



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

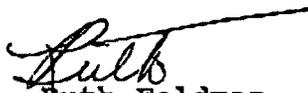
September 14, 1993

NOTE TO STANLEY HERR:

I suggest three options regarding the paragraph on consumer involvement requirements for assessing State progress on page 5 of the appendix to the conferee letter on the House and Senate reauthorization proposals for the Technology-Related Assistance for Individuals with Disabilities Act. These options are based on my understanding that Senate staff are willing to consider the Department's proposed provisions regarding progress reports (see the Administration's bill introduced July 26 as S. 1285). These provisions emphasize descriptions of consumer satisfaction rather than numbers or types of consumers. I believe it would be counterproductive to take a position in the conferee letter that is inconsistent with the Administration's bill; it would also be potentially confusing to add a reporting requirement on "types of consumers." Therefore, I suggest we choose among the following:

1. Retain the paragraph as originally written, since this most accurately reflects the position in the Administration's bill and discussions with congressional staff.
2. Retain the first sentence, delete the remaining portion of the paragraph, and add "We question, however, the usefulness in the Senate bill for information on the numbers of consumers involved; we would prefer a requirement that focuses on the degree of consumer involvement and satisfaction."
3. Drop the entire paragraph. We would prefer to be silent on the issue, which is covered in our bill and the "side-by-side" we shared with congressional staff, than to introduce a new position.

Please let me know as soon as possible which option you prefer so that we can come to closure on this by COB today. Chris Mustain has agreed to accept whatever position we find acceptable. Thanks.


Ruth Feldman
Voice: 401-2670
Fax: 401-3769

cc: C. Mustain



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

Division of Legislative Counsel
(Telephone # - 401-2670)

Telefax Transmittal Sheet
(Telefax # - 401-3769)

TO:

Stanley Herr

FROM:

Ruth Feldman

DATE/TIME:

9/14/93 11:20

PAGES SENT (including transmittal)

2

COMMENTS:

Carol - FYI only, thanks for
your guidance on this first one,
p.s. and see page 4 of this FAX LRM #I-1124
Your a terrific boss! Stan

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

If your response to this request for views is simple (e.g., concur/no comment) we prefer that you respond by faxing us this response sheet. If the response is simple and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a secretary.

You may also respond by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please include the LRM number shown above, and the subject shown below.

TO: Chris MUSTAIN
Office of Management and Budget
Fax Number: (202) 395-6148
Analyst/Attorney's Direct Number: (202) 395-3923
Branch-Wide Line (to reach secretary): (202) 395-7362

FROM: Stanley S. Herr 9-10-93 (Date)

(Name)

Domestic Policy Council (Agency)

456-2372 (Telephone)

SUBJECT: EDUCATION Proposed Report RE: HR 2339,
Technology-Related Assistance for Individuals
with Disabilities Amendments of 1993

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur
_____ No objection
_____ No comment
x _____ See proposed edits on pages 2 & 5
_____ Other: _____
x _____ FAX RETURN of 3 pages, attached to this response sheet

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

If your response to this request for views is **simple** (e.g., concur/no comment) we prefer that you respond by **faxing** us this response sheet. If the response is **simple** and you prefer to call, please **call the branch-wide line** shown below (NOT the analyst's line) to leave a message with a secretary.

You may **also respond** by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please **include** the LRM number shown above, and the **subject** shown below.

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_____ Other: _____
 x FAX RETURN of 3 pages, attached to this
 response sheet

Appendix

may be

enhance the ability of individuals with disabilities to advocate successfully for access to and funding for assistive technology. The Senate authorizes, but does not mandate, other activities under section 101(b). However, under section 102(e), which deals with application requirements, the Senate bill adds new mandates by requiring States to carry out the systemic change activities authorized, but not mandated, under sections 101(b)(2), (3), and (4), unless a State can demonstrate that it meets certain conditions. Because of the reference in section 102(e), States are required to support a large number of activities that are not required under section 101(b). These include the development and evaluation of the efficacy of modal delivery systems for providing and paying for assistive technology; individual case management or representation of persons with disabilities to secure their rights; the establishment or continuation of partnerships and cooperative initiatives among public sector agencies; and the convening of interagency work groups to enhance public funding options and coordinate access to funding for assistive technology. To avoid confusion about the activities that are mandated and to provide for greater State flexibility in developing a program, the requirement in section 102(e)(6)(B) to carry out certain activities should be deleted. *clarified.*

