAL SIGNIFICANCE".

SEC. 502. PURPOSE.

Section 502 of the bill would amend section 161 of the Act to expand the purpose of this part to provide for grants and contracts to support (1) transition of youth with developmental disabilities from school to adult life and (2) special pilot projects to explore the expansion of part B programs (State Developmental Disabilities Councils) to individuals with severe disabilities other than developmental disabilities.

SEC. 503. GRANT AUTHORITY.

Section 503 of the bill would amend section 162 of the Act by reorganizing existing provisions with respect to grant authority for projects of national significance and by modifying and adding provisions as detailed below.

Section 162(a)(1) would direct the Secretary to fund projects to support ongoing data collection on expenditures, residential services and employment and to develop an ongoing data collection system, including data on the accomplishments of State Developmental Disabilities Councils, protection and advocacy systems, and university affiliated programs. It would also direct the Secretary to fund projects to provide technical assistance that expands or improves the effectiveness of State Developmental Disabilities Councils, protection and advocacy systems, and university affiliated programs.

Section 162(a)(2) would specify other areas for projects of national significance that the Secretary may support through grants and contracts. These areas are as follows:

- Information and referral.--Projects may be funded to assist States in implementing statewide information and referral and service coordination systems.

- Educate policymakers.--Under current law, projects may be funded to educate policymakers. The bill would add a provision that this may include the training of self-advocates and family members.

- Interagency initiatives.--Current law provides for the support of projects to pursue interagency initiatives. The bill would add a provision requiring that such initiatives enhance the ability of Federal agencies to address the needs of individuals with developmental disabilities and their families.

- Unserved and underserved.--Projects may be funded to expand or otherwise improve opportunities for individuals with developmental disabilities from racial and ethnic minority backgrounds, to participate in programs authorized under this Act, including an increase in the involvement of students and professionals from such groups in the provision of services, supports and advocacy.

- o Transition initiatives.--Projects may be funded to conduct research and provide technical assistance to policymakers concerning the transition of youth with developmental disabilities from school to work and to adult life.

Section 162(b) would direct the Secretary to support grants to conduct an investigation on the expansion of part B programs to individuals with severe disabilities other than developmental disabilities (i.e., disabilities that are manifested after age 21). This initiative would be implemented through: (1) a national study of the Councils that are currently mandated to focus on individuals with disabilities other than developmental disabilities (to be completed by June 30, 1995), (2) a study by Councils in up to 5 additional States to study the implications of such expansion (to be completed by January 1996), and (3) a national study of the process and outcomes of the studies by Councils under (2) above.

Section 162(c) would incorporate all the application and other grant requirements for projects of national significance and would add a new provision requiring the applicant to demonstrate, where appropriate, how the project would address the needs of individuals with developmental disabilities from racial and ethnic minority backgrounds.

Section 162(d) would incorporate the provisions specifying the priorities for grants.

Section 162(e) would incorporate the provisions regarding grant payments.

Section 162(f) would direct the Secretary to publish, on an annual basis, the recipients, project descriptions and funding levels for all projects funded under this part. The bill would add the requirement that the amounts for such grants and contracts total the amount appropriated under this part for such fiscal year.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Section 504 of the bill would amend section 163(a) of the Act to authorize appropriations of $4,000,000 for fiscal year 1994 and such sums for each of fiscal years 1995 and 1996.

Section 504 of the bill would amend section 163(b) of the bill to specify that the provision to fund special initiatives on the expansion of part B activities to individuals with

disabilities other than developmental disabilities shall not be construed as requiring the Secretary to supplant funding for other priorities described in this part. Section 163(b) would also require that funding to carry out the special initiatives be provided no later than May 1 of the fiscal year in which such funds become available. It would further state that the Secretary may not use funds made available under this part for program reviews required by regulation or other administrative activities. Finally, section 163(b) would provide that if technical assistance to protection and advocacy systems is provided under part C, then no funding for such activity would be provided under part E and the amount set aside for technical assistance under section 162(a)(1)(B) would be proportionally reduced.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONFERNCE REPORT ON S. 1284, DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS OF 1994

Mr. WAXMAN submitted the following conference report and statement on the Senate bill (S. 1284) to amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-442)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1284), to amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.

TITLE I—GENERAL PROVISIONS

Sec. 101. Headings and short title.
Sec. 102. Findings and purposes.
Sec. 103. Definitions.
Sec. 104. Federal share.
Sec. 105. Records and audits.
Sec. 106. Recovery.
Sec. 107. State control of operations.
Sec. 108. Reports.
Sec. 109. Responsibilities of the Secretary.
Sec. 110. Employment of handicapped individuals.
Sec. 111. Rights of the developmentally disabled.

TITLE II—FEDERAL ASSISTANCE FOR PRIORITY AREA ACTIVITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Sec. 201. Part heading.
Sec. 202. Purpose.
Sec. 203. State plans.
Sec. 204. Habilitation plans.
Sec. 205. Councils.
Sec. 206. State allotments.
Sec. 207. Federal share and non-Federal share.
Sec. 208. Payments to the States for planning, administration, and services.
Sec. 209. Withholding of payments for planning, administration, and services.
Sec. 210. Nonduplication.
Sec. 211. Appeals by States.
Sec. 212. Authorization of appropriations.
Sec. 213. Review, analysis, and report.

TITLE III—PROTECTION AND ADVOCACY OF THE RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Sec. 301. Part heading.
Sec. 302. Purpose.
Sec. 303. System required.
Sec. 304. Authorization of appropriations.

TITLE IV—UNIVERSITY AFFILIATED PROGRAMS

Sec. 401. Part heading.
Sec. 402. Purpose.
Sec. 403. Grant authority.
Sec. 404. Applications.
Sec. 405. Grant awards.
Sec. 406. Authorization of appropriations and definition.

TITLE V—PROJECTS OF NATIONAL SIGNIFICANCE

Sec. 501. Part heading.
Sec. 502. Purpose.
Sec. 503. Grant authority.
Sec. 504. Authorization of appropriations.

SEC. 2. REFERENCES.

Except as otherwise specifically 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 provision, the reference shall be considered to be made to a section or other provision of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. HEADINGS AND SHORT TITLE.

(a) TITLE.—The heading of title I of the Act is amended to read as follows:

"TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES".

(b) PART.—The heading of part A of title I of the Act is amended to read as follows:

"PART A—GENERAL PROVISIONS".

(c) SHORT TITLE.—Section 100 (42 U.S.C. 6000 note) is amended—

(1) by striking "SEC. 100"; and

(2) in the section heading, by striking "SHORT TITLE" and inserting the following new section heading:

"SEC. 100. SHORT TITLE.".

SEC. 102. FINDINGS AND PURPOSES.

Section 101 (42 U.S.C. 6000) is amended to read as follows:

"SEC. 101. FINDINGS, PURPOSES, AND POLICY.

"(a) FINDINGS.—The Congress finds that—

"(1) in 1993 there are more than 3,000,000 individuals with developmental disabilities in the United States;

"(2) disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to enjoy the opportunity to live independently, enjoy self-determination, make choices, contribute to society, and experience full integration and inclusion in the economic, political, social, cultural, and educational mainstream of American society;

"(3) individuals with developmental disabilities continually encounter various forms of discrimination in critical areas;

"(4) there is a lack of public awareness of the capabilities and competencies of individuals with developmental disabilities;

"(5) individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;

"(6) individuals with developmental disabilities often require lifelong specialized services and assistance, provided in a coordinated and culturally competent manner by many agencies, professionals, advocates, community representatives, and others to eliminate barriers and to meet the needs of such individuals and their families;

"(7) a substantial portion of individuals with developmental disabilities and their families do not have access to appropriate support and services from generic and specialized service systems and remain unserved or underserved;

"(8) family members, friends, and members of the community can play an important role in enhancing the lives of individuals with developmental disabilities, especially when the family and community are provided with the necessary services and supports;

"(9) there is a need to ensure that services, supports, and other assistance are provided in a culturally competent manner, that individuals from racial and ethnic minority backgrounds are fully included in all activities under this Act, and that greater efforts are made to recruit individuals from minority backgrounds into the field of developmental disabilities; and

"(10) the goals of the Nation properly include the goal of providing individuals with developmental disabilities with the opportunities and support to—

"(A) make informed choices and decisions;

"(B) live in homes and communities in which such individuals can exercise their full rights and responsibilities as citizens;

"(C) pursue meaningful and productive lives;

"(D) contribute to their family, community, State, and Nation;

"(E) have interdependent friendships and relationships with others; and

"(F) achieve full integration and inclusion in society, in an individualized manner, consistent with unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual.

"(b) PURPOSE.—The purpose of this Act is to assure that individuals with developmental disabilities and their families participate in the design of and have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity, and integration and inclusion into the community, through—

"(1) support to State Developmental Disabilities Councils in each State to promote, through systemic change, capacity building, and advocacy activities that are consistent with the policy under subsection (c)(2), a consumer and family-centered, comprehensive system, and a coordinated array of services, supports, and other assistance for individuals with developmental disabilities and their families;

"(2) support to protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities;

"(3) support to university affiliated programs to provide interdisciplinary preservice preparation of students and fellows, community service activities, and the dissemination of information and research findings; and

"(4) support to national initiatives to collect necessary data, provide technical assistance to State Developmental Disabilities Councils, protection and advocacy systems and university affiliated programs, and support other nationally significant activities.

"(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 that—

"(1) individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of achieving independence, productivity, and integration and inclusion into the community, and often require the provision of services, supports and other as-

sistance to achieve independence, productivity, and integration and inclusion;

"(2) individuals with developmental disabilities and their families have competencies, capabilities and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the such individuals;

"(3) individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families;

"(4) services, supports, and other assistance are provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences;

"(5) specific efforts must be made to ensure that individuals from racial and ethnic minority backgrounds enjoy effective and meaningful opportunities for full participation in the developmental disabilities service system;

"(6) recruitment efforts within developmental disabilities at the level of preservice training, community training, practice, administration and policymaking must focus on bringing larger numbers of racial and ethnic minorities into the field in order to provide appropriate skills, knowledge, role models, and sufficient manpower to address the growing needs of an increasingly diverse population.

"(7) with education and support, communities can be responsive to the needs of individuals with developmental disabilities and their families and are enriched by the full and active participation and the contributions by individuals with developmental disabilities and their families; and

"(8) individuals with developmental disabilities should have access to opportunities and the necessary support to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, community, State, and Nation.".

SEC. 103. DEFINITIONS.

Section 102 (42 U.S.C. 6001) is amended to read as follows:

"SEC. 102. DEFINITIONS.

"For purposes of this title:

"(1) AMERICAN INDIAN CONSORTIUM.—The term 'American Indian Consortium' means any confederation of two or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in two or more States.

"(2) ASSISTIVE TECHNOLOGY DEVICE.—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is used to increase, maintain, or improve functional capabilities of individuals with developmental disabilities.

"(3) ASSISTIVE TECHNOLOGY SERVICE.—The term 'assistive technology service' means any service that directly assists an individual with a developmental disability in the selection, acquisition, or use, of an assistive technology device. Such term includes—

"(A) the evaluation of the needs of an individual with a developmental disability, including a functional evaluation of the individual in the individual's customary environment;

"(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by an individual with a developmental disability;

"(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;

"(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

"(E) training or technical assistance for an individual with a developmental disability, or, where appropriate, a family member, guardian, advocate, or authorized representative of an individual with a developmental disability; and

"(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of, an individual with developmental disabilities.

"(4) CHILD DEVELOPMENT ACTIVITIES.—The term 'child development activities' means such priority area activities as will assist in the prevention, identification, and alleviation of developmental disabilities in children, including early intervention services.

"(5) COMMUNITY LIVING ACTIVITIES.—The term 'community living activities' means such priority area activities as will assist individuals with developmental disabilities to obtain and receive the supports needed to live in their family home or a home of their own with individuals of their choice and to develop supports in the community.

"(6) COMMUNITY SUPPORTS.—The term 'community supports' means activities, services, supports, and other assistance designed to—

"(A) assist neighborhoods and communities to be more responsive to the needs of individuals with developmental disabilities and their families;

"(B) develop local networks that can provide informal support; and

"(C) make communities accessible and enable communities to offer their resources and opportunities to individuals with developmental disabilities and their families.

Such term includes community education, personal assistance services, vehicular and home modifications, support at work, and transportation.

"(7) CULTURALLY COMPETENT.—The term 'culturally competent' means services, supports or other assistance that are conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language and behaviors of individuals who are receiving services, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program.

"(8) DEVELOPMENTAL DISABILITY.—The term 'developmental disability' means a severe, chronic disability of an individual 5 years of age or older that—

"(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

"(B) is manifested before the individual attains age 22;

"(C) is likely to continue indefinitely;

"(D) results in substantial functional limitations in three or more of the following areas of major life activity—

"(i) self-care;

"(ii) receptive and expressive language;

"(iii) learning;

"(iv) mobility;

"(v) self-direction;

"(vi) capacity for independent living; and

"(vii) economic self-sufficiency; and

"(E) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated, except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

"(9) EARLY INTERVENTION SERVICES.—The term 'early intervention services' means services provided to infants, toddlers, young children, and their families to—

"(A) enhance the development of infants, toddlers, and young children with disabilities and to minimize their potential for developmental delay; and

"(B) enhance the capacity of families to meet the special needs of their infants, toddlers, and young children.

"(10) EMPLOYMENT ACTIVITIES.—The term 'employment activities' means such priority area activities as will increase the independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities in work settings.

"(11) FAMILY SUPPORT SERVICE.—The term 'family support service' means services, supports, and other assistance provided to families with members with developmental disabilities that are designed to—

"(A) strengthen the family's role as primary caregiver;

"(B) prevent inappropriate out-of-the-home placement and maintain family unity; and

"(C) reunite families with members who have been placed out of the home, whenever possible. Such term includes respite care, rehabilitation technology, personal assistance services, parent training and counseling, support for elderly parents, vehicular and home modifications, and assistance with extraordinary expenses associated with the needs of individuals with developmental disabilities.

"(12) FEDERAL PRIORITY AREAS.—The term 'Federal priority areas' means community living activities, employment activities, child development activities, and system coordination and community education activities.

"(13) INDEPENDENCE.—The term 'independence' means the extent to which individuals with developmental disabilities exert control and choice over their own lives.

"(14) INDIVIDUAL SUPPORTS.—The term 'individual supports' means services, supports, and other assistance that enable an individual with a developmental disability to be independent, productive, integrated, and included into such individual's community, and that are designed to—

"(A) enable such individual to control such individual's environment, permitting the most independent life possible;

"(B) prevent placement into a more restrictive living arrangement than is necessary; and

"(C) enable such individual to live, learn, work, and enjoy life in the community.

Such term includes personal assistance services, rehabilitation technology, vehicular and home modifications, support at work, and transportation.

"(15) INTEGRATION AND INCLUSION.—The term 'integration and inclusion', with respect to individuals with developmental disabilities, means—

"(A) the use by individuals with developmental disabilities of the same community resources that are used by and available to other citizens;

"(B) living in homes close to community resources, with regular contact with citizens without disabilities in their communities;

"(C) the full and active participation by individuals with developmental disabilities in the same community activities and types of employment as citizens without disabilities, and utilization of the same community resources as citizens without disabilities, living, learning, working, and enjoying life in regular contact with citizens without disabilities; and

"(D) having friendships and relationships with individuals and families of their own choosing.