House Bill. The House bill requires States to carry out a very large number of activities under the mandates for systems change, consumer-responsive, and advocacy services activities. Some of these activities are phrased broadly so that States can decide what specific activities should be undertaken to meet the requirement. For example, the House bill requires States to undertake systems change activities that would develop and implement strategies to obtain funds with which individuals with disabilities may obtain assistive technology in State special education, vocational rehabilitation, and medical assistance programs. This requirement, which focuses on outcomes, permits States to design their own specific activities. Other mandated activities, however, are more narrowly phrased and, as a result, leave little room for States to meet their unique needs. For example, the House bill requires States, as part of their systemic change activities, to establish interagency coordinating committees, and, as part of their consumer-responsive activities, to train representatives of underrepresented and rural populations to become service providers. States should have the flexibility to determine whether a committee is the best mechanism for interagency coordination. While we agree that more should be done to encourage minorities and members of other underserved groups to become service providers, we think this issue would be more appropriately addressed through the training programs authorized under other Acts, such as the Rehabilitation Act and the Individuals with Disabilities Education Act.

We strongly recommend that the mandated activities be simplified and reorganized. We further recommend that the mandated activities focus on outcomes so that States can determine what specific activities they need to undertake to develop and implement their statewide systems.

advocacy services. These provisions, which are similar to those currently in place for the redesignation of the provider of client assistance services under the Rehabilitation Act, provide for an orderly process with appropriate public notice and due process protections. The House bill does not appear to allow the Governor to initiate a change in provider for good cause.

Second Extension Grants. We prefer the House provisions that authorize a five-year grant. Awarding a single five-year grant to States is an efficient way of completing implementation of their statewide programs for those States that require additional Federal funds. We recommend, however, that the language be changed to authorize awards of less than five years to ensure that the grant period is consistent with State needs. We also support the House provisions providing for a declining Federal contribution in the fourth and fifth years of the second extension grant, which is consistent with the Act's capacity building purpose and would provide an orderly process for the phase-out of Federal support.

Priority for Second Extension Grant Awards. We support the requirement in current law regarding the factors that must be considered in making awards for extension grants. We also support the clarifications to section 103(b)(2)(D) in the Senate bill. While we strongly agree that population must be considered in determining the size of individual awards, we oppose the House requirement that, when providing increases to States above the amounts provided in fiscal year 1993, the Secretary give priority to the 10 States that have the largest populations and the States that are sparsely populated, with a wide geographic spread. The Secretary should not be required to give priority to a specified number of States.

Assessing State Progress:

Criteria for Determining Significant Progress. We agree that criteria for determining significant progress should be developed. We oppose, however, the requirement in the Senate bill that the Secretary establish regulatory criteria for determining whether a State is making significant progress in developing and implementing its statewide program. Developing regulatory criteria would be extremely burdensome and time consuming, and we do not think they are needed. We believe that the guidelines required in the House version would provide an adequate mechanism for assessing State progress.

question Consumer Involvement. We strongly support requiring States to report on consumer involvement and satisfaction in their annual progress reports. We oppose, however, the requirement in the Senate bill for information on the numbers of consumers involved; this would be ~~burdensome and~~ of questionable usefulness in determining the extent of consumer involvement. *We believe that information on the type or range of consumers involved could be more useful.*

Monitoring Panel. We object to the House provisions that require the Governor to appoint a monitoring panel within 30 days after a State becomes subject to a corrective action plan, specify the composition of this panel, and the activities it is to undertake. We think that a monitoring panel is unnecessary and that the House requirements would be costly.

S1285
21
p. 22

NOTE TO PROPOSED EDITS TO LRM #I-1124

After review of the legislative history and its strong concerns about consumer involvement and greater program accountability, review of both Senate and House bills, conversations with OMB and Department of Education personnel, a reading of the existing legislation codified at 29 U.S.C.A. sections 2201-2271, and consultation with Carol H. Rasco, we believe that we should not oppose the modest requirements designed to increase consumer input and state accountability. Although the revised page 2 of the appendix eliminates an ambiguity, it does not reach this substantive concern. The Senate language criticized at page 2 can be better understood as a conditional nudge to the States than a full-scale mandate. Some additional or alternative language for reporting on consumer involvement is also suggested.

Carol -

See pages 5, and 8
of the FAX for
my suggested comments
and queries. Should
I pass them on to Chris
Muskain Stan

saverdus Tech. LRM

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

August 24, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-1124

TO: Legislative Liaison Officer -

HHS - Frances White - (202)690-7760 - 328
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
TREASURY - Richard S. Carro - (202)622-1146 - 228
NEC - Sonia Mathews - (202)456-6722 - 429
NSF - Lawrence Rudolph - (202)357-9435 - 248
OSTP - Susanne Bachtel - (202)456-7116 - 288
NCD - - (202)267-3846 - 279
OCA - Patricia Faley - (202)634-9610 - 286

FROM: Chris J. MUSTAIN (for) 
Assistant Director for Legislative Reference

OMB CONTACT: Chris MUSTAIN (395-3923)
Secretary's line (for simple responses): 395-7362