"(16) NONPROFIT.—The term 'nonprofit' means an agency, institution, or organization that is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(17) OTHER ORGANIZATIONS.—The term 'other organizations' means those organizations that are not State agencies or nonprofit agencies, except such organizations may be consulting firms, independent proprietary businesses and providers, and local community groups not organizationally incorporated, and that are interested in supporting individuals with developmental disabilities.

"(18) PERSONAL ASSISTANCE SERVICES.—The term 'personal assistance services' means a range of services, provided by one or more individuals, designed to assist an individual with a disability to perform daily living activities on or off a job that such individual would typically perform if such individual did not have a disability. Such services shall be designed to increase such individual's control in life and ability to perform everyday activities on or off such job.

"(19) PREVENTION.—The term 'prevention' means activities that address the causes of developmental disabilities and the exacerbation of functional limitations, such as activities that—

"(A) eliminate or reduce the factors that cause or predispose individuals to developmental disabilities or that increase the prevalence of developmental disabilities;

"(B) increase the early identification of existing problems to eliminate circumstances that create or increase functional limitations; and

"(C) mitigate against the effects of developmental disabilities throughout the individual's lifespan.

"(20) PRODUCTIVITY.—The term 'productivity' means—

"(A) engagement in income-producing work that is measured by increased income, improved employment status, or job advancement; or

"(B) engagement in work that contributes to a household or community.

"(21) PROTECTION AND ADVOCACY SYSTEM.—The term 'protection and advocacy system' means a protection and advocacy system established in accordance with section 142.

"(22) REHABILITATION TECHNOLOGY.—The term 'rehabilitation technology' means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

"(23) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(24) SERVICE COORDINATION ACTIVITIES.—The term 'service coordination activities' (also referred to as 'case management activities') means activities that assist and enable individuals with developmental disabilities and their families to access services, supports and other assistance, and includes—

"(A) the provision of information to individuals with developmental disabilities and their families about the availability of services, supports, and other assistance;

"(B) assistance in obtaining appropriate services, supports, and other assistance, which may include facilitating and organizing such assistance;

"(C) coordination and monitoring of services, supports, and other assistance provided singly or in combination to individuals with developmental disabilities and their families to ensure accessibility, continuity, and accountability of such assistance; and

"(D) follow-along services that ensure, through a continuing relationship, that the changing needs of individuals with developmental disabilities and their families are recognized and appropriately met.

"(25) STATE.—The term 'State', except as provided in section 155, includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, 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 with Palau takes effect).

"(26) STATE DEVELOPMENTAL DISABILITIES COUNCIL.—The term 'State Developmental Disabilities Council' means a Council established under section 124.

"(27) STATE PRIORITY AREA.—The term 'State priority area' means priority area activities in an area considered essential by the State Developmental Disabilities Council.

"(28) SUPPORTED EMPLOYMENT.—The term 'supported employment' means competitive work in integrated work settings for individuals with developmental disabilities—

"(A)(i) for whom competitive employment has not traditionally occurred; or

"(ii) for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and

"(B) who, because of the nature and severity of their disability, need intensive supported employment services or extended services in order to perform such work.

"(29) SYSTEM COORDINATION AND COMMUNITY EDUCATION ACTIVITIES.—The term 'system coordination and community education activities' means activities that—

"(A) eliminate barriers to access and eligibility for services, supports, and other assistance;

"(B) enhance systems design, redesign, and integration, including the encouragement of the creation of local service coordination and information and referral statewide systems;

"(C) enhance individual, family, and citizen participation and involvement; and

"(D) develop and support coalitions and individuals through training in self-advocacy, educating policymakers, and citizen leadership skills.

"(30) UNIVERSITY AFFILIATED PROGRAM.—The term 'university affiliated program' means a university affiliated program established under section 152.

"(31) UNSERVED AND UNDERSERVED.—The term 'unserved and underserved' includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited-English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with developmental disabilities, including individuals with developmental disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.".

SEC. 104. FEDERAL SHARE.

Section 103 (42 U.S.C. 6002) is repealed.

SEC. 105. RECORDS AND AUDITS.

(a) SECTION HEADING.—Section 104 (42 U.S.C. 6003) is amended—

(1) by striking "SEC. 104."; and

(2) in the section heading, by striking "RECORDS AND AUDIT" and inserting the following new section heading:

"SEC. 104. RECORDS AND AUDITS.".

(b) RECORDS AND AUDITS.—Section 104 (42 U.S.C. 6003) is amended—

(1) in subsection (a)—

(A) by striking "Each" and inserting "RECORDS.—Each";

(B) by striking "including" and inserting "including—";

(C) by realigning the margins of subparagraphs (A), (B), and (C) of paragraph (1) so as to align with the margins of subparagraphs (A) and (B) of paragraph (28) of section 102;

(D) by realigning the margins of paragraphs (1) and (2) so as to align with the margin of paragraph (30) of section 102;

(E) in paragraph (1), by striking "disclose" and inserting "disclose—"; and

(F) by striking the comma each place such appears and inserting a semicolon; and

(2) in subsection (b), by striking "The Secretary" and inserting "ACCESS.—The Secretary".

SEC. 106. RECOVERY.

Section 105 (42 U.S.C. 6004) is repealed.

SEC. 107. STATE CONTROL OF OPERATIONS.

Section 106 (42 U.S.C. 6005) is amended—

(1) by striking "SEC. 106.";

(2) in the section heading, by striking "STATE CONTROL OF OPERATIONS" and inserting the following new section heading:

"SEC. 105. STATE CONTROL OF OPERATIONS."; and

(3) by striking "facility for persons" and inserting "programs, services, and supports for individuals".

SEC. 108. REPORTS.

(a) SECTION HEADING.—Section 107 (42 U.S.C. 6006) is amended—

(1) by striking "SEC. 107."; and

(2) in the section heading, by striking "REPORTS" and inserting the following new section heading:

"SEC. 107. REPORTS.".

(b) REPORTS.—Section 107 (42 U.S.C. 6006) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking, "By January" and inserting "DEVELOPMENTAL DISABILITIES COUNCIL REPORTS.—By January";

(ii) by striking "the State Planning Council of each State" and inserting "each State Developmental Disabilities Council";

(iii) by striking "a report concerning" and inserting "a report of"; and

(iv) by striking "such report" and inserting "report";

(B) in paragraph (1), by striking "of such activities" and all that follows through "from such activities" and inserting "of activities and accomplishments";

(C) in paragraph (2)—

(i) by striking "such accomplishments" and inserting "accomplishments"; and

(ii) by striking "by the State";

(D) in paragraph (4)—

(i) by striking "Planning" and inserting "Developmental Disabilities";

(ii) by striking "each" each place such term appears;

(iii) by striking "report" and inserting "reports";

(iv) by striking "1902(a)(31)(C)" and inserting "1902(a)(31)";

(v) by striking "plan" and inserting "plans", and

(vi) by striking "; and" and inserting a semicolon;

(E) by striking paragraph (5); and

(F) by adding at the end the following new paragraphs:

"(5) a description of—

"(A) the trends and progress made in the State concerning systemic change (including policy reform), capacity building, advocacy, and other actions on behalf of individuals with developmental disabilities, with attention to individuals who are traditionally unserved and underserved, particularly individuals who are members of ethnic and racial minority groups, and individuals from underserved geographic areas;

"(B) systemic change, capacity building, and advocacy activities that affect individuals with disabilities other than developmental disabilities; and

"(C) a summary of actions taken to improve access and services for unserved and underserved groups;

"(6) a description of resources leveraged by activities directly attributable to State Developmental Disabilities Council actions; and

"(7) a description of the method by which the State Developmental Disabilities Council shall

widely disseminate the annual report to affected constituencies as well as the general public and to assure that the report is available in accessible formats.";

(2) in subsection (b)—

(A) by striking "By January" and inserting "PROTECTION AND ADVOCACY SYSTEM REPORTS.—By January"; and

(B) by inserting before the period ", including a description of the system's priorities for such fiscal year, the process used to obtain public input, the nature of such input, and how such input was used"; and

(3) in subsection (c)—

(A) by realigning the margins of subparagraphs (A) and (B) of paragraph (1) so as to align with the margins of subparagraph (C) of such paragraph;

(B) by realigning the margins of paragraphs (1) and (2) so as to align with the margin of paragraph (1) of subsection (a);

(C) by striking the subsection designation and inserting "(c) SECRETARY REPORTS.—";

(D) by striking "(1) By" and inserting the following:

"(1) IN GENERAL.—By";

(E) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking "integration" each place such term appears and inserting "integration and inclusion"; and

(II) by striking "persons" and inserting "individuals";

(ii) by striking subparagraph (C) and inserting the following new subparagraph:

"(C)(i) the trends and progress made in the States concerning systemic change (including policy reform), capacity building, advocacy, and other actions on behalf of individuals with developmental disabilities, with attention to individuals who are traditionally unserved and underserved, particularly individuals who are members of ethnic and racial minority groups, and individuals from underserved geographic areas;

"(ii) systemic change, capacity building, and advocacy activities that affect individuals with disabilities other than developmental disabilities; and

"(iii) a summary of actions taken to improve access and services for unserved and underserved groups;"; and

(iii) in subparagraph (D), by striking "persons" and inserting "individuals"; and

(F) in paragraph (2)—

(i) by striking "use and include" and inserting "include and analyze";

(ii) by striking "to the Secretary"; and

(iii) by striking "In preparing" and inserting "INCLUSION OF COUNCIL AND SYSTEM INFORMATION.—In preparing".

SEC. 109. RESPONSIBILITIES OF THE SECRETARY.

(a) SECTION HEADING.—Section 108 (42 U.S.C. 6007) is amended—

(1) by striking "SEC. 108."; and

(2) in the section heading, by striking "RESPONSIBILITIES OF THE SECRETARY" and inserting the following new section heading:

"SEC. 108. RESPONSIBILITIES OF THE SECRETARY.".

(b) RESPONSIBILITIES.—Section 108 (42 U.S.C. 6007) is amended—

(1) in subsection (a), by striking "The Secretary" and inserting "REGULATIONS.—The Secretary"; and

(2) in subsection (b)—

(A) by striking "Within ninety" and inserting "INTERAGENCY COMMITTEE.—Within 90"; and

(B) by striking "Administration for Developmental Disabilities" and inserting "Administration on Developmental Disabilities,".

SEC. 110. EMPLOYMENT OF HANDICAPPED INDIVIDUALS.

(a) SECTION HEADING.—Section 109 (42 U.S.C. 6008) is amended—

(1) by striking "SEC. 109."; and

(2) in the section heading, by striking "EMPLOYMENT OF HANDICAPPED INDIVIDUALS" and inserting the following new section heading:

"SEC. 109. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.".

(b) EMPLOYMENT.—Section 109 (42 U.S.C. 6008) is amended—

(1) by striking "handicapped individuals" and inserting "individuals with disabilities";

(2) by striking "Act of" and inserting "Act of 1973"; and

(3) by striking "which govern" and all that follows through "subcontracts." and inserting the following: "that govern employment—

"(1) by State rehabilitation agencies and community rehabilitation programs; and

"(2) under Federal contracts and subcontracts.".

SEC. 111. RIGHTS OF THE DEVELOPMENTALLY DISABLED.

(a) SECTION HEADING.—Section 110 (42 U.S.C. 6009) is amended—

(1) by striking "SEC. 110."; and

(2) in the section heading, by striking "RIGHTS OF THE DEVELOPMENTALLY DISABLED" and inserting the following new section heading:

"SEC. 110. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.".

(b) RIGHTS.—Section 110 (42 U.S.C. 6009) is amended—

(1) in the matter preceding paragraph (1) by striking "persons" and inserting "individuals";

(2) in paragraph (1), by striking "Persons" and inserting "Individuals";

(3) in paragraph (2)—

(A) by striking "a person" and inserting "an individual";

(B) by striking "the person" and inserting "the individual"; and

(C) by striking "the person's" and inserting "the individual's";

(4) in paragraph (3), by striking "persons" each place such term appears and inserting "individuals";

(5) in paragraph (4), by striking "persons" each place such term appears and inserting "individuals"; and

(6) in the matter following subparagraph (C) of paragraph (4), by striking "persons" each place such term appears and inserting "individuals".

TITLE II—FEDERAL ASSISTANCE FOR PRIORITY AREA ACTIVITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 201. PART HEADING.

The heading of Part B of title I of the Act is amended to read as follows:

"PART B—FEDERAL ASSISTANCE TO STATE DEVELOPMENTAL DISABILITIES COUNCILS".

SEC. 202. PURPOSE.

Section 121 (42 U.S.C. 6021) is amended to read as follows:

"SEC. 121. PURPOSE.

"The purpose of this part is to provide for allotments to support State Developmental Disabilities Councils in each State to promote, through systemic change, capacity building, and advocacy activities that are consistent with the policy under section 101(c)(2), the development of a consumer and family-centered, comprehensive system and a coordinated array of culturally competent services, supports, and other assistance designed to achieve independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities.".

SEC. 203. STATE PLANS.

Section 122 (42 U.S.C. 6022) is amended to read as follows:

"SEC. 122. STATE PLAN.

"(a) IN GENERAL.—Any State desiring to take advantage of this part shall have a State plan submitted to, and approved by, the Secretary under this section.

"(b) PLANNING CYCLE.—The plan under subsection (a) shall be reviewed annually and revised at least once every 3 years.

"(c) STATE PLAN REQUIREMENTS.—In order to be approved by the Secretary under this section, a State plan shall meet the requirements in paragraphs (1) through (5).

"(1) STATE COUNCIL.—The plan shall provide for the establishment and maintenance of a State Developmental Disabilities Council in accordance with section 124 and describe the membership of such Council.

"(2) DESIGNATED STATE AGENCY.—The plan shall identify the agency or office within the State designated to support the State Developmental Disabilities Council in accordance with this section and section 124(d).

"(3) COMPREHENSIVE REVIEW AND ANALYSIS.—The plan shall contain a comprehensive review and analysis of the extent to which services and supports are available to, and the need for services and supports for, individuals with developmental disabilities and their families. Such review and analysis shall include—

"(A) a description of the services, supports and other assistance being provided to, or to be provided to, individuals with developmental disabilities and their families under other federally assisted State programs, plans, and policies that the State conducts and in which individuals with developmental disabilities are or may be eligible to participate, including programs relating to education, job training, vocational rehabilitation, public assistance, medical assistance, social services, child welfare, maternal and child health, aging, programs for children with special health care needs, children's mental health, housing, transportation, technology, comprehensive health and mental health, and such other programs as the Secretary may specify;

"(B) a description of the extent to which agencies operating such other federally assisted State programs pursue interagency initiatives to improve and enhance services, supports, and other assistance for individuals with developmental disabilities; and

"(C) an examination of the provision, and the need for the provision, in the State of the four Federal priority areas and an optional State priority area, including—

"(i) an analysis of such Federal and State priority areas in relation to the degree of support for individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical and mental impairments;

"(ii) an analysis of criteria for eligibility for services, including specialized services and special adaptation of generic services provided by agencies within the State, that may exclude individuals with developmental disabilities from receiving such services;

"(iii) an analysis of the barriers that impede full participation of members of unserved and underserved groups;

"(iv) consideration of the report conducted pursuant to section 124(e);

"(v) consideration of the data collected by the State educational agency under section 618 of the Individuals with Disabilities Education Act;

"(vi) an analysis of services, assistive technology, or knowledge that may be unavailable to assist individuals with developmental disabilities;

"(vii) an analysis of existing and projected fiscal resources;

"(viii) an analysis of any other issues identified by the State Developmental Disabilities Council; and

"(ix) the formulation of objectives in systemic change, capacity building, and advocacy to address the issues described in clauses (i) through (vi) for all subpopulations of individuals with developmental disabilities that may be identified by the State Developmental Disabilities Council.