SUBJECT: EDUCATION Proposed Report RE: HR 2339,
Technology-Related Assistance for Individuals
with Disabilities Amendments of 1993

DEADLINE: 2:00 PM August 31, 1993

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:

Barbara Selfridge
Barry White
Lisa Fairhall
Mary Cassell
Richard Popper
Shannah Koss
Dan Chenok
Art Stigile
Bob Damus

Bill Galston
Cookie Walden
Howard Paster
Jennifer Palmieri
Connie Bowers
Delphine Motley
Janet Forsgren
Bernie Martin

enhance the ability of individuals with disabilities to advocate successfully for access to and funding for assistive technology. The Senate authorizes, but does not mandate, other activities under section 101(b). However, under section 102(e), which deals with application requirements, the Senate bill adds new mandates for activities by requiring States to carry out the systemic change activities authorized, but not mandated, under sections 101(b)(2), (3), and (4), unless a State can demonstrate that it meets certain conditions. Under the requirement in subsection 102(e), States must support a large number of specific activities that are not required under section 101(b). These include the development and evaluation of the efficacy of model delivery systems for providing and paying for assistive technology; individual case management or representation of persons with disabilities to secure their rights; the establishment or continuation of partnerships and cooperative initiatives among public sector agencies; and the convening of interagency work groups to enhance public funding options and coordinate access to funding for assistive technology. To avoid confusion about the activities that are mandated and to provide for greater State flexibility in developing a program, the requirements in section 102(e) should be deleted.

under reference

all requirements which ones?

House Bill. The House bill requires States to carry out a very large number of activities under the mandates for systems change, consumer-responsive, and advocacy services activities. Some of these activities are phrased broadly so that States can decide what specific activities should be undertaken to meet the requirement. For example, the House bill requires States to undertake systems change activities that would develop and implement strategies to obtain funds with which individuals with disabilities may obtain assistive technology in State special education, vocational rehabilitation, and medical assistance programs. This requirement, which focuses on outcomes, permits States to design their own specific activities. Other mandated activities, however, are more narrowly phrased and, as a result, leave little room for States to meet their unique needs. For example, the House bill requires States, as part of their systemic change activities, to establish interagency coordinating committees, and, as part of their consumer-responsive activities, to train representatives of underrepresented and rural populations to become service providers. States should have the flexibility to determine whether a committee is the best mechanism for interagency coordination. While we agree that more should be done to encourage minorities and members of other underserved groups to become service providers, we think this issue would be more appropriately addressed through the training programs authorized under other Acts, such as the Rehabilitation Act and the Individuals with Disabilities Education Act.

We strongly recommend that the mandated activities be simplified and reorganized. We further recommend that the mandated activities focus on outcomes so that States can determine what specific activities they need to undertake to develop and implement their statewide systems.

Application Requirements:

Lead Agency. We support the requirements in both the House and Senate bills that the lead agency provide evidence of its ability to carry out certain specified functions but agree with the House provision that the lead agency should provide evidence of its ability to promote, as well as document, consumer responsiveness.

Assurance on Training. We support the House provision requiring an assurance that the State will develop and implement strategies for incorporating training on assistive technology in existing Federal and State-funded training programs because we believe that, in order to meet the assistive technology needs of persons with disabilities, assistive technology must be a component of the training that providers in all disciplines receive. In section 101(b)(8), the Senate bill simply authorizes the development and implementation of strategies for including assistive technology training within existing State training initiatives.

Evaluations (Assessments). Rather than requiring a State simply to describe the procedures that are to be used for evaluations, we recommend that, as the Administration proposed, a State be required to assure that it will conduct an annual assessment to determine the extent to which it has met its goals and objectives. A requirement for an annual assessment would help States identify and resolve problems that arise during the development and implementation of their statewide programs before these problems become major.

Plan for Systems Change. As proposed in the Administration's bill, we recommend including a plan for systems change. A systems change plan would help States identify the barriers that impede the development and implementation of their statewide program of assistive technology and devise strategies to overcome these barriers. It also would provide a mechanism for ensuring that current grantees review their planned activities and refocus them on systems change.

Consumer Involvement. If the Administration's proposals for a systems change plan and an annual assessment are adopted, as we recommend, we also recommend that the bill require consumer involvement in the development of the plan and the assessment.

Outreach to Underserved Populations. We recommend that the House mandate for outreach activities to underserved groups be made part of the application requirements, as it is in the Administration bill, with States required to describe how they will address the needs of these groups, including a description of the State's plan to conduct outreach activities and the outreach activities the State engaged in to obtain input on its application and systems change plan. These requirements would help ensure that, in developing its application, the State has obtained input from, considered the needs of, and provided for the involvement of underserved populations in the statewide program. Including the requirements in the application is consistent with the Rehabilitation Act, which requires

applicants to demonstrate how they will address the needs of persons with disabilities from minority backgrounds.