"(4) PLAN OBJECTIVES.—The plan shall—

"(A) specify employment, and at the discretion of the State, any or all of the three other Federal priority areas and an optional State priority area that are selected by the State Developmental Disabilities Council for such Council's

major systemic change, capacity building, and advocacy activities to be addressed during the plan period and describe the extent and scope of the Federal and State priority areas that will be addressed under the plan in the fiscal year;

"(B) describe the specific 1-year and 3-year objectives to be achieved and include a listing of the programs, activities, and resources by which the State Developmental Disabilities Council will implement its systemic change, capacity building, and advocacy activities in selected priority areas, and set forth the non-Federal share required to carry out each objective; and

"(C) establish a method for the periodic evaluation of the plan's effectiveness in meeting the objectives described in subparagraph (B).

"(5) ASSURANCES.—The plan shall contain or be supported by the assurances described in subparagraphs (A) through (N), which are satisfactory to the Secretary.

"(A) USE OF FUNDS.—With respect to the funds paid to the State under section 125, the plan shall provide assurances that—

"(i) such funds will be used to make a significant contribution toward enhancing the independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities in various political subdivisions of the State;

"(ii) such funds will be used to supplement and to increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant non-Federal funds;

"(iii) such funds will be used to complement and augment rather than duplicate or replace services for individuals with developmental disabilities and their families who are eligible for Federal assistance under other State programs;

"(iv) part of such funds will be made available by the State to public or private entities;

"(v) not more than 25 percent of such funds will be allocated to the agency designated under section 124(d) for service demonstration by such agency and that such funds and demonstration services have been explicitly authorized by the State Developmental Disabilities Council;

"(vi) not less than 65 percent of the amount available to the State under section 125 shall be expended for activities in the Federal priority area of employment activities, and, at the discretion of the State, activities in any or all of the three other Federal priority areas and an optional State priority area; and

"(vii) the remainder of the amount available to the State from allotments under section 125 (after making expenditures required by clause (vi)) shall be used for the planning, coordination, administration, and implementation of priority area activities, and other activities relating to systemic change, capacity building, and advocacy to implement the responsibilities of the State Developmental Disabilities Council pursuant to section 124(c).

"(B) STATE FINANCIAL PARTICIPATION.—The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the State plan.

"(C) CONFLICT OF INTEREST.—The plan shall provide assurances that the State Developmental Disabilities Council has approved conflict of interest policies as of October 1, 1994, to ensure that no member of such Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

"(D) URBAN AND RURAL POVERTY AREAS.—The plan shall provide assurances that special financial and technical assistance shall be given to organizations that provide services, supports, and other assistance to individuals with developmental disabilities who live in areas designated as urban or rural poverty areas.

"(E) PROGRAM STANDARDS.—The plan shall provide assurances that programs, projects, and activities assisted under the plan, and the buildings in which such programs, projects, and activities are operated, will meet standards prescribed by the Secretary in regulation and all applicable Federal and State accessibility standards.

"(F) INDIVIDUALIZED SERVICES.—The plan shall provide assurances that any direct services provided to individuals with developmental disabilities and funded under this plan will be provided in an individualized manner, consistent with unique strengths, resources, priorities, concerns, abilities, and capabilities of an individual.

"(G) HUMAN RIGHTS.—The plan shall provide assurances that the human rights of all individuals with developmental disabilities (especially those individuals without familial protection) who are receiving services under programs assisted under this part will be protected consistent with section 110 (relating to rights of individuals with developmental disabilities).

"(H) MINORITY PARTICIPATION.—The plan shall provide assurances that the State has taken affirmative steps to assure that participation in programs under this part is geographically representative of the State, and reflects the diversity of the State with respect to race and ethnicity.

"(I) INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED SURVEY REPORTS.—The plan shall provide assurances that the State will provide the State Developmental Disabilities Council with a copy of each annual survey report and plan of corrections for cited deficiencies prepared pursuant to section 1902(a)(31) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in such State not less than 30 days after the completion of each such report or plan.

"(J) VOLUNTEERS.—The plan shall provide assurances that the maximum utilization of all available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973 and other appropriate voluntary organizations will be provided for, except that such volunteer services shall supplement, and shall not be in lieu of, services of paid employees.

"(K) EMPLOYEE PROTECTIONS.—The plan shall provide assurances that fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) will be provided to protect the interests of employees affected by actions under the plan to provide community living activities, including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees where necessary and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

"(L) STAFF ASSIGNMENTS.—The plan shall provide assurances that the staff and other personnel of the State Developmental Disabilities Council, while working for the Council, are responsible solely for assisting the Council in carrying out its duties under this part and are not assigned duties by the designated State agency or any other agency or office of the State.

"(M) NONINTERFERENCE.—The plan shall provide assurances that the designated State agency or other office of the State will not interfere with systemic change, capacity building, and advocacy activities, budget, personnel, State plan development, or plan implementation of the State Developmental Disabilities Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 124(d)(3).

"(N) OTHER ASSURANCES.—The plan shall contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

"(d) PUBLIC REVIEW, SUBMISSION, AND APPROVAL.—

"(1) PUBLIC REVIEW.—The plan shall be made available for public review and comment with appropriate and sufficient notice in accessible formats and take into account and respond to significant suggestions, as prescribed by the Secretary in regulation.

"(2) CONSULTATION WITH THE DESIGNATED STATE AGENCY.—Before the plan is submitted to the Secretary, the State Developmental Disabilities Council shall consult with the designated State agency to ensure that the State plan is consistent with State law and to obtain appropriate State plan assurances.

"(3) PLAN APPROVAL.—The Secretary shall approve any State plan and annual updates of such plan that comply with the provisions of subsections (a), (b), and (c). The Secretary may not finally disapprove a State plan except after providing reasonable notice and an opportunity for a hearing to the State.".

SEC. 204. HABILITATION PLANS.

Section 123 (42 U.S.C. 6023) is repealed.

SEC. 205. COUNCILS.

Section 124 (42 U.S.C. 6024) is amended to read as follows:

"SEC. 124. STATE DEVELOPMENTAL DISABILITIES COUNCILS AND DESIGNATED STATE AGENCIES.

"(a) IN GENERAL.—Each State that receives assistance under this part shall establish and maintain a State Developmental Disabilities Council (hereafter in this section referred to as the 'Council') to promote, through systemic change, capacity building, and advocacy activities (consistent with section 101(c)(2)), the development of a consumer and family-centered comprehensive system and a coordinated array of culturally competent services, supports and other assistance designed to achieve independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities. The Council shall have the authority to fulfill its responsibilities described in subsection (c).

"(b) COUNCIL MEMBERSHIP.—

"(1) COUNCIL APPOINTMENTS.—The members of the Council of a State shall be appointed by the Governor of the State from among the residents of that State. The Governor shall select members of the Council, at his or her discretion, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members of the Council. The Council may, at the request of the Governor, coordinate Council and public input to the Governor regarding all recommendations. To the extent feasible, the membership of the Council shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity.

"(2) MEMBERSHIP ROTATION.—The Governor shall make appropriate provisions to rotate the membership of the Council. Such provisions shall allow members to continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor regarding membership requirements, when vacancies remain unfilled for a significant period of time.

"(3) REPRESENTATION OF AGENCIES AND ORGANIZATIONS.—Each Council shall at all times include representatives of the principal State agencies (including the State agencies that administer funds provided under the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, the Older Americans Act, and title XIX of the Social Security Act), institutions of higher education, each university affiliated program in the State established under part D, the State protection and advocacy system established under part C, and local agencies, nongovernmental agencies, and private nonprofit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located. Such representatives shall—

"(A) have sufficient authority to engage in policy planning and implementation on behalf

of the department, agency, or program such representatives represent; and

"(B) recuse themselves from any discussion of grants or contracts for which such representatives' departments, agencies, or programs are grantees or applicants and comply with the conflict of interest policies required under section 122(c)(5)(C).

"(4) REPRESENTATION OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.—Not less than 50 percent of the membership of each Council shall consist of individuals who are—

"(A)(i) individuals with developmental disabilities;

"(ii) parents or guardians of children with developmental disabilities; or

"(iii) immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves; and

"(B) not employees of a State agency that receives funds or provides services under this part, and who are not managing employees (as defined in section 1126(b) of the Social Security Act) of any other entity that receives funds or provides services under this part.

"(5) COMPOSITION OF MEMBERSHIP WITH DEVELOPMENTAL DISABILITIES.—Of the members of the Council described in paragraph (4)—

"(A) one-third shall be individuals with developmental disabilities as described in paragraph (4)(A)(i);

"(B) one-third shall be parents of children with developmental disabilities as described in paragraph (4)(A)(ii), and immediate relatives or guardians of adults with mentally impairing developmental disabilities as described in paragraph (4)(A)(iii); and

"(C) one-third shall be a combination of individuals described in paragraph (4)(A).

"(6) INSTITUTIONALIZED INDIVIDUALS.—Of the members of the Council described in paragraph (5), at least one shall be an immediate relative or guardian of an institutionalized or previously institutionalized individual with a developmental disability or an individual with a developmental disability who resides or previously resided in an institution. This paragraph shall not apply with respect to a State if such an individual does not reside in that State.

"(c) COUNCIL RESPONSIBILITIES.—A Council, through Council members, staff, consultants, contractors, or subgrantees, shall have the responsibilities described in paragraphs (1) through (11).

"(1) SYSTEMIC CHANGE, CAPACITY BUILDING, AND ADVOCACY ACTIVITIES.—The Council shall serve as an advocate for individuals with developmental disabilities and conduct programs, projects, and activities that carry out the purpose under section 121.

"(2) EXAMINATION OF PRIORITY AREAS.—Not less than once every 3 years, the Council shall examine the provision of and need for the four Federal priority areas and an optional State priority area to address, on a statewide and comprehensive basis, urgent needs for services, supports, and other assistance for individuals with developmental disabilities and their families, pursuant to section 122.

"(3) STATE PLAN DEVELOPMENT.—The Council shall develop and submit to the Secretary the State plan required under section 122 after consultation with the designated State agency under the State plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.

"(4) STATE PLAN IMPLEMENTATION.—The Council shall implement the State plan by conducting and supporting the Federal priority area of employment, not less than one of the remaining three Federal priority areas, and an optional State priority area as defined in section 102, through systemic change, capacity building, and advocacy activities such as those described in subparagraphs (A) through (K).

"(A) DEMONSTRATION OF NEW APPROACHES.—The Council may conduct, on a time-limited basis, the demonstration of new approaches to enhance the independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities. This may include making successful demonstrations generally available through sources of funding other than funding under this part, and may also include assisting those conducting such successful demonstration activities to develop strategies for securing funding from other sources.

"(B) OUTREACH.—The Council may conduct activities to reach out to assist and enable individuals with developmental disabilities and their families who otherwise might not come to the attention of the Council to obtain services, supports, and other assistance, including access to special adaptation of generic services or specialized services.

"(C) TRAINING.—The Council may conduct training for individuals with developmental disabilities, their families, and personnel (including professionals, paraprofessionals, students, volunteers, and other community members) to enable such individuals to obtain access to, or to provide, services, supports and other assistance, including special adaptation of generic services or specialized services for individuals with developmental disabilities and their families. To the extent that training activities are provided, such activities shall be designed to promote the empowerment of individuals with developmental disabilities and their families.

"(D) SUPPORTING COMMUNITIES.—The Council may assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families by encouraging local networks to provide informal and formal supports and enabling communities to offer such individuals and their families access, resources, and opportunities.

"(E) INTERAGENCY COLLABORATION AND COORDINATION.—The Council may promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

"(F) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS.—The Council may conduct activities to enhance coordination with—

"(i) other councils or committees, authorized by Federal or State law, concerning individuals with disabilities (such as the State Interagency Coordinating Council under part H of the Individuals with Disabilities Education Act, the State Rehabilitation Advisory Council and the Statewide Independent Living Council under the Rehabilitation Act of 1973, the State Mental Health Planning Council under part B of title XIX of the Public Health Service Act and other similar councils or committees);

"(ii) parent training and information centers under part D of the Individuals with Disabilities Education Act and other federally funded projects that assist parents of children with disabilities; and

"(iii) other groups interested in systemic change, capacity building, and advocacy for individuals with disabilities.

"(G) BARRIER ELIMINATION, SYSTEMS DESIGN, AND CITIZEN PARTICIPATION.—The Council may conduct activities to eliminate barriers, enhance systems design and redesign, and enhance citizen participation to address issues identified in the State plan.

"(H) PUBLIC EDUCATION AND COALITION DEVELOPMENT.—The Council may conduct activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families and to develop and support coalitions that support the policy agenda of the Council, including training in self-advocacy, educating policymakers, and citizen leadership skills.

"(I) INFORMING POLICYMAKERS.—The Council may provide information to Federal, State, and local policymakers, including the Congress, the Federal executive branch, the Governor, State legislature, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services or provide specialized services to individuals with developmental disabilities and their families by conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations.

"(J) PREVENTION.—The Council may conduct prevention activities as defined in section 102.

"(K) OTHER ACTIVITIES.—The Council may conduct other systemic change, capacity building, and advocacy activities to promote the development of a consumer and family-centered comprehensive system and a coordinated array of culturally competent services, supports and other assistance designed to achieve independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities throughout the State on a comprehensive basis.

"(5) STATE PLAN MONITORING.—Not less than once each year, the Council shall monitor, review, and evaluate the implementation and effectiveness of the State plan in meeting such plan's objectives.

"(6) REVIEW OF DESIGNATED STATE AGENCY.—The Council shall periodically review the designated State agency with respect to the activities carried out under this Act and make any recommendations for change to the Governor.

"(7) REPORTS.—The Council shall submit to the Secretary, through the Governor, periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary finds necessary to verify such reports.

"(8) BUDGET.—Each Council shall prepare, approve, and implement a budget using amounts paid to the State under this part to fund and implement all programs, projects, and activities under this part including—

"(A) conducting such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council, reimbursing Council members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care and personal assistance services) paying compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day such member is engaged in performing the duties of the Council, supporting Council member and staff travel to authorized training and technical assistance activities including inservice training and leadership development, and appropriate subcontracting activities;

"(B) hiring and maintaining sufficient numbers and types of staff (qualified by training and experience) and obtaining the services of such professional, consulting, technical, and clerical personnel (qualified by training and experience), consistent with State law, as the Council determines to be necessary to carry out its functions under this part, except that such State shall not apply hiring freezes, reductions in force, prohibitions on staff travel, or other policies, to the extent that such policies would impact staff or functions funded with Federal funds and would prevent the Council from carrying out its functions under this Act; and

"(C) directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts, and other activities authorized by the approved State plan.

"(9) STAFF HIRING AND SUPERVISION.—A Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and supervise and annually evaluate the Director. The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment and hiring of staff shall be consistent with Federal and State nondiscrimination laws. Dis-

sal of personnel shall be consistent with State law and personnel policies.

"(10) STAFF ASSIGNMENTS.—The staff and other personnel, while working for the Council, shall be responsible solely for assisting the Council in carrying out its duties under this part and shall not be assigned duties by the designated State agency or any other agency or office of the State.