Information on Client Assistance and Protection and Advocacy Services. As proposed in the Administration bill, we recommend that States be required to assure that people will be informed of the availability of client assistance and protection and advocacy services. This requirement, which would be consistent with the client assistance requirement in the Rehabilitation Act, would help ensure that persons with disabilities are fully informed about the assistance available to them.

Limit on Indirect Costs. We support the House provision limiting indirect costs to not more than 15 percent. We do not believe that the Senate's 8 percent limit would be sufficient to meet the indirect costs of all States.

Protection and Advocacy:

Funding Protection and Advocacy Services. We recognize the importance of protection and advocacy services in ensuring that individuals with disabilities have access to, and are provided, with the assistive technology they need. For this reason, we support the requirement in both bills that States must provide funds to the existing organization established under the Developmental Disabilities Act to provide protection and advocacy services. We oppose, however, the requirement in the House bill that the Secretary must determine whether the amount a State allocates for protection and advocacy services is reasonable. We prefer that a specific set-aside be included in the Act because a specific set-aside would ensure that each State will dedicate some minimal level of resources for the provision of protection and advocacy services and would provide for consistency across States. We object, however, to the requirement in the Senate bill that a State use the lesser of \$75,000 or 10 percent of its grant to support protection and advocacy services. This requirement does not take into account State differences. We prefer the Administration proposal that, within a specified range, the required set-aside for protection and advocacy services be based on the population of a State.

Authority for Secretary to Make Awards. We object to the Senate provision that allows a State, at its discretion, to have the Secretary make its award for protection and advocacy services. This provision is inconsistent with the Act's emphasis on State responsibility for the availability of protection and advocacy services.

Grandfathering Protection and Advocacy Organizations. We do not object to the requirement in both the House and Senate bills grandfathering the protection and advocacy organizations that were providing services as of January 1, 1993; however, the bill should specifically require States to reserve the same amount for these organizations as for the other protection and advocacy organizations.

Redesignation of Protection and Advocacy Service Provider. We prefer the Senate provisions regarding a change in the provider of protection and

advocacy services. These provisions, which are similar to those currently in place for the redesignation of the provider of client assistance services under the Rehabilitation Act, provide for an orderly process with appropriate public notice and due process protections. The House bill does not appear to allow the Governor to initiate a change in provider for good cause.

Second Extension Grants. We prefer the House provisions that authorize a five-year grant. Awarding a single five-year grant to States is an efficient way of completing implementation of their statewide programs for those States that require additional Federal funds. We recommend, however, that the language be changed to authorize awards of less than five years to ensure that the grant period is consistent with State needs. We also support the House provisions providing for a declining Federal contribution in the fourth and fifth years of the second extension grant, which is consistent with the Act's capacity building purpose and would provide an orderly process for the phase-out of Federal support.

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Consumer Involvement. We strongly support requiring States to report on consumer involvement and satisfaction in their annual progress reports. We oppose, however, the requirement in the Senate bill for information on the numbers of consumers involved; this would be burdensome and of questionable usefulness in determining the extent of consumer involvement.

Monitoring Panel. We object to the House provisions that require the Governor to appoint a monitoring panel within 30 days after a State becomes subject to a corrective action plan, specify the composition of this panel, and the activities it is to undertake. We think that a monitoring panel is unnecessary and that the House requirements could be costly.

Should we oppose this modest requirement that in reporting on the degree of consumer involvement, the State make some effort to estimate or otherwise keep track of the number of consumers involved? Leaving it in is likely to estimate more efforts at securing individual & organizational consumer involvement.

?

Redesignation of the Lead Agency. While we recognize that redesignation of the lead agency may be the solution to a compliance problem, we do not agree that competition is an appropriate vehicle for selecting a new lead agency. We object, therefore, to the provisions in the House bill that require the Governor to hold an open competition for lead agency redesignation if the State loses funding due to its failure to comply with the requirements of the Act and the monitoring panel determines that there is good cause for redesignation. We believe that requiring a competition could be costly and potentially divisive and that the Governor should be allowed to determine the best mechanism for selecting a new lead agency.

Onsite Visits:

Report of Findings. We oppose the Senate requirement that the Secretary prepare a report of findings that would be available to the public from the onsite visit. Currently, the report prepared by the onsite reviewers is used in determining whether to continue funding. It would be extremely burdensome for the Secretary to prepare a report presenting his findings in a format that would be suitable for dissemination and useful to the public.

Authority for Onsite Visits. We would recommend that, as proposed in the Administration bill, authority be provided for onsite visits to be made at the Secretary's discretion so that the Department could use program funds to pay for additional visits if they are needed.