"(11) CONSTRUCTION.—

"(A) ACTIVITIES OF THE COUNCIL.—Nothing in this part shall be construed to preclude a Council from engaging in systemic change, capacity building, and advocacy activities for individuals with disabilities other than developmental disabilities, where appropriate.

"(B) AUTHORITY OF THE COUNCIL.—Nothing in this Act shall be construed to authorize a Council to direct, control, or exercise any policy making authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(d) DESIGNATED STATE AGENCY.—

"(1) IN GENERAL.—Each State that receives assistance under this part shall designate the State agency that shall, on behalf of the State, provide support to the Council. After the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, any designation of a State agency shall be made in accordance with the requirements of this subsection.

"(2) DESIGNATION.—

"(A) TYPE OF AGENCY.—Except as provided in this subsection, the designated State agency shall be—

"(i) the Council if such Council may be the designated State agency under the laws of the State;

"(ii) a State agency that does not provide or pay for services made available to individuals with developmental disabilities; or

"(iii) a State office, including the immediate office of the Governor of the State or a State planning office.

"(B) CONDITIONS FOR CONTINUATION OF STATE SERVICE AGENCY DESIGNATION.—

"(i) DESIGNATION BEFORE ENACTMENT.—If a State agency that provides or pays for services for individuals with developmental disabilities was a designated State agency for purposes of this part on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, and the Governor of the State (or legislature, where appropriate and in accordance with State law) determines prior to June 30, 1994, not to change the designation of such agency, such agency may continue to be a designated State agency for purposes of this part.

"(ii) CRITERIA FOR CONTINUED DESIGNATION.—The determination at the discretion of the Governor (or legislature as the case may be) shall be made after the Governor has considered the comments and recommendations of the general public and a majority of the non-State agency members of the Council with respect to the designation of such State agency, and after the Governor (or legislature as the case may be) has made an independent assessment that the designation of such agency shall not interfere with the budget, personnel, priorities, or other action of the Council, and the ability of the Council to serve as an advocate for individuals with developmental disabilities.

"(C) REVIEW OF DESIGNATION.—After April 1, 1994, the Council may request a review of the designation of the designated State agency by the Governor (or legislature as the case may be). The Council shall provide documentation concerning the reason the Council desires a change to be made and make a recommendation to the Governor (or legislature as the case may be) regarding a preferred designated State agency.

"(D) APPEAL OF DESIGNATION.—After the re- [illegible] (C), a majority of the non-State agency members of the Council may appeal to the Secretary for a review of the designation of the designated State agency if Council independence as an advocate is not assured because of the actions or inactions of the designated State agency.

"(3) RESPONSIBILITIES.—The designated State agency shall, on behalf of the State, have the responsibilities described in subparagraphs (A) through (F).

"(A) SUPPORT SERVICES.—The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council.

"(B) FISCAL RESPONSIBILITIES.—The designated State agency shall—

"(i) receive, account for, and disperse funds under this part based on the State plan required in section 122; and

"(ii) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper dispersement of, and accounting for, funds paid to the State under this part.

"(C) RECORDS, ACCESS, AND FINANCIAL REPORTS.—The designated State agency shall keep such records and afford access thereto as the Secretary and the Council determine necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, liquidation, and the Federal and non-Federal share.

"(D) NON-FEDERAL SHARE.—The designated State agency, if other than the Council, shall provide the required non-Federal share defined in section 125A(c).

"(E) ASSURANCES.—The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.

"(F) MEMORANDUM OF UNDERSTANDING.—On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

"(4) USE OF FUNDS FOR DESIGNATED STATE AGENCY RESPONSIBILITIES.—

"(A) NECESSARY EXPENDITURES OF STATE DESIGNATED AGENCY.—At the request of any State, a portion of any allotment or allotments of such State under this part for any fiscal year shall be available to pay up to one-half (or the entire amount if the Council is the designated State agency) of the expenditures found necessary by the Secretary for the proper and efficient exercise of the functions of the State designated agency, except that not more than 5 percent of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be made available for the total expenditure for such purpose by the State agency designated under this subsection.

"(B) CONDITION FOR FEDERAL FUNDING.—Amounts shall be provided under subparagraph (A) to a State for a fiscal year only on condition that there shall be expended from State sources for carrying out the responsibilities of the designated State agency under paragraph (3) not less than the total amount expended for carrying out such responsibilities from such sources during the previous fiscal year, except in such year as the Council may become the designated State agency.

"(C) SUPPORT SERVICES PROVIDED BY OTHER AGENCIES.—With the agreement of the designated State agency, the Council may use or contract with agencies other than the designated State agency to perform the functions of the designated State agency.

"(e) 1990 REPORT.—Not later than January 1, 1990, each Council shall complete the reviews, analyses, and final report described in this section.

"(1) COMPREHENSIVE REVIEW AND ANALYSIS.—Each Council shall conduct a comprehensive review and analysis of the eligibility for services provided and the extent, scope, and effectiveness of, services provided and functions performed by, all State agencies (including agencies that provide public assistance) that affect or that potentially affect the ability of individuals with developmental disabilities to achieve the goals of independence, productivity, and integration and inclusion into the community, including individuals with developmental disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.

"(2) CONSUMER SATISFACTION.—Each Council shall conduct a review and analysis of the effectiveness of, and consumer satisfaction with, the functions performed by, and services provided or paid for from Federal and State funds by, each of the State agencies (including agencies that provide public assistance) responsible for performing functions for, and providing services to, all individuals with developmental disabilities in the State. Such review and analysis shall be based upon a survey of a representative sample of individuals with developmental disabilities receiving services from each such agency, and if appropriate, shall include such individuals' families.

"(3) PUBLIC REVIEW AND COMMENT.—Each Council shall convene public forums, after the provision of notice within the State, in order to—

"(A) present the findings of the reviews and analyses prepared under paragraphs (1) and (2);

"(B) obtain comments from all interested individuals in the State regarding the unserved and underserved populations of individuals with developmental disabilities that result from physical impairment, mental impairment, or a combination of physical and mental impairments; and

"(C) obtain comments on any proposed recommendations concerning the removal of barriers to services for individuals with developmental disabilities and to connect such services to existing State agencies by recommending the designation of one or more State agencies, as appropriate, to be responsible for the provision and coordination of such services.

"(4) BASIS FOR STATE PLAN.—Each Council shall utilize the information developed pursuant to paragraphs (1), (2), and (3) in developing the State plan.".

SEC. 208. STATE ALLOTMENTS.

(a) SECTION HEADING.—Section 125 (42 U.S.C. 6025) is amended—

(1) by striking "SEC. 125."; and

(2) in the section heading, by striking "STATE ALLOTMENTS" and inserting the following new section heading:

"SEC. 125. STATE ALLOTMENTS.".

(b) ALLOTMENTS.—Section 125 (42 U.S.C. 6025) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by realigning the margins of subparagraphs (A), (B), and (C) so as to align with the margin of subparagraph (A) of paragraph (4); and

(ii) by realigning the margin of the matter following subparagraph (C) so as to align with the margin of paragraph (3);

(B) by striking "(a)(1) For" and inserting the following:

"(a) ALLOTMENTS.—

"(1) IN GENERAL.—For";

(C) in paragraph (2)—

(i) by striking "(2) Adjustments" and inserting the following:

"(2) ADJUSTMENTS.—Adjustments";

(ii) by striking "may be" and inserting "shall be"; and

(iii) by striking "not less" and inserting "and the percentage of the total appropriation for each State not less";

(D) in paragraph (3)—

(i) by striking "(3)(A) Except" and all that follows through "September 30, 1990." and inserting the following:

"(3) MINIMUM ALLOTMENT FOR APPROPRIATIONS LESS THAN OR EQUAL TO $75,000,000.—

"(A) IN GENERAL.—Except as provided in paragraph (4), for any fiscal year the allotment under this section—

"(i) to each of American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau (until the Compact of Free Association with Palau takes effect) may not be less than the greater of—

"(I) $210,000; or

"(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)); and

"(ii) to any State not described in clause (i), may not be less than the greater of—

"(I) $410,000; or

"(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)).."; and

(ii) by striking "(B) Notwithstanding" and inserting the following:

"(B) REDUCTION OF ALLOTMENT.—Notwithstanding";

(E) in paragraph (4), to read as follows:

"(4) MINIMUM ALLOTMENT FOR APPROPRIATIONS IN EXCESS OF $75,000,000.—

"(A) IN GENERAL.—In any case in which amounts appropriated under section 130 for a fiscal year exceeds $75,000,000, the allotment under this section for such fiscal year—

"(i) to each of American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands or the Republic of Palau (until the Compact of Free Association with Palau takes effect) may not be less than the greater of—

"(I) $220,000; or

"(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)); and

"(ii) to any State not described in clause (i) may not be less than the greater of—

"(I) $450,000; or

"(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)).

"(B) REDUCTION OF ALLOTMENT.—The requirements of paragraph (3)(B) shall apply with respect to amounts to be allotted to States under subparagraph (A), in the same manner and to the same extent as such requirements apply with respect to amounts to be allotted to States under paragraph (3)(A).";

(F) in paragraph (5)—

(i) by striking "In determining" and inserting "STATE SUPPORTS, SERVICES, AND OTHER ACTIVITIES.—In determining"; and

(ii) by striking, "section 122(b)(2)(C)" and inserting "section 122(c)(3)(A)"; and

(G) in paragraph (6), by striking "In any case" and inserting "INCREASE IN ALLOTMENTS.—In any case";

(2) in subsection (b), by striking "Any amount" and inserting "UNOBLIGATED FUNDS.—Any amount";

(3) by redesignating subsections (c) and (d) as subsection (d) and (e), respectively;

(4) by inserting after subsection (b) the following new subsection:

"(c) OBLIGATION OF FUNDS.—For the purposes of this part, State Interagency Agreements are considered valid obligations for the purpose of obligating Federal funds allotted to the State under this part.";

(5) in subsection (d) (as redesignated by paragraph (3)), by striking "Whenever" and inserting "COOPERATIVE EFFORTS BETWEEN STATES.—Whenever"; and

(6) in subsection (e) (as redesignated by paragraph (3)), by striking "The amount" and inserting "REALLOTMENTS.—The amount".

SEC. 207. FEDERAL SHARE AND NON-FEDERAL SHARE.

Part B of title I of the Act is amended by inserting after section 125 (42 U.S.C. 6025) the following new section:

"SEC. 125A. FEDERAL AND NON-FEDERAL SHARE.

"(a) AGGREGATE COSTS.—The Federal share of all projects in a State supported by an allotment to the State under this part may not exceed 75 percent of the aggregate necessary costs of all such projects as determined by the Secretary, except that—

"(1) in the case of projects whose activities or products target individuals with developmental disabilities who live in urban or rural poverty areas, the Federal share of all such projects may not exceed 90 percent of the aggregate necessary costs of such projects or activities, as determined by the Secretary; and

"(2) in the case of projects or activities undertaken by the Council or Council staff to implement State plan priority activities, the Federal share of all such activities may be up to 100 percent of the aggregate necessary costs of such activities.

"(b) NONDUPLICATION.—In determining the amount of any State's Federal share of the expenditures incurred by such State under a State plan approved under section 122, the Secretary shall not consider—

"(1) any portion of such expenditures that are financed by Federal funds provided under any provision of law other than section 125, and

"(2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

"(c) NON-FEDERAL SHARE.—

"(1) IN KIND CONTRIBUTIONS.—The non-Federal share of the cost of any project assisted by a grant or an allotment under this part may be provided in kind.

"(2) CONTRIBUTIONS OF POLITICAL SUBDIVISIONS, PUBLIC, OR PRIVATE ENTITIES.—

"(A) IN GENERAL.—Expenditures on projects or activities by a political subdivision of a State or by a public or private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe, be considered to be expenditures by such State in the case of a project under this part.

"(B) STATE CONTRIBUTIONS.—State contributions, including contributions by the designated State agency to provide support services to the Council pursuant to section 124(d)(4), may be counted as part of such State's non-Federal share of allotments under this part.

"(3) VARIATIONS OF THE NON-FEDERAL SHARE.—The non-Federal share required on a grant-by-grant basis may vary.".

SEC. 208. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.

Section 126 (42 U.S.C. 6026) is amended—

(1) by striking "SEC. 126." and inserting "(a) STATE PLAN EXPENDITURES.—";

(2) in the section heading, by striking "PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION AND SERVICES" and inserting the following new section heading:

"SEC. 126. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.";

and

(3) by adding at the end the following new subsection:

"(b) SUPPORT SERVICES.—Payments to States for support services provided by the designated State agency pursuant to section 124(d)(4) may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.".

SEC. 209. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.

Section 127 (42 U.S.C. 6027) is amended—

(1) in the matter preceding paragraph (1), by striking "SEC. 127.";

(2) in the section heading by striking "WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION AND SERVICES" and inserting the following new section heading:

"SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.";

and

(3) in paragraph (1), by striking "sections" and inserting "section".

SEC. 210. NONDUPLICATION.

Section 128 (42 U.S.C. 6028) is repealed.

SEC. 211. APPEALS BY STATES.

Section 129 (42 U.S.C. 6029) is amended—

(1) by striking "SEC. 129."; and

(2) in the section heading, by striking "APPEALS BY STATES" and inserting the following new section heading:

"SEC. 129. APPEALS BY STATES.".

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

Section 130 (42 U.S.C. 6030) is amended by striking "$77,600,000" and all that follows and inserting the following: "$70,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.".

SEC. 213. REVIEW, ANALYSIS, AND REPORT.

(a) REVIEW AND ANALYSIS.—The Secretary of Health and Human Services shall review and analyze the allotment formula in effect under parts B and C of title I of the Developmental Disabilities Assistance and Bill of Rights Act prior to the date of enactment of this Act, including the factors described in such parts, and the data elements and measures used by the Secretary, to determine whether such formula is consistent with the purpose of the Act.

(b) ALTERNATIVE FORMULAS.—The Secretary of Health and Human Services shall identify alternative formulas for allocating funds, consistent with the purpose of this Act.

(c) REPORT.—Not later than October 1, 1995, the Secretary of Health and Human Services shall submit a report on the review conducted under subsection (a) and a copy of the alternative formulas identified under subsection (b) to the Committee on Labor and Human Resources of the Senate and to the Committee on Energy and Commerce of the House of Representatives.

TITLE III—PROTECTION AND ADVOCACY OF THE RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 301. PART HEADING.

The heading of part C of title I of the Act is amended to read as follows:

"PART C—PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS".

SEC. 302. PURPOSE.

Section 141 (42 U.S.C. 6041) is amended—

(1) by striking "SEC. 141.";

(2) in the section heading, by striking "PURPOSE" and inserting the following new section heading:

"SEC. 141. PURPOSE.";

(3) by striking "system" and inserting "Protection and Advocacy system (hereafter referred to in this part as the 'system')"; and

(4) by striking "persons" and inserting "individuals".

SEC. 303. SYSTEM REQUIRED.

(a) SECTION HEADING.—Section 142 (42 U.S.C. 6042) is amended—

(1) by striking "SEC. 142."; and

(2) in the section heading, by striking "SYSTEM REQUIRED" and inserting the following new section heading:

"SEC. 142. SYSTEM REQUIRED.".