Technical Assistance. In general, we prefer the Senate provisions on technical assistance. We object, however, to the Senate requirements regarding the percentages of funds to be spent for grants and contracts; these requirements severely limit the Secretary's authority regarding how funds can best be used.

Program Staffing. We oppose strongly the House provision requiring the Secretary to use funds appropriated for salaries and expenses to support four new full-time employees in the National Institute on Disability and Rehabilitation Research (NIDRR) to work on the technology assistance program. This requirement would have an adverse effect on the Department's ability to use staff as they are most needed. In addition, NIDRR has already assigned several additional staff members to work part-time on the program. The Department will provide additional staff for this program if the need arises.

TITLE II

National Classification System. We prefer the Senate provisions that would require the Secretary to conduct a pilot project to develop and field test a national classification system to determine the feasibility of implementing uniform data collection based on this system. We object to the House provisions that would mandate full implementation of a national classification system within two years. We recommend that the Secretary be authorized, but not required, to reserve \$200,000 for the pilot project.

Training. We recognize the need for training service providers on assistive technology and, as discussed above, support the requirement in the House bill

that States develop strategies for including personnel training in assistive technology within existing Federal and State-funded training initiatives. However, we oppose reauthorization of the training program as proposed in both the House and Senate bills because this authority duplicates authorities under the Rehabilitation Act and the Individuals with Disabilities Education Act. Should the training authority be retained in Title II, we recommend that activities be authorized, not mandated.

Technology Transfer. We support the use of Federal funds for technology transfer. We oppose, however, the provision in the House bill that would require funds for promoting technology transfer among Federal laboratories to encourage the development of assistive devices because this provision would be duplicative. Title II of the Rehabilitation Act already authorizes NIDRR to undertake activities dealing with technology transfer and makes it responsible for coordinating all Federal programs and policies relating to research in rehabilitation through the Interagency Committee on Disability Research.

Device and Equipment Redistribution Information Systems and Recycling Centers. We support including an explicit authority for States to operate redistribution information systems and recycling centers under Title I, but we oppose the provision in the House bill authorizing a separate grant program to support such activities under Title II.

Business Opportunities for Individuals with Disabilities. We oppose this provision in the House bill because it is not relevant to the purposes of the Act.

Products of Universal Design. We agree that the development of universal design products is an important activity. We oppose this provision in the House bill, however, because it duplicates the existing authority of NIDRR to promote universal design.

Alternative Funding Mechanisms. We strongly support including authority under Title I for developing alternative funding mechanisms to help individuals with disabilities obtain the assistive technology they need. We oppose, however, the provisions in Title III of the House bill that require grants to States for alternative funding mechanisms. We believe these provisions are overly prescriptive and unnecessary. Under current law as well as the Senate and House bills, States may already support alternative financing systems such as loan programs. Although we do not agree that competitive grants should be authorized, we would prefer the Senate approach, which includes a broad authority for demonstration and innovation projects in Title II, over adding a new, highly prescriptive authority that would require grants for alternative funding mechanisms. We recommend, however, that the Senate language be modified to authorize, rather than require, demonstration and innovation projects.

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TECHNOLOGY-RELATED ASSISTANCE ACT AMENDMENTS
OF 1993

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

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

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 1283]

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

CONTENTS

	Page
I. Introduction	1
II. Background and need for the legislation	2
III. Legislative consideration and votes in Committee	7
IV. Explanation of the bill and Committee views	8
V. Cost estimate	19
VI. Regulatory impact statement	21
VII. Section-by-section analysis	21
VIII. Changes in existing law	24

I. INTRODUCTION

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

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

NOTE TO PROPOSED EDITS TO LRM #I-1124

After review of the legislative history and its strong concerns about consumer involvement and greater program accountability, review of both Senate and House bills, conversations with OMB and Department of Education personnel, a reading of the existing legislation codified at 29 U.S.C.A. sections 2201-2271, and consultation with Carol H. Rasco, we believe that we should not oppose the modest requirements designed to increase consumer input and state accountability. Although the revised page 2 of the appendix eliminates an ambiguity, it does not reach this substantive concern. The Senate language criticized at page 2 can be better understood as a conditional nudge to the States than a full-scale mandate. Some additional or alternative language for reporting on consumer involvement is also suggested.

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Exit WP? No (Yes)

(Cancel to return to document)

NOTE TO PROPOSED EDITS TO LRM #I-1124

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I p 38-39

103D CONGRESS
1ST SESSION

S. 1283

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1993

Referred to the Committee on Education and Labor

AN ACT

To amend the Technology-Related Assistance for Individuals With Disabilities Act of 1988 to improve the Act, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Technology-Related
5 Assistance Act Amendments of 1993".

29 § 2104

Note 11

hold parent liable for violation of WARN by subsidiary. Local 397, Intern. Union of Electronic, Elec. Salaried Mach. and Furniture Workers, AFL-CIO v. Midwest Fasteners, Inc., D.N.J.1992, 779 F.Supp. 788.

12. — Criteria

Operations of parents and subsidiary corporations were not so interrelated as to hold parents liable for subsidiary's violation of Workers' Adjustment and Retraining Acts of 1988 (WARN) under piercing the corporate veil theory; subsidiary was not grossly undercapitalized, parents were not siphoning funds from subsidiary, officers and directors of subsidiary were not mere figureheads, corporate formalities were scrupulously followed, subsidiary was not a facade for operations of parents, and there was no evidence of fraudulent intent in formation of subsidiary. Local 397, Intern. Union of Electronic, Elec. Salaried Mach. and Furniture Workers, AFL-CIO v. Midwest Fasteners, Inc., D.N.J.1992, 779 F.Supp. 788.

13. — Single employer doctrine

Parent corporations and subsidiary corporation were a "single enterprise" under single employer doctrine and Department of Labor (DOL) regula-

tions so that parents could be held liable for subsidiary's violation of Workers' Adjustment and Retraining Acts of 1988 (WARN); there was common ownership and management as well as centralized control of labor relations, parents and subsidiary were inextricably intertwined, and parents were involved in decision to close subsidiary's plant. Local 397, Intern. Union of Electronic, Elec. Salaried Mach. and Furniture Workers, AFL-CIO v. Midwest Fasteners, Inc., D.N.J.1992, 779 F.Supp. 788.

14. Wages

Debtor's former employees' claims for debtor's violation of plant closing requirements of Worker Adjustment and Retraining Notification Act (WARN) constituted claims for "wages" that were entitled to priority treatment. In re Cargo, Inc., Bkrcty.N.D.Iowa 1992, 138 B.R. 923.

15. Damages

Employees who were employed for even less than 120 days are entitled to damages for employer's violation of Worker Adjustment and Retraining Notification Act (WARN). In re Cargo, Inc., Bkrcty.N.D.Iowa 1992, 138 B.R. 923.

§ 2105. Procedures in addition to other rights of employees

The rights and remedies provided to employees by this chapter are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of the employees, and are not intended to alter or affect such rights and remedies, except that the period of notification required by this chapter shall run concurrently with any period of notification required by contract or by any other statute.

(Pub.L. 100-379, § 6, Aug. 4, 1988, 102 Stat. 894.)

HISTORICAL AND STATUTORY NOTES

Effective Date

Section effective 6 months after Aug. 4, 1988, see section 11 of Pub.L. 100-379, set out as a note under section 2101 of this title.

§ 2106. Procedures encouraged where not required

It is the sense of Congress that an employer who is not required to comply with the notice requirements of section 2102 of this title should, to the extent possible, provide notice to its employees about a proposal to close a plant or permanently reduce its workforce.

(Pub.L. 100-379, § 7, Aug. 4, 1988, 102 Stat. 894.)

HISTORICAL AND STATUTORY NOTES

Effective Date

Section effective 6 months after Aug. 4, 1988, see section 11 of Pub.L. 100-379, set out as a note under section 2101 of this title.

§ 2107. Authority to prescribe regulations

(a) The Secretary of Labor shall prescribe such regulations as may be necessary to carry out this chapter. Such regulations shall, at a minimum, include interpretative regulations describing the methods by which employers may provide for appropriate service of notice as required by this chapter.

(b) The mailing of notice to an employee's last known address or inclusion of notice in the employee's paycheck will be considered acceptable methods for fulfillment of the employer's obligation to give notice to each affected employee under this chapter.

(Pub.L. 100-379, § 8, Aug. 4, 1988, 102 Stat. 894.)

LABOR

HISTORICAL AND STATUTORY NOTES

Effective Date

Section effective 6 months after Aug. 4, 1988, except that the authority of the Secretary of Labor

under this section is effective Aug. 4, 1988, see section 11 of Pub.L. 100-379, set out as a note under section 2101 of this title.

LAW REVIEW COMMENTARIES

Introduction to federal regulation of plant closings and mass layoffs. Howard J. Weg, 94 Com. L.J. 123 (1989).

NOTES OF DECISIONS

Number of workers affected 1

1. Number of workers affected

Regulation of the Secretary of Labor setting forth basis for including workers on temporary

layoff when determining whether the number of workers affected by plant closing is 100 or more, thus giving rise to notification requirement under the WARN Act, is reasonable. *Damron v. Rob Fork Min. Corp.*, E.D.Ky.1990, 739 F.Supp. 341, affirmed 945 F.2d 121.