(b) SYSTEM.—Section 142 (42 U.S.C. 6042) is amended—

(1) in subsection (a)—

(A) by striking "In order" and inserting "SYSTEM REQUIRED.—In order";

(B) in paragraph (1), by striking "persons" and inserting "individuals";

(C) in paragraph (2)—

(i) by striking "persons" each place such term appears and inserting "individuals";

(ii) in subparagraph (A), by striking "minority" and inserting "ethnic and racial minority";

(iii) by striking subparagraph (C);

(iv) in subparagraph (E), by striking "Planning Council" and inserting "Developmental Disabilities Council authorized under part B";

(v) in subparagraph (F), by striking "and" at the end thereof; and

(vi) in subparagraph (G)—

(I) in clause (i), by striking "person" each place such term appears and inserting "individual";

(II) in the matter preceding subclause (I) of clause (ii), by striking "person" and inserting "individual";

(III) in clause (ii)(I), by striking "by reason of the mental or physical condition of such person" and inserting "by reason of such individual's mental or physical condition";

(IV) in clause (ii)(III), by striking "person" and inserting "individual";

(V) in clause (iii), by realigning the margins of subclauses (I), (II), and (III) so as to align with the margins of subclauses (I), (II), and (III) of clause (ii);

(VI) in clause (iii), by striking "(iii) any" and inserting the following:

"(iii) any"; and

(VII) in clause (iii)(III), by striking "person" and inserting "individual";

(vii) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (I), respectively;

(viii) by inserting after subparagraph (B) the following new subparagraphs:

"(C) on an annual basis, develop a statement of objectives and priorities for the system's activities; and

"(D) on an annual basis, provide to the public, including individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical or mental impairments, and their representatives, as appropriate, non-State agency representatives of the State Developmental Disabilities Council, and the university affiliated program (if applicable within a State), an opportunity to comment on—

"(i) the objectives and priorities established by the system and the rationale for the establishment of such objectives; and

"(ii) the activities of the system, including the coordination with the advocacy programs under the Rehabilitation Act of 1973, the Older Americans Act of 1965, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and with other related programs, including the parent training and information centers, education ombudsman programs and assistive technology projects;";

(ix) by inserting after subparagraph (G), as so redesignated in clause (vii), the following new subparagraph:

"(H) have access at reasonable times and locations to any resident who is an individual with a developmental disability in a facility that is providing services, supports, and other assistance to such a resident;";

(x) by adding at the end the following new subparagraphs:

"(J) hire and maintain sufficient numbers and types of staff, qualified by training and experience, to carry out such system's function except that such State shall not apply hiring freezes, reductions in force, prohibitions on staff travel, or other policies, to the extent that such policies would impact staff or functions funded with Federal funds and would prevent the system from carrying out its functions under this Act;

"(K) have the authority to educate policymakers; and

"(L) provide assurances to the Secretary that funds allotted to the State under this section will be used to supplement and increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds;";

(D) by striking paragraphs (3) and (5);

(E) in paragraph (4)—

(i) by striking "the State" and all that follows through "provided with" and inserting "the State must provide to the system";

(ii) by striking "1902(a)(31)(B)" and inserting "1902(a)(31)"; and

(iii) by redesignating such paragraph as paragraph (3); and

(F) by adding at the end the following new paragraph:

"(4) the agency implementing the system will not be redesignated unless there is good cause for the redesignation and unless—

"(A) notice has been given of the intention to make such redesignation to the agency that is serving as the system including the good cause for such redesignation and the agency has been given an opportunity to respond to the assertion that good cause has been shown;

"(B) timely notice and opportunity for public comment in an accessible format has been given to individuals with developmental disabilities or their representatives; and

"(C) the system has the opportunity to appeal to the Secretary that the redesignation was not for good cause.";

(2) in subsection (b)—

(A) by striking "(b)(1) To" and inserting the following:

"(b) ALLOTMENTS.—

"(1) IN GENERAL.—To";

(B) in paragraph (1)—

"(i) in subparagraph (A), to read as follows:

"(A) the total amount appropriated under section 143 for a fiscal year is at least $20,000,000—

"(i) the allotment of each of American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect) for such fiscal year may not be less than the greater of—

"(I) $107,000; or

"(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)); and

"(ii) the allotment of any State not described in clause (i) for such fiscal year may not be less than the greater of—

"(I) $200,000; or

"(II) the greater of the allotments received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)).."; and

(ii) in subparagraph (B), to read as follows:

"(B) the total amount appropriated under section 143 for a fiscal year is less than $20,000,000—

"(i) the allotment of each of American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect) for such fiscal year may not be less than the greater of—

"(I) $80,000; or

"(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)); and

"(ii) the allotment of any State not described in clause (i) for such fiscal year may not be less than the greater of—

"(I) $150,000; or

"(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)).";

(C) by realigning the margins of subparagraphs (A) and (B) of paragraph (2) so as to align with subparagraphs (A) through (C) of subsection (a)(4);

(D) by realigning the margins of paragraphs (2) through (4) so as to align with paragraph (4) of subsection (a);

(E) in paragraph (2), by striking "In any case" and inserting "INCREASE IN ALLOTMENTS.—In any case";

(F) in paragraph (3), by striking "A State" and inserting "MONITORING THE ADMINISTRATION OF THE SYSTEM.—A State";

(G) in paragraph (4), by striking "Notwithstanding" and inserting "REDUCTION OF ALLOTMENT.—Notwithstanding"; and

(H) by inserting at the end the following new paragraph:

"(5) TECHNICAL ASSISTANCE AND AMERICAN INDIAN CONSORTIUM.—In any case in which amounts appropriated under section 143 for a fiscal year exceeds $24,500,000, the Secretary shall—

"(A) use not more than 2 percent of the amounts appropriated to provide technical assistance (consistent with requests by such systems for such assistance in the year that appropriations reach $24,500,000) to eligible systems with respect to activities carried out under this title; and

"(B) provide grants in accordance with paragraph (1)(A)(i) to American Indian Consortiums to provide protection and advocacy services.";

(3) in subsection (c), by striking "Any amount" and inserting "UNOBLIGATED FUNDS.—Any amount";

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "In States" and inserting "GOVERNING BOARD.—In States";

(B) in paragraph (1), by inserting before the semicolon "and include individuals with developmental disabilities who are eligible for services, or have received or are receiving services or parents, family members, guardians, advocates, or authorized representatives of such individuals";

(C) in paragraph (2), by striking "and" at the end thereof;

(D) in paragraph (3), by striking the period and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(4) in States in which the system is organized as a public system without a multimember governing or advisory board, the system shall establish an advisory council that shall—

"(A) advise the system on policies and priorities to be carried out in protecting and advocating the rights of individuals with developmental disabilities; and

"(B) consist of a majority of individuals with developmental disabilities who are eligible for services, or have received or are receiving services, or parents, family members, guardians, advocates, or authorized representatives of such individuals.";

(5) in subsection (e), by striking "As used" and inserting "RECORDS.—As used";

(6) in subsection (f)—

(A) by striking "If the" and inserting "ACCESS TO RECORDS.—If the"; and

(B) in the matter preceding paragraph (1) by striking "persons" and inserting "individuals";

(7) in subsection (g)—

(A) by striking "(g)(1) Nothing" and inserting the following:

"(g) LEGAL ACTION.—

"(1) IN GENERAL.—Nothing";

(B) in paragraph (1), by striking "persons" and inserting "individuals"; and

(C) in paragraph (2), by striking "(2) Amounts" and inserting the following:

"(2) USE OF AMOUNTS FROM JUDGMENT — Amounts";

(8) in subsection (h), by striking "Notwithstanding" and inserting "PAYMENT TO SYSTEMS.—Notwithstanding";

(9) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively.

(10) by inserting after subsection (a) the following new subsection:

"(b) AMERICAN INDIAN CONSORTIUM.—Upon application to the Secretary, an American Indian consortium, as defined in section 102, established to provide protection and advocacy services under this part, shall receive funding pursuant to subsection (c)(5). Such consortium shall coordinate activities with existing systems."; and

(11) by adding at the end the following new subsections:

"(j) DISCLOSURE OF INFORMATION.—For purposes of any periodic audit, report, or evaluation required under this Act, the Secretary shall not require a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

"(k) PUBLIC NOTICE OF FEDERAL ONSITE REVIEW.—The Secretary shall provide advance public notice of any Federal programmatic and administrative review and solicit public comment on the system funded under this part through such notice. The findings of the public comment solicitation notice shall be included in the onsite visit report. The results of such review shall be distributed to the Governor of the State and to other interested public and private parties.".

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 143 (42 U.S.C. 6043) is amended—

(1) by striking "SEC. 143.";

(2) in the section heading, by striking "AUTHORIZATION OF APPROPRIATIONS" and inserting the following new section heading:

"SEC. 143. AUTHORIZATION OF APPROPRIATIONS.";

(3) by striking "$24,200,000 for fiscal year 1991" and inserting "$24,000,000 for fiscal year 1994"; and

(4) by striking "fiscal years 1992 and 1993" and inserting "fiscal years 1995 and 1996".

TITLE IV—UNIVERSITY AFFILIATED PROGRAMS

SEC. 401. PART HEADING.

The heading of part D of title I of the Act is amended to read as follows:

"PART D—UNIVERSITY AFFILIATED PROGRAMS".

SEC. 402. PURPOSE.

Section 151 (42 U.S.C. 6061) is amended to read as follows:

"SEC. 151. PURPOSE AND SCOPE OF ACTIVITIES.

"The purpose of this part is to provide for grants to university affiliated programs that are interdisciplinary programs operated by universities, or by public or nonprofit entities associated with a college or university, to provide a leadership role in the promotion of independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities through the provision of the following activities, which are conducted in a culturally competent manner:

"(1) Interdisciplinary preservice preparation of students and fellows, including the preparation of leadership personnel.

"(2) Community service activities that shall include community training and technical assistance for or with individuals with developmental disabilities, family members of individuals with developmental disabilities, professionals, paraprofessionals, students, and volunteers. Such activities may include state-of-the-art direct services including family support, individual support, personal assistance services, educational, vocational, clinical, health, prevention, or other direct services.

"(3) Dissemination of information and research findings, which may include the empirical validation of activities relevant to the purposes described in paragraphs (1) and (2) and contributions to the development of new knowledge in the field of developmental disabilities.".

SEC. 403. GRANT AUTHORITY.

(a) SECTION HEADING.—Section 152 (42 U.S.C. 6062) is amended—

(1) by striking "SEC. 152."; and

(2) in the section heading, by striking "GRANT AUTHORITY" and inserting the following new section heading:

"SEC. 152. GRANT AUTHORITY.".

(b) AUTHORITY.—Section 152 (42 U.S.C. 6062) is amended—

(1) in subsection (a)—

(A) by striking "From appropriations" and inserting "ADMINISTRATION AND OPERATION.—From appropriations"; and

(B) by striking "102(18)." and inserting "151. Grants may be awarded for a period not to exceed 5 years.";

(2) in subsection (b), to read as follows:

"(b) TRAINING PROJECTS.—

"(1) IN GENERAL.—From amounts appropriated under section 156(a), the Secretary shall make grants to university affiliated programs receiving grants under subsection (a) to support training projects to train personnel to address the needs of individuals with developmental disabilities in areas of emerging national significance, as described in paragraph (3). Grants awarded under this subsection shall be awarded on a competitive basis and may be awarded for a period not to exceed 5 years.

"(2) ELIGIBILITY LIMITATIONS.—A university affiliated program shall not be eligible to receive funds for training projects under this subsection unless—

"(A) such program has operated for at least 1 year; or

"(B) the Secretary determines that such program has demonstrated the capacity to develop an effective training project during the first year such program is operated.

"(3) AREAS OF FOCUS.—Training projects under this subsection shall train personnel to address the needs of individuals with developmental disabilities in the areas of emerging national significance described in subparagraphs (A) through (H).

"(A) EARLY INTERVENTION.—Grants under this subsection for training projects with respect to early intervention services shall be for the purpose of assisting university affiliated programs in providing training to family members of children with developmental disabilities and personnel from all disciplines involved with interdisciplinary intervention to infants, toddlers, and preschool age children with developmental disabilities. Such training projects shall include instruction on family-centered, community-based, coordinated care for infants, toddlers, and preschool age children with developmental disabilities and their families.

"(B) AGING.—Grants under this subsection for training projects with respect to aging and developmental disabilities shall be for the purpose of supporting the planning, design, and implementation of coordinated interdisciplinary training programs between existing aging or gerontological programs and university affiliated programs in order to prepare professional staff to provide services for aging individuals with developmental disabilities and their families.

"(C) COMMUNITY SERVICES.—Grants under this subsection for training projects with respect to community services shall be for the purpose of providing training that enhances direct supports and services for individuals with developmental disabilities, including training to community members, families, individuals with developmental disabilities, and community-based direct service providers. The Secretary shall ensure that all grants under this subparagraph are made only to university affiliated programs that involve community-level direct support services in the preparation of the application for such grant and that assure that any training under the university affiliated program will be coordinated with local community services and support systems and with State, local, and regional governmental or private agencies responsible for the planning or delivery of services to individuals with developmental disabilities.

"(D) POSITIVE BEHAVIORAL SUPPORTS.—Grants awarded under this subsection for training projects with respect to positive behavioral supports shall be for the purpose of assisting university affiliated programs in providing training to family members of individuals with developmental disabilities and personnel in methods of developing individual supports that maximize opportunities for independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities and severe behavior problems. Such training projects shall provide training to—

"(i) address ethical and legal principles and standards, including the role of personal and cultural values in designing assessments and interventions;

"(ii) address appropriate assessment approaches that examine the range of factors that contribute to problem behavior;

"(iii) address the development of a comprehensive plan that considers the needs and preferences of an individual with a developmental disability;

"(iv) address the competence in the types of skills training, environmental modification, and incentive procedures that encourage alternative behaviors;

"(v) familiarize training participants with crisis intervention approaches and the separate role of such approaches as short-term emergency procedures;

"(vi) familiarize training participants with medical interventions and how to evaluate the effect of such interventions on behavior; and

"(vii) address techniques for evaluating the outcomes of interventions.

"(E) ASSISTIVE TECHNOLOGY SERVICES.—Grants under this subsection for training projects with respect to assistive technology services shall be for the purpose of assisting university affiliated programs in providing training to personnel who provide, or will provide, assistive technology services and devices to individuals with developmental disabilities and their families. Such projects may provide training and technical assistance to improve access to assistive technology services for individuals with developmental disabilities and may include stipends and tuition assistance for training project participants. Such projects shall be coordinated with State technology coordinating councils wherever such councils exist.

"(F) AMERICANS WITH DISABILITIES ACT.—Grants under this subsection for training projects with respect to the provisions of the Americans with Disabilities Act of 1990 shall be for the purpose of assisting university affiliated programs in providing training to personnel who provide, or will provide, services to individuals with developmental disabilities, and to others concerned with individuals with developmental disabilities.

"(G) COMMUNITY TRANSITION.—Grants under this subsection for training projects with respect to transition from school to adult life shall be for the purpose of assisting university affiliated programs in providing training to individuals with developmental disabilities and their families, generic community agencies, advocacy organizations, and others in order to stimulate the development and improvement of policies, procedures, systems, and other mechanisms that prepare youth with developmental disabilities to enter adult life. Such projects shall be coordinated with State transition projects funded under section 626(e) of the Individuals with Disabilities Education Act, where such State transition projects exist.

"(H) OTHER AREAS.—Grants under this subsection for training projects with respect to programs in other areas of national significance shall be for the purpose of training personnel in an area of special concern to the university affiliated program, and shall be developed in consultation with the State Developmental Disabilities Council.