§ 2108. Effect on other laws

The giving of notice pursuant to this chapter, if done in good faith compliance with this chapter, shall not constitute a violation of the National Labor Relations Act [29 U.S.C.A. § 151 et seq.] or the Railway Labor Act [45 U.S.C.A. § 151 et seq.]. (Pub.L. 100-379, § 9, Aug. 4, 1988, 102 Stat. 894.)

HISTORICAL AND STATUTORY NOTES

References in Text

The National Labor Relations Act, referred to in text is Act July 5, 1935, c. 372, 49 Stat. 452, as amended, which is classified generally to subchapter II (section 151 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 167 of this title and Tables.

The Railway Labor Act, referred to in text, is Act May 20, 1926, c. 347, 44 Stat. 577, as amend-

ed, which is classified principally to chapter 8 (section 151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables volume.

Effective Date

Section effective 6 months after Aug. 4, 1988, see section 11 of Pub.L. 100-379, set out as a note under section 2101 of this title.

§ 2109. Report on employment and international competitiveness

Two years after Aug. 4, 1988, the Comptroller General shall submit to the Committee on Small Business of both the House and Senate, the Committee on Labor and Human Resources, and the Committee on Education and Labor a report containing a detailed and objective analysis of the effect of this chapter on employers (especially small- and medium-sized businesses), the economy (international competitiveness), and employees (in terms of levels and conditions of employment). The Comptroller General shall assess both costs and benefits, including the effect on productivity, competitiveness, unemployment rates and compensation, and worker retraining and readjustment.

(Pub.L. 100-379, § 10, Aug. 4, 1988, 102 Stat. 894.)

HISTORICAL AND STATUTORY NOTES

Effective Date

Section effective 6 months after Aug. 4, 1988, see section 11 of Pub.L. 100-379, set out as a note under section 2101 of this title.

CHAPTER 24—TECHNOLOGY RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

Sec.

2201. Findings and purposes.

(a) Findings.

(b) Purposes.

2202. Definitions.

156 U.S.C.A.—8

Sec.

SUBCHAPTER I—GRANTS TO STATES

2211. Program authorized.

(a) Grants to States.

213

- 25 9 2201
- Sec. 2211. Program authorized.
 (b) Functions of programs.
 (c) Authorized activities.
2212. Development grants.
 (a) General authority.
 (b) Number of grants to be awarded.
 (c) Amounts of grants.
 (d) Priorities for distribution.
 (e) Applications.
2213. Extension grants.
 (a) General authority.
 (b) Amounts of grants.
 (c) Application.
2214. Progress reports.
 (a) In general.
 (b) Specific requirements for reports with respect to extension grants.
2215. Administrative provisions.
 (a) Review of participating States.
 (b) Corrective action plan.
 (c) Effect on other assistance.
2216. Authorization of appropriations.
 (a) In general.
 (b) Reservation.
2217. Evaluation.
 (a) Evaluation.
 (b) Purpose.
 (c) Information system.

SUBCHAPTER II—PROGRAMS OF NATIONAL SIGNIFICANCE

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

2231. Study by National Council on the Handicapped.
 (a) Study and recommendations.
 (b) Advisory committee.
 (c) Cooperation of other agencies.
 (d) Reports.

§ 2201. Findings and purposes

(a) Findings

The Congress makes the following findings:

- (1) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of most residents of the United States.
- (2) For all individuals, technology can provide important tools for making the performance of tasks quicker and easier.
- (3) For some individuals with disabilities, assistive technology is a necessity that enables them to engage in or perform many tasks. The provision of assistive technology devices and assistive technology services enables some individuals with disabilities to—
 - (A) have greater control over their own lives;
 - (B) participate in and contribute more fully to activities in their home, school, and work environments, and in their communities;
 - (C) interact to a greater extent with nondisabled individuals; and
 - (D) otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

(4) Although the development of assistive technology devices designed to assist individuals with disabilities is still in its early stages, there already exist a substantial number of assistive technology devices, including simple adaptations to existing equipment, that could significantly benefit, in all major life activities,

- Sec. **PART B—NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK**
2241. Establishment of national information and program referral network.
2242. Feasibility study required.
 (a) In general.
 (b) Contract authority.
2243. Contents of study.
2244. Timetable for study.
 (a) Award of contract.
 (b) Completion of study.
 (c) Implementation of recommendations.

PART C—TRAINING AND PUBLIC AWARENESS PROJECTS

2251. Training.
 (a) Technology training.
 (b) Technology careers.
2252. Public awareness projects.
 (a) Program authorized.
 (b) Uses of funds.
2253. Priorities.
 (a) In general.
 (b) Explanation of determination of priorities.