"(4) COURSES, TRAINEESHIPS AND FELLOWSHIPS.—Grants under this subsection may be used by university affiliated programs to—

"(A) assist in paying the costs of courses of training or study for personnel to provide services for individuals with developmental disabilities and their families; and

"(B) establish fellowships or traineeships providing such stipends and allowances as may be determined by the Secretary.

"(5) PROHIBITED ACTIVITIES.—Grants awarded under this subsection shall not be used for administrative expenses for the university affiliated program under subsection (a).

"(6) CRITERIA.—Grants awarded under this subsection shall meet the criteria described in subparagraphs (A) and (B).

"(A) APPLICATION.—An application that is submitted for a grant under this subsection shall present evidence that training projects assisted by funds awarded under this section are—

"(i) competency and value based;

"(ii) designed to facilitate independence, productivity, and integration and inclusion for individuals with developmental disabilities; and

"(iii) evaluated utilizing state-of-the-art evaluation techniques in the programmatic areas selected.

"(B) GENERAL PROJECT REQUIREMENTS.—Training projects under this subsection shall—

"(i) represent state-of-the-art techniques in areas of critical shortage of personnel that are identified through consultation with the consumer advisory committee described in section 153(d) and the State Developmental Disabilities Council;

"(ii) be conducted in consultation with the consumer advisory committee described in section 153(d) and the State Developmental Disabilities Council;

"(iii) be integrated into the appropriate university affiliated program and university curriculum;

"(iv) be integrated with relevant State agencies in order to achieve an impact on statewide personnel and service needs;

"(v) to the extent practical, be conducted in environments where services are actually delivered;

"(vi) to the extent possible, be interdisciplinary in nature;

"(vii) utilize strategies to recruit and train members from racial and ethnic minority backgrounds and individuals with disabilities; and

"(viii) address the issue of cultural competence in the training provided.";

(3) in subsection (c)—

(A) by striking "From amounts appropriated under section 154(b)" and inserting "SUPPLEMENTAL AWARDS.—From amounts appropriated under section 156(a)";

(B) in paragraph (1)—

(i) by striking "service-related training to persons" and inserting "interdisciplinary training, community training and technical assistance, community services, or dissemination of information to individuals";

(ii) by striking "integration into the community of persons with developmental disabilities" and inserting "integration and inclusion into the community of individuals with developmental disabilities and not otherwise specified in subsection (b)"; and

(iii) by striking "persons" each place such term appears and inserting "individuals";

(C) in paragraph (2)—

(i) by striking "(A) the" and inserting "the";

(ii) by striking "persons" and inserting "individuals";

(iii) by striking "(B) the" and inserting "the"; and

(iv) by striking "parents" and inserting "family members";

(4) by striking subsection (d);

(5) in subsection (e)—

(A) by striking "(e) From amounts appropriated under section 154(a)" and inserting "(d) FEASIBILITY STUDIES.—From amounts appropriated under section 156(a)"; and

(B) by striking—

(i) "or a satellite center"; and

(ii) "or satellite center"; and

(6) by striking subsections (f) and (g).

SEC. 404. APPLICATIONS.

(a) SECTION HEADING.—Section 153 (42 U.S.C. 6063) is amended—

(1) by striking "SEC. 153."; and

(2) in the section heading, by striking "APPLICATIONS" and inserting the following new section heading:

"SEC. 153. APPLICATIONS.".

(b) APPLICATIONS.—Section 153 (42 U.S.C. 6063) is amended—

(1) in subsection (a)—

(A) by striking "Not later than six" and inserting: "STANDARDS.—Not later than 12";

(B) by striking "Act of 1984" and inserting "Assistance and Bill of Rights Act Amendments of 1994";

(C) by striking "persons" and inserting "individuals"; and

(D) by striking "section 102(18)" and inserting "section 151";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "No grants" and all that follows through "Such an application" and inserting "ASSURANCES.—The application under subsection (a)";

(B) in paragraph (1), by striking "grant will" and all that follows through "level of such funds," and inserting the following: "grant will—

"(A) not result in any decrease in the use of State, local, and other non-Federal funds for services for individuals with developmental disabilities and for training of individuals to provide such services, which funds would (except for such grant) be made available to the applicant; and

"(B) be used to supplement and, to the extent practicable, increase the level of such funds;";

(C) in paragraph (2), by striking "subsection (a)" each place such term appears and inserting "subsection (b)";

(D) in paragraph (3)—

(i) by striking "persons" each place such term appears and inserting "individuals";

(ii) by striking "treatment, services, or habilitation" and inserting "services"; and

(iii) by striking "the developmentally disabled" and inserting "individuals with developmental disabilities"; and

(E) in paragraph (5)—

(i) by striking "Planning" and inserting "Developmental Disabilities"; and

(ii) by striking "or the satellite center is or will be located";

(3) by striking subsections (c) and (d);

(4) by redesignating subsections (a), (b), and (e) as subsections (b), (c), and (f), respectively;

(5) by inserting after the section heading the following new subsection:

"(a) IN GENERAL.—No grants may be made under section 152(a) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner, and contain such information, as the Secretary may require.";

(6) by inserting after subsection (c), as so redesignated by paragraph (4), the following new subsections:

"(d) CONSUMER ADVISORY COMMITTEE.—The Secretary shall only make grants under section 152(a) to university affiliated programs that establish a consumer advisory committee comprised of individuals with developmental disabilities, family members of individuals with developmental disabilities, representatives of State protection and advocacy systems, State developmental disabilities councils (including State service agency directors), local agencies, and private nonprofit groups concerned with providing services for individuals with developmental disabilities, which may include representatives from parent training and information centers. The consumer advisory committee shall reflect the racial and ethnic diversity of the geographic area served by the university affiliated program.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of any project to be provided through grants under this part may not exceed 75 percent of the necessary cost of such project, as determined by the Secretary, except that if the project activities or products target individuals with developmental disabilities who live in an urban or rural poverty area, the Federal share may not exceed 90 percent of the project's necessary costs as so determined by the Secretary.

"(2) PROJECT EXPENDITURES.—For the purpose of determining the Federal share with respect to any project, expenditures on that project by a political subdivision of the State or by a public or private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe, be considered to be expenditures made by a university affiliated program under this part.";

(7) in subsection (f), as so redesignated by paragraph (4)—

(A) by striking "(f)(1) The Secretary" and inserting the following:

"(f) PEER REVIEW.—

"(1) IN GENERAL.—The Secretary";

(B) in paragraph (1), by striking "Such peer review" and all that follows through "152(b)(1)(D).";

(C) in paragraph (2)—

(i) by striking "(2) Regulations" and inserting the following:

"(2) REGULATIONS.—Regulations"; and

(ii) by striking "experience or training" and inserting "experience and training";

(D) in paragraph (3), to read as follows:

"(3) APPROVAL.—

"(A) IN GENERAL.—The Secretary may approve an application under this part only if such application has been recommended by a peer review group that has conducted the peer review required under paragraph (1).

"(B) APPLICABILITY.—This paragraph shall apply to the approval of grant applications received for fiscal year 1990 and succeeding fiscal years.";

(E) in paragraph (4)—

(i) by striking "(4) The Secretary" and inserting the following:

"(4) ESTABLISHMENT OF PEER REVIEW GROUPS.—The Secretary"; and

(ii) by realigning the margins of subparagraphs (A) and (B) so as to align with the margin of subparagraph (A) of paragraph (3); and

(F) in paragraph (5), by striking "(5) The Secretary" and inserting the following:

"(5) WAIVERS OF APPROVAL.—The Secretary"; and

(8) by adding at the end the following new subsection:

"(g) REVIEW BY OTHER FEDERAL AGENCIES.—The Secretary shall establish such a process for the review of applications for grants under section 152(a) as will ensure, to the maximum extent feasible, that each Federal agency that provides funds for the direct support of the applicant's program reviews the application.".

SEC. 405. GRANT AWARDS.

Section 154 (42 U.S.C. 6064) is amended to read as follows:

"SEC. 154. PRIORITY FOR GRANT AWARDS.

"(a) IN GENERAL.—In awarding and distributing grant funds under this part, the Secretary, subject to the availability of appropriations, shall award and distribute grant funds in accordance with the following order of priorities:

"(1) EXISTING STATE UNIVERSITY AFFILIATED PROGRAMS.—First priority shall be given, with respect to the provision of grant awards under section 152(a) in the amount of $200,000, to an existing State university affiliated program that meets the requirements under section 153.

"(2) UNSERVED STATES.—Second priority shall be given, with respect to the provision of grant

awards under section 152(a) in the amount of $200,000, to a university or public or nonprofit entity associated with a college or university that desires to establish a university affiliated program in a State that is unserved by a university affiliated program as of the date of enactment of the Developmental Assistance and Bill of Rights Act Amendments of 1994.

"(3) TRAINING PROJECTS IN ALL UNIVERSITY AFFILIATED PROGRAMS.—Third priority shall be given, with respect to the provision of grant awards, to each university affiliated program that receives funding under section 152(a) and that meets the eligibility limitations under section 152(b) to the establishment of training projects under section 152(b) in the amount of $90,000 in each such program.

"(4) INCREASED FUNDING FOR TRAINING PROJECTS.—Fourth priority shall be given, with respect to the provision of grant awards, to the provision of an increase in the amount of a training project grant award under section 152(b) to $100,000.

"(5) INCREASED FUNDING FOR UNIVERSITY AFFILIATED PROGRAMS.—Fifth priority shall be given, with respect to the provision of grant awards, to the provision of an increase in the amount of a university affiliated program grant award under section 152(a) to $250,000.

"(6) ADDITIONAL TRAINING.—Sixth priority shall be given, with respect to the provision of grant awards, to an existing university affiliated program in a State that is served by such program under section 152(a) to provide additional training under subsection (b) or (c) of section 152 within such State or other geographic regions, or to a university or public or nonprofit entity associated with a college or university that desires to establish another university affiliated program within such State under section 152(a). All applications submitted to the Secretary for such grant awards shall document plans for coordinating activities with an existing university affiliated program in the State (if applicable) and in consultation with the State Developmental Disabilities Council.

"(b) ADDITIONAL PROGRAMS.—For purposes of making grants under subsection (a)(6), the Secretary shall consider applications for grants for university affiliated programs—

"(1) for States that are currently underserved by a university affiliated program; and

"(2) that are in addition to the total number of university affiliated programs receiving grants under this subsection for the preceding fiscal year.

"(c) SINGLE APPLICATION.—When every State is served by a university affiliated program under section 152(a) in the amount of $200,000 and every such program has been awarded a training grant under section 152(b) in the amount of $90,000, the Secretary may accept applications under such sections in a single application.".

SEC. 406. AUTHORIZATION OF APPROPRIATIONS AND DEFINITION.

Part D of title I (42 U.S.C. 151 et seq.) is amended by adding at the end the following new sections:

"SEC. 155. DEFINITION.

"For purposes of this part, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.

"SEC. 156. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of making grants under subsections (a), (b), (c), and (d) of section 152, there are authorized to be appropriated $19,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) LIMITATION.—With respect to peer review or other activities directly related to peer review, the Secretary may not use—

"(1) for fiscal year 1994, more than $300,000 of the funds made available under subsection (a) for such review or such other activities; and

"(2) for any succeeding fiscal year, more than the amount of the funds made available under paragraph (1) adjusted to take into account the increase in the Consumer Price Index for such fiscal year for such review or such other activities.".

TITLE V—PROJECTS OF NATIONAL SIGNIFICANCE

SEC. 501. PART HEADING.

The heading of part E of title I of the Act is amended to read as follows:

"PART E—PROJECTS OF NATIONAL SIGNIFICANCE".

SEC. 502. PURPOSE.

Section 161 (42 U.S.C. 6081) is amended to read as follows:

"SEC. 161. PURPOSE.

"The purpose of this part is to provide for grants and contracts for projects of national significance that support the development of national and State policy to enhance the independence, productivity, and integration and inclusion of individuals with developmental disabilities through—

"(1) data collection and analysis;

"(2) technical assistance to enhance the quality of State Developmental Disabilities Councils, protection and advocacy systems, and university affiliated programs; and

"(3) other projects of sufficient size and scope that hold promise to expand or improve opportunities for individuals with developmental disabilities, including—

"(A) technical assistance for the development of information and referral systems;

"(B) educating policymakers;

"(C) Federal interagency initiatives;

"(D) the enhancement of participation of racial and ethnic minorities in public and private sector initiatives in developmental disabilities;

"(E) transition of youth with developmental disabilities from school to adult life; and

"(F) special pilots and evaluation studies to explore the expansion of programs under part B to individuals with severe disabilities other than developmental disabilities.".

SEC. 503. GRANT AUTHORITY.

(a) SECTION HEADING.—Section 162 (42 U.S.C. 6082) is amended—

(1) by striking "SEC. 162."; and

(2) in the section heading, by striking "GRANT AUTHORITY" and inserting the following new section heading:

"SEC. 162. GRANT AUTHORITY.".

(b) AUTHORITY.—Section 162 (42 U.S.C. 6082) is amended—

(1) in subsection (a), to read as follows:

"(a) IN GENERAL.—The Secretary—

"(1) shall make grants to and enter into contracts with public or nonprofit private entities for projects of national significance relating to individuals with developmental disabilities to—

"(A) support ongoing data collection on expenditures, residential services and employment, and develop an ongoing data collection system, including data collection on the accomplishments of State Developmental Disabilities Councils, protection and advocacy systems, and university affiliated programs that includes data on the participation of individuals from racial and ethnic minority backgrounds; and

"(B) provide technical assistance (including research, training, and evaluation) that expands or improves the effectiveness of State Developmental Disabilities Councils under part B, protection and advocacy systems under part C, and university affiliated programs under part D, including the evaluation and assessment of the quality of services provided to individuals with developmental disabilities and other activities performed by programs under parts B, C, and D; and

"(2) may make grants to and enter into contracts with public or nonprofit private entities for projects of national significance relating to individuals with developmental disabilities to conduct other nationally significant initiatives of sufficient size and scope that hold promise of expanding or otherwise improving opportunities for individuals with developmental disabilities, including—

"(A) conducting research and providing technical assistance to assist States to develop statewide, comprehensive information and referral and service coordination systems for individuals with developmental disabilities and their families that are culturally competent and that improve supportive living and quality of life opportunities that enhance recreation, leisure, and fitness;

"(B) educating policymakers, including the training of self-advocates and family members of individuals with developmental disabilities;

"(C) pursuing Federal interagency initiatives that enhance the ability of Federal agencies to address the needs of individuals with developmental disabilities and their families;

"(D) expanding or otherwise improving opportunities for individuals with developmental disabilities who are from racial and ethnic minority backgrounds including projects to encourage members of such groups to participate in the Developmental Disabilities Programs authorized under parts B, C, and D, and increase the involvement of students and professionals of such groups in the provision of services to, supports to, and advocacy for, individuals with developmental disabilities; and

"(E) conducting research and providing technical assistance to policymakers concerning the transition of youth with developmental disabilities from school to work and to adult life.";

(2) in subsection (b), to read as follows:

"(b) APPLICATION AND OTHER GRANT REQUIREMENTS.—No grant may be made under subsection (a) unless—

"(1) an application has been submitted to the Secretary in such form, in such manner, and containing such information as the Secretary shall by regulation prescribe and such application has been approved by the Secretary;

"(2) each State in which the applicant's project will be conducted has a State plan approved under section 122;

"(3) the application provides assurances that the human rights of all individuals with developmental disabilities (especially those individuals without familial protection) who are receiving services under projects assisted under this part will be protected consistent with section 110 (relating to the rights of individuals with developmental disabilities);

"(4) the applicant demonstrates, where appropriate, how the project will address, in whole or part, the needs of individuals with developmental disabilities from racial and ethnic minority backgrounds; and

"(5) the Secretary provides to the State Developmental Disabilities Council in such State an opportunity to review the application for such project and to submit its comments on the application.";

(3) in subsection (c), by striking "Not later" and inserting "PRIORITIES FOR GRANTS.—Not later";

(4) in subsection (d)—

(A) by striking "Payments under" and inserting "GRANT PAYMENTS.—Payments under"; and

(B) by inserting before the period in the second sentence ", except as otherwise provided under section 163";

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

(6) by inserting after subsection (a) the following new subsection:

"(b) INVESTIGATIONS.—

"(1) IN GENERAL.—Not later than April 1, 1994, there shall be a special initiative to support grants to investigate the expansion of part B activities to individuals with severe disabilities other than developmental disabilities. Such investigations shall be implemented through the following activities:

"(A) A national study of State Developmental Disabilities Councils that are currently man-

dated under State law or Executive order to focus on individuals with disabilities other than developmental disabilities. Such study shall be completed not later than June 30, 1995.

"(B) Pilot initiatives by not more than five additional State Developmental Disabilities Councils, in consultation with and with the support of the protection and advocacy system and the university affiliated program in such State, to study the implications of such expansion in States in which such Councils are located and to delineate barriers, opportunities, and critical issues. Such initiatives shall be completed not later than January 1996.

"(C) A national study of the process and outcomes of the pilot studies conducted under subparagraph (B). Such study shall be completed not later than May 30, 1996.

"(2) APPLICATION.—No grant may be made under this subsection unless an applicant submits to the Secretary an application, and meets the additional application requirements, under subsection (c).'"; and

(7) by adding at the end thereof the following new subsection:

"(f) LIST OF RECIPIENTS.—Not later than September 1 of each fiscal year, the Secretary shall publish in the Federal Register a list of the recipients of grants and contracts in each of the areas authorized in subsections (a) and (b), including a brief description of the project, and the amount of funds granted to each such project. The amounts for such grants and contracts shall total the amount appropriated under this part for such fiscal year.".

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 163(a) (42 U.S.C. 6083(a)) is amended—

(1) by striking "$3,650,000" and inserting "$4,000,000";

(2) by striking "fiscal year 1991" and inserting "fiscal year 1994"; and

(3) by striking "fiscal years 1992 and 1993" and inserting "fiscal years 1995 and 1996".

(b) LIMITATIONS.—Section 163(b) (42 U.S.C. 6083(b)) is amended to read as follows:

"(b) LIMITATIONS.—

"(1) PROJECTS OF NATIONAL SIGNIFICANCE.—At least 8 percent, but in no event less than $300,000, of the amounts appropriated pursuant to subsection (a) shall be used to carry out the provisions of section 162(a)(1)(B).

"(2) INVESTIGATIONS.—

"(A) IN GENERAL.—The additional authority to fund projects under section 162(b) shall not be construed as requiring the Secretary to supplant funding for other priorities described in this part.

"(B) TIME LINE FOR FUNDING.—If amounts are available to carry out subparagraphs (A), (B), and (C) of section 162(b)(1), the Administration shall provide funding to carry out such subparagraphs not later than May 1 of the fiscal year in which such funds become available.

"(3) PROGRAMMATIC REVIEWS OR OTHER ADMINISTRATIVE ACTIVITIES.—The Secretary may not use the funds made available under subsection (a) for programmatic reviews as prescribed by regulation or other administrative activities under parts B, C, and D.

"(4) TECHNICAL ASSISTANCE FOR PROTECTION AND ADVOCACY SYSTEMS.—If technical assistance to improve the effectiveness of protection and advocacy systems under part C is provided under section 142(c)(5)—

"(A) no funding for the provision of such technical assistance to protection and advocacy systems shall be provided under this part; and

"(B) the amount set aside for technical assistance under section 162(a)(1)(B) shall be proportionally reduced.".

And the House agree to the same.

JOHN D. DINGELL,
HENRY A. WAXMAN,
SHERROD BROWN,
CARLOS J. MOORHEAD,
TOM BLILEY,
Managers on the Part of the House.

EDWARD M. KENNEDY,
TOM HARKIN,
HOWARD M. METZENBAUM,
NANCY LANDON KASSEBAUM,
DAVE DURENBERGER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1284) to extend and improve the Developmental Disabilities Assistance and Bill of Rights Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the Conferees, and minor drafting and clarifying changes.

PART A—GENERAL PROVISIONS

1. Findings, purpose and policy

(a) FINDINGS.—With slightly different wording, both the Senate bill and the House amendment update the findings of the Act.

The House recedes to the Senate and the Senate recedes to the House with an amendment. The amendment inserts a new finding to read as follows:

"there is a need to ensure that services, supports, and other assistance are provided in a culturally competent manner, that individuals from racial and ethnic minority backgrounds are fully included in all activities under this Act, and that greater efforts are made to recruit individuals from minority backgrounds into the field of developmental disabilities."

The amendment shall include the following findings from the Senate bill: (1), (4), (5), and (7). The amendment shall include the following findings from the House amendment: (2), (3), (6), (8), and (9). The new finding shall be number (9) and number (9) in the House amendment shall be renumbered (10).

(b) PURPOSE.—With slightly different wording, both the Senate bill and the House amendment update the purpose of the Act.

The House recedes to the Senate and the Senate recedes to the House, with an amendment. First, the amendment includes the introductory phrase from the Senate bill and inserts the phrase "participate in the design of and" before the phrase "have access to culturally competent services."

Second, paragraph (1) from the House amendment, shall be included and shall be amended by inserting "activities (that are consistent with the policy under subsection (c)(2))" after advocacy.

Third, the amendment shall include paragraphs (2), (3), and (4) from the Senate bill.

(c) POLICY.—With slightly different wording, the Senate bill and the House amendment add a policy section to the Act.

The House recedes to the Senate and the Senate recedes to the House with an amendment. First, the amendment shall include paragraphs (2) and (3) from the House amendment and paragraphs (1), (4), (5), and (6) from the Senate bill.

Second, paragraph (1) is amended by inserting the phrase "often require" before the phrase "the provisions of services, supports and other assistance" and striking the phrase "can improve such individuals' ability".

Third, paragraph (5) is amended by striking "communities accept and support individuals with developmental disabilities" and inserting "with education and support, communities can be responsive to the needs of individuals with developmental disabilities and their families".

Fourth, paragraph (6) is amended by striking "have opportunities" and inserting "should have access to opportunities".

Fifth, the amendment inserts, after paragraph (4), two additional principles to read as follows:

"(5) specific efforts must be made to ensure that individuals from racial and ethnic minority backgrounds enjoy effective and meaningful opportunities for full participation in the developmental disabilities service system;" and

"(6) recruitment efforts within development disabilities at the level of preservice training, community training, practice, administration and policy-making must focus on bringing larger numbers of racial and ethnic minorities into the field in order to provide appropriate skills, knowledge, role models, and sufficient manpower to address the growing needs of an increasingly diverse population;."

Sixth, paragraph (5) and (6) from the Senate bill are renumbered (7) and (8) respectively.

Questions have been raised regarding the meaning of the language in the first full paragraph on page 8 of the House Committee Report No. 103-378 that accompanies H.R. 3505.

In lieu of such language, the conferees make the following statement of Congressional intent:

First, the goals expressed in this Act to promote the greatest possible integration and independence for individuals with development disabilities may not be read as a Federal policy supporting the closure of residential institutions.

Second, the programs established under Parts B and D of the Act shall use the resources made available under this Act in accordance with the purposes and statement of policy set forth in the Act, including to assist States to create community options for individuals and families who state or demonstrate their desire to such options.

Third, Protection and Advocacy systems established under Part C of the Act shall use the resources made available under this Act in accordance with the purposes and statement of policy set forth in the Act, and are authorized to pursue appropriate remedies to address the violation of rights under other laws in all settings, including community, and ICF/MR institutions. This includes responding to ICF/MR reports and correction plans and complaints concerning community placements.

2. Definitions

The Senate bill, but not the House amendment, updates several definitions, adds new definitions, deletes definitions that are obsolete, and alphabetizes the definitions.

The House recedes with an amendment. First, the section is amended by inserting a definition for the term "Culturally Competent" as follows: "The term 'culturally competent' means services, supports or other assistance that are conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language and behaviors of individuals who are receiving services, and in a manner which has the greatest likelihood of ensuring their maximum participation in the program."

econd, the section is amended by insert- a definition for the term "Unserved and derserved" as follows: "The term served and underserved' includes popu- ions such as individuals from racial and nic minority backgrounds, disadvantaged ividuals, individuals with limited-English ficiency, individuals from underserved ge- aphic areas (rural or urban), and specific ups of individuals within the population individuals with developmental disabil- es, including individuals with developmen- disabilities attributable to physical im- rment, mental impairment, or a combina- n of physical and mental impairments."

Third, the section is amended by striking e definition of systemic advocacy.

Federal share

The Senate bill, but not the House amend- ent, repeals section 103 of the Act (Federal are). These provisions are moved to parts and parts D.

The House recedes

Recovery

The Senate bill, but not the House amend- ent, repeals section 105 of the Act (Recov- y).

The House recedes.

State control of operations

The Senate bill, but not the House amend- ent, strikes "facility for persons" and in- rts "programs, services and supports for dividuals" in section 106 of the Act (State ontrol of Operations).

The House recedes. This language conforms the Rehabilitation Act of 1973, as amended the Rehabilitation Act Amendments of 92.

Reports

(a) The Senate bill, but not the House nendment, includes provisions that would low Councils to selectively review the sur- ey reports and correction and reduction ans related to the ICF/MR program, and ummary data that may be available. This places a provision that requires Councils review each report and each plan.

The House recedes.

(b) The Senate bill, but not the House nendment, strikes "1902(a)(31)(C)" in sec- on 107(a)(4) of the Act and inserts 1902(a)(31)(C)." This is simply a more gen- al reference and does not change the intent this provision.

The House recedes.

(c) The Senate bill, but not the House nendment, includes a provision that re- uires Councils and the Secretary to include their annual report a description of trends nd progress made in the State on behalf of ndividuals with developmental disabilities.

The House recedes with an amendment hat strikes "including individuals" and in- erts "particularly individuals" in sections 07(a)(5)(A) and 107(c)(1)(C)(i) of the Act.

(d) The Senate bill, but not the House nendment, includes a provision that re- uires Councils and the Secretary, in their nnual reports, to describe systemic change, apacity building and advocacy activities hat affect individuals with disabilities other han developmental disabilities.

The House recedes.

(e) The Senate bill, but not the House nendment, requires that the State Devel- pmental Disabilities Councils include, in heir annual report to the Secretary, a de- cription of the resources leveraged as a re- ult of Council activities.

The House recedes.

(f) The Senate bill, but not the House nendment, requires that the annual report f the Council include a description of the ouncil's dissemination plans for the annual eport that target affected constituencies nd the general public, and a requirement that the report must be available in accessible formats.

The House recedes.

(g) The Senate bill, but not the House amendment, requires the protection and advocacy systems to include in their annual report to the Secretary a description of the system's priorities for the year, the process used to obtain public input, the nature of the input, and how it was used.

The House recedes.

7. Employment of individuals with disabilities

The Senate bill, but not the House amendment, strikes "Handicapped Individuals" in the heading of section 109 of the Act and inserts "Individuals with Disabilities," and strikes "rehabilitation facilities" and inserts "community rehabilitation programs."

The House recedes.

PART B—FEDERAL ASSISTANCE TO STATE DEVELOPMENTAL DISABILITIES COUNCILS

1. Purpose

The Senate bill, but not the House amendment, updates the purpose of this part by including the concepts of systemic change, capacity building, and advocacy activities for Developmental Disabilities Councils to reflect the overall role of the Council. Also the concepts of consumer and family-centered are added by the bill to reflect the principles that services, supports and other assistance should be provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences, and that individuals with developmental disabilities and their families are the primary decisionmakers regarding the services, supports and other assistance they receive.

The House recedes with an amendment that inserts "activities that are consistent with the policy under section 101(c)(2)" after "advocacy" and inserts "culturally competent" before "services, supports and other assistance."

2. State plan

The Senate bill, but not the House amendment, makes several modifications and additions to the State plan, and significantly reorganizes the section by grouping related provisions together.

The House recedes with an amendment. First, the amendment inserts a new provision after section 122(c)(3)(C)(ii) as amended by the Senate bill, specifying that the examination of the priority areas required in the comprehensive review and analysis, include "an analysis of the barriers which impede full participation by members of unserved and underserved groups". The new provision shall be numbered (iii) and provisions (iii) through (viii) in the Senate bill shall be renumbered (iv) through (ix), respectively.

Second, section 122(c)(3)(C)(ix), as renumbered, is amended by striking "(v)" and inserting "(vi)".

Third, section 122(c)(5)(M) as amended by the Senate bill, is amended by inserting the following at the end of the provision: "except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 124(d)(3)."

3. Habilitation plans

The Senate bill, but not the House amendment, repeals section 123 of the Act.

The House recedes. The conferees note that this section is not relevant for the programs funded under this Act because they do not provide direct treatment or habilitation services to individuals. Instead, a provision is included in the assurances that grantees that provide any direct services funded under part B will be provided in an individualized manner, consistent with unique strengths, resources, priorities, concerns, abilities, and capabilities of an individual.

4. State developmental disabilities councils

The Senate bill, but not the House amendment, significantly reorganizes the section on State Developmental Disabilities Councils.

(a) PURPOSE.—The Senate bill, but not the House amendment, specifies the purpose of the Council.

The House recedes with an amendment that, in section 124(a) as amended by the Senate bill, strikes "conduct" and inserts "promote through", and strikes "on behalf of all individuals with developmental disabilities" and inserts "(consistent with section 101(c)(2)) the development of a consumer and family-centered, comprehensive system and a coordinated array of culturally competent services, supports and other assistance designed to achieve independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities."

(b) COUNCIL MEMBERSHIP.—The Senate bill, but not the House amendment, further specifies procedures for appointments to the Council, rotation of members, and composition of the Council.

The House recedes with an amendment. First, section 124(b)(1) as amended by the Senate bill, is amended by striking "The Council shall coordinate" and inserting "The Council may, at the request of the Governor, coordinate".

Second, section 124(b)(2) as amended by the Senate bill, is amended by striking "and the Secretary, and the Secretary shall contact the Governor".

Third, section 124(b)(5)(B) as amended by the Senate bill, is amended by striking "or immediate relatives" and inserting "and immediate relatives".

(c) COUNCIL RESPONSIBILITIES.—The Senate bill, but not the House amendment, specifies the responsibilities of the Council.

The House recedes with an amendment. First, section 124(c)(1), as amended by the Senate bill, is amended by inserting the "Activities" after "Advocacy" the end of the heading.

Second, section 124(c)(4)(K) as amended by the Senate bill, is amended by striking "expand and enhance the" and inserting "promote the development of a consumer and family-centered, comprehensive system and a coordinated array of culturally competent services, supports and other assistance designed to achieve.".

Third, section 124(c)(6) as amended by the Senate bill, is amended by striking "appropriateness of the designated State agency" and inserting "designated State agency with respect to activities carried out under this Act".

Fourth, section 124(c)(8)(B) as amended by the Senate bill, is amended by striking "that negatively affect the provision of staff support to the Council" and inserting "to the extent that such policies would impact staff or functions funded with Federal funds and would prevent the Council from carrying out its functions under this Act".

Fifth, section 124(c)(9) as amended by the Senate bill, is amended by striking "for case only, based on documented performance evaluations and" and striking "Council directors and staff who are exempt from State personnel policies may be dismissed based only on documented performance criteria."

Sixth, section 124(c) is amended by inserting a new paragraph at the end to read "(12) Nothing in this Act shall be construed to authorize a Council to direct, control, or exercise any policymaking authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act."

Designated state agencies

The Senate bill, but to the House amend-:nt, incorporates provisions related to the :signated State agency into a single sub-:tion, adds a reference to the role of the :ate legislature in the redesignation proc-, replaces the phrase "administrative sup-rt services" with the phrase "support serv-s" to describe the type of services that are vided to the Council by the designated ate agency, clarifies procedures for redes-ation and clarifies the responsibilities of State agency.

The House recedes.

1990 report

The Senate bill, but not the House amend-:nt, groups all provisions related to the re-rt required on January 1, 1990 in one sec-n.

The House recedes. The conferees note that e reviews, analyses and final reports from 1990 Report continue to be used as an im-rtant source of information for Council nning efforts.

State allotments

The Senate bill, but not the House amend-:nt, adds a provision that holds each State rmless at the higher of the fiscal year 1992 fiscal year 1993 levels, with a ratable re-ction if funds are not adequate. The bill s minimum funding levels of $210,000 for nerican Samoa, Guam, the Virgin Islands, rthern Mariana Islands and Palau, and 0,000 for other States if the appropriation less than $75,000,000. For appropriations eater than $75,000,000, the minimum fund-levels are set at $220,000 and $450,000, re-ectively.

The House recedes with an amendment at inserts a new subsection after section (b) of the Act that reads as follows:

c) OBLIGATION OF FUNDS.—For the pur-ses of this Part, State Interagency Agree-ents are considered valid obligations for e purpose of obligating Federal funds al-ted to the State under this Part." The nferees intend to remove any barriers that courage State Developmental Disabilities uncils from entering into interagency reements that accomplish the purposes of e Council. Sections 125 (c) and (d) of the t shall be relettered (d) and (e) respec-ely.

Federal and non-Federal share

The Senate bill, but not the House amend-ent, adds a new section on Federal and n-Federal share. This section groups to-ther related provisions from the Act, in-ding the provision on non-duplication The l adds two new provisions—a waiver of the n-Federal share requirement when Council embers and staff are the implementing ents of State plan priority activities and a rification that Councils may vary the n-Federal share required on a grant-by-ant basis, as long as the total non-Federal are meets the statutory requirements.

The House recedes.

Review, analysis and report

The Senate bill, but not the House amend-ent, directs the Secretary to (1) review and alyze the current allotment formula under rts B and C, including the factors, data ments and measures, to determine wheth-the formula used is consistent with the rpose of the Act, (2) identify alternative ding formulas, consistent with the pur-se of the Act, and (3) report back to the levant Committees in the Senate and the use no later than October 1, 1995.

The House recedes.

Authorization of appropriations

The Senate bill authorizes $77,400,000 for cal year 1994, and such sums for 1995 and 6. The House amendment authorizes $70,000,000 for 1994, and such sums for 1995 and 1996.

The Senate recedes.

PART C—PROTECTION AND ADVOCACY OF THE RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

1. Title of part

The House amendment, but not the Senate bill, changes the title of this part from "Protection and Advocacy of Individual Rights" to "Protection and Advocacy of the Rights of Individuals with Developmental Disabilities."

The Senate recedes.

2. System requirements

The Senate bill adds or modifies several of the requirements of the Protection and Advocacy systems, including the addition of a provision regarding public notice of Federal onsite reviews. The House amendment adds a provision regarding public notice of Federal onsite reviews, which includes a requirement that the results of such reviews shall be distributed to the Governor of the State and to other interested parties.

The House recedes to the Senate and the Senate recedes to the House, with an amendment. First, section 142(a)(2)(A) as amended by the Senate bill, is amended by striking "underserved geographical areas and."

Second, section 142(a)(2)(J) as amended by the Senate bill, is amended by striking all that appears after "reductions in force" and inserting "prohibitions on staff travel, or other policies to the extent that such policies would impact staff or functions funded with Federal funds and would prevent the system from carrying out its functions under this Act;"

Third, the amendment shall include section 142(i) as amended by the House amendment, and such section shall be relettered 142 (k).

3. Authorization of appropriations

The Senate bill authorizes $29,000,000 for fiscal year 1994, and such sums for 1995 and 1996. The House amendment authorizes $24,000,000 for 1994, and such sums for 1995 and 1996.

PART D—UNIVERSITY AFFILIATED PROGRAMS

1. Purpose and scope of activities

The Senate bill, but not the House amendment, revises the description of the purpose and scope of university affiliated programs (UAPs) to incorporate updated concepts about these university-based programs. The description of UAPs recognizes the fact that UAPs are located in, or affiliated with universities and, as such, provide an important foundation for higher education's response to the needs of individuals with developmental disabilities and their families. UAPs contribute to and reflect the overall mission of their host universities; and seek to ensure that the activities, resources, and expertise of the university are responsive to individuals with developmental disabilities and their families, advocacy organizations, and service systems and providers.

The House recedes with an amendment that inserts the phrase "which are conducted in a culturally competent manner" after "the following activities."

2. Grant authority

(a) ADMINISTRATION AND OPERATION.—The Senate bill, but not the House amendment, provides for grant periods of up to 5 years.

The House recedes.

(b) TRAINING PROJECTS.—The Senate bill, but not the House amendment, provides for grant periods of up to 5 years for training projects, updates the descriptions of the training project areas, and adds a new training project area—training in the Americans with Disabilities Act (ADA).

The House recedes with an amendment. First, section 152(b)(3)(D)(i) is amended by inserting "and cultural" after "personal".

Second, an additional area of focus for training projects is inserted, to read as follows:

"(G) COMMUNITY TRANSITION.—Grants under this subsection for training projects with respect to transition from school to adult life shall be for the purpose of assisting university affiliated programs in providing training to individuals with developmental disabilities and their families, generic community agencies, advocacy organizations, and others in order to stimulate the development and improvement of policies, procedures, systems, and other mechanisms that prepare youth with developmental disabilities to enter adult life. Such projects shall be coordinated with State transition projects funded under section 626(e) of the Individuals with Disabilities Education Act, where such State transition projects exist." Section 152(b)(3)(G) as amended by the Senate bill shall be relettered 152(b)(3)(H).

(c) CRITERIA FOR TRAINING PROJECTS.—The Senate bill, but not the House amendment, specifies criteria for training projects and adds a requirement that, to the extent possible, training projects shall address the unique needs of individuals with developmental disabilities from ethnic, cultural, and linguistic minority backgrounds.

The House recedes with an amendment that strikes section 152(b)(6)(B)(vii) and inserts the following:

"(vii) utilize strategies to recruit and train individuals from racial and ethnic minority backgrounds and individuals with disabilities; and

"(viii) address the issue of cultural competence in the training provided."

(d) SUPPLEMENTAL AWARDS.—The Senate bill, but not the House amendment, expands the authority for supplemental awards to include interdisciplinary training, community training, technical assistance, community services, and/or dissemination of information.

The House recedes.

(e) SATELLITE CENTERS.—The Senate bill, but not the House amendment, strikes provisions related to satellite centers.

The House recedes. The Conferees note that significant progress has been made in reaching the goal of establishing a university affiliated program in every State, making new satellite centers unnecessary. The conferees intend that this provision does not affect the status of the university affiliated program activities being conducted in the Pacific Rim (American Samoa, Guam, and the Northern Mariana Islands) through supplemental funding to the Hawaii university affiliated program. It is not the intent of the conferees that the Pacific Rim become an independant university affiliated program as a result of the removal of the authority for satellite centers.

3. Applications

(a) STANDARDS.—The Senate bill, but not the House amendment, directs the Secretary to establish by regulation, standards for university affiliated programs, within 12 months of the enactment of this Act.

The House recedes.

(b) CONSUMER ADVISORY COMMITTEE.—The Senate bill, but not the House amendment, specifies that representatives from Parent Training and Information Centers may be included in the membership of the Consumer Advisory Committee.

The House recedes with an amendment that inserts at the end of section 153(d) the following: "The consumer advisory committee shall reflect the racial and ethnic diver-

sity of the geographic area served by the university affiliated program."

(c) FEDERAL SHARE.—The Senate bill, but not the House amendment, incorporates provisions related to the Federal share from part A of the current law.

The House recedes.

(d) PEER REVIEW.—The Senate bill, but not the House amendment, requires that members of peer review groups be qualified by both experience and training. Current law specifies experience or training.

The House recedes.

4. Grant awards

(a) PRIORITY FOR GRANT AWARDS.—The Senate bill, but not the House amendment, specifies priorities for awarding funds under this part.

The House recedes.

(b) SINGLE APPLICATION.—The Senate bill, but not the House amendment, includes a new provision that allows the Secretary to accept applications under sections 152(a) (administration and operation) and 152(b) (training projects) in the same application when every State has a university affiliated program and every university affiliated program has a training project.

The House recedes.

5. Definition of State

The Senate bill, but not the House amendment, specifies that for the purposes of this part, the term State is defined as the States of the United States, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

The House recedes with an amendment that includes Guam in the definition of State for this part.

6. Authorization of appropriations

(a) The Senate bill, but not the House amendment, authorizes the Secretary to use not more than $300,000 for peer review and related activities.

The House recedes. Conferees encourage the Secretary to use Departmental general operation funds to support these activities to the greatest extent possible and to use funds appropriated under this section for programmatic activities.

(b) The Senate bill authorizes $21,000,000 for fiscal year 1994, and such sums for 1995 and 1996. The House amendment authorizes $19,000,000 for 1994, and such sums for 1995 and 1996.

The Senate recedes.

PART E—PROJECTS OF NATIONAL SIGNIFICANCE

1. Purpose

The Senate bill, but not the House amendment, expands the purpose of this part to provide for grants and contracts to support special pilot projects to explore the expansion of part B programs (State Developmental Disabilities Councils) to individuals with severe disabilities other than developmental disabilities.

The House recedes with an amendment. First, section 161(3)(D) as amended by the Senate bill, is amended by striking "minority participation" and inserting "participation of racial and ethnic minorities" after "enhancement of".

Second, the section is amended by adding "transition of youth with developmental disabilities from school to adult life" to the list of projects that hold promise to expand or improve opportunities for individuals with developmental disabilities.

2. Grant authority

(a) DATA COLLECTION.—The Senate bill, but not the House amendment, directs the Secretary to fund projects to support on-going data collection on expenditures, residential services and employment and to development an ongoing data collection system, including data on the accomplishments of State Developmental Disabilities Councils, protection and advocacy systems, and university affiliated programs.

The House recedes with an amendment that inserts at the end of section 162(a)(1)(A) the following: "that includes data on the participation of individuals from racial and ethnic minority backgrounds."

(b) TECHNICAL ASSISTANCE.—The Senate bill, but not the House amendment, directs the Secretary to fund projects to provide technical assistance that expands or improves the effectiveness of State Developmental Disabilities Councils, protection and advocacy systems, and university affiliated programs.

The House recedes.

(c) OTHER PROJECTS.—The Senate bill, but not the House amendment, specifies other areas for projects of national significance that the Secretary may support through grants and contracts.

The House recedes with an amendment. First, section 162(a)(2)(A) as amended by the Senate bill, is amended by inserting "that are culturally competent and that" after "and their families".

Second, section 162(a)(2)(D) as amended by the Senate bill, is amended by striking "traditionally unserved or underserved (including individuals of ethnic and racial minority groups, and individuals from underserved geographical areas)" and inserting "from racial and ethnic minority backgrounds".

Third, the amendment inserts after section 162(a)(2)(D) as amended by the Senate bill, the following: "(E) conducting research and providing technical assistance to policymakers concerning the transition of youth with developmental disabilities from school to work and to adult life."

(d) SPECIAL INITIATIVES.—The Senate bill, but not the House amendment, directs the Secretary to support grants to conduct an investigation on the expansion of part B programs (Developmental Disabilities Councils) to individuals with severe disabilities other than developmental disabilities.

The House recedes.

(e) GRANT REQUIREMENTS.—The Senate bill, but not the House amendment, specifies the requirements for grants under this part.

The House recedes with an amendment that inserts after section 163(b)(3) as amended by the Senate bill, the following:

"(4) the applicant demonstrates, where appropriate, how the project will address, in whole or part, the needs of individuals with developmental disabilities from racial and ethnic minority backgrounds; and".

(f) LIST OF PROJECT RECIPIENTS.—The Senate bill, but not the House amendment, directs the Secretary to publish, on an annual basis, the recipients, project descriptions and funding levels for all projects funded under this part, and includes the requirement that the amounts for such grants and contracts shall total the amount appropriated under this part for such fiscal year.

The House recedes.

3. Authorizations of appropriations

(a) LIMITATIONS.—The Senate bill, but not the House amendment, specifies that the provision to fund special initiatives on the expansion of part B activities to individuals with disabilities other than developmental disabilities shall not be construed as requiring the Secretary to supplant funding for other priorities described in this part.

The House recedes.

(b) TIME LINE FOR FUNDING.—The Senate bill, but not the House amendment, specifies that funding to carry out the special initiatives shall be provided no later than May 1 of the fiscal year in which such funds become available.

The House recedes.

(c) PROGRAM REVIEWS AND ADMINISTRATIVE ACTIVITIES.—The Senate bill, but not the House amendment, states that the Secretary may not use funds made available under this part for program reviews required by regulation or other administrative activities.

The House recedes.

(d) TECHNICAL ASSISTANCE.—The Senate bill, but not the House amendment, includes the provision that if technical assistance to protection and advocacy systems is funded under part C, then no funding for such activity will be provided under part E.

The House recedes.

JOHN D. DINGELL,
HENRY A. WAXMAN,
SHERROD BROWN,
CARLOS J. MOORHEAD,
TOM BLILEY,
Managers on the Part of the House.
EDWARD M. KENNEDY,
TOM HARKIN,
HOWARD M. METZENBAUM,
NANCY LANDON KASSEBAUM,
DAVE DURENBERGER,
Managers on the Part of the Senate

MULTIFAMILY HOUSING PROPERTY DISPOSITION REFORM ACT OF 1994

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4067) to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4067

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Multifamily Housing Property Disposition Reform Act of 1994".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents

TITLE I—MULTIFAMILY PROPERTY DISPOSITION REFORM

Sec. 101. Multifamily property disposition
Sec. 102. Repeal of State agency multifamily property disposition demonstration.
Sec. 103. Preventing mortgage defaults on multifamily housing projects
Sec. 104. Interest rates on assigned mortgages.
Sec. 105. Authorization of appropriations

TITLE II—OTHER PROGRAM REFORMS

Subtitle A—Home Investment Partnerships Program

Sec. 201. Participation by State agencies or instrumentalities.
Sec. 202. Simplification of program-wide income targeting for rental housing.
Sec. 203. Homeownership units.
Sec. 204. Simplification of matching requirements.
Sec. 205. Repeal of separate audit requirement.
Sec. 206. Environmental review requirements.
Sec. 207. Use of CDBG funds for HOME program expenses.