PART D—DEMONSTRATION AND INNOVATION PROJECTS

2261. Program authorized.
 (a) Demonstration and innovation projects.
 (b) Eligible activities.
 (c) Report to Congress on extension of direct loan program.

PART E—AUTHORIZATION OF APPROPRIATIONS

2271. Authorization of appropriations.
 (a) General authority.
 (b) Model delivery projects.
 (c) Priorities.

individuals of all ages with disabilities. Such devices, including adaptations, could be used in programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

(5) The use of assistive technology devices and services by individuals with disabilities can reduce the costs of the disabilities to society, individuals with disabilities, and families of individuals with disabilities by reducing expenditures associated with early intervention, education, rehabilitation, health care, transportation, telecommunication services, and other services required by individuals with disabilities.

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

- (A) resources to pay for such devices and services;
- (B) trained personnel to provide such devices and services and to assist individuals with disabilities to use such devices and services;
- (C) information about the potential of technology available to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;
- (D) coordination among existing State human services programs, and among such programs and private agencies, particularly with respect to transitions between such programs and agencies; and
- (E) capacity of such programs to provide the necessary technology-related assistance.

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

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

(b) Purposes

The purposes of this chapter are as follows:

- (1) To provide financial assistance to the States to help each State to develop and implement a consumer-responsive statewide program of technology-related assistance for individuals of all ages with disabilities that is designed to—
 - (A) increase awareness of the needs of individuals with disabilities for assistive technology devices and assistive technology services;
 - (B) increase awareness of policies, practices, and procedures that facilitate or impede the availability or provision of assistive technology devices and assistive technology services;
 - (C) increase the availability of and funding for the provision of assistive technology devices and assistive technology services for individuals with disabilities;
 - (D) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;
 - (E) increase the capacity of public and private entities to provide technology-related assistance, particularly assistive technology devices and assis-

tive technology services, and to pay for the provision of assistive technology devices and assistive technology services;

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

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

(2) To facilitate—

(A) the identification of Federal policies that facilitate payment for assistive technology devices and assistive technology services for individuals with disabilities;

(B) the identification of Federal policies that impede such payment; and

(C) the elimination of inappropriate barriers to such payment.

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

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

(B) funding for model demonstration and innovation projects.

(Pub.L. 100-407, § 2, Aug. 19, 1988, 102 Stat. 1044.)

HISTORICAL AND STATUTORY NOTES

Short Title

Section 1 of Pub.L. 100-407 provided that: "This Act [enacting this chapter] may be cited as the 'Technology-Related Assistance for Individuals With Disabilities Act of 1988'."

Legislative History

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S. Code Cong. and Adm. News, p. 1383.

LIBRARY REFERENCES

United States ☞82(4).
C.J.S. United States § 122.

§ 2202. Definitions

For purposes of this chapter:

(1) Assistive technology device

The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(2) Assistive technology service

The term "assistive technology service" means any service that directly assists an individual with a 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 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 individuals with disabilities;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of 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 disabilities, or, where appropriate, the family of an individual with disabilities; 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 individuals with disabilities.

(3) Individual with disabilities

The term "individual with disabilities" means any individual—

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

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

(4) Institution of higher education

The term "institution of higher education" has the meaning given such term in section 1088(a) of Title 20, and includes community colleges receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(5) Secretary

The term "Secretary" means the Secretary of Education.

(6) State

Except as otherwise provided, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(7) Technology-related assistance

The term "technology-related assistance" means functions performed and activities carried out under section 2211 of this title that accomplish the purposes described in section 2201(b)(1) of this title.

(8) Underserved group

The term "underserved group" means any group of individuals with disabilities who, because of disability, place of residence, geographic location, age, race, sex, or socioeconomic status, have not historically sought, been eligible for, or received technology-related assistance.

(Pub.L. 100-407, § 3, Aug. 19, 1988, 102 Stat. 1046; Pub.L. 102-325, Title IV, § 427(b)(2), July 23, 1992, 106 Stat. 549.)

HISTORICAL AND STATUTORY NOTES

References in Text

The Tribally Controlled Community College Assistance Act of 1978, referred to in par. (4), is Pub.L. 95-471, Oct. 17, 1978, 92 Stat. 1325, as amended, which is classified principally to chapter 20 (section 1801 et seq.) of Title 25, Indiana. For complete classification of this Act to the Code, see Short-Title note set out under section 1801 of Title 25 and Tables.

1992 Amendments

Par. (4). Pub.L. 102-325, § 427(b)(2), substituted "section 1088(a) of Title 20" for "section 1085(b) of Title 20".

Effective Date of 1992 Amendments

Amendment by section 427(b)(2) of Pub.L. 102-325 effective July 23, 1992, see section 432(a) of Pub.L. 102-325, set out as a note under section 1078 of Title 20, Education.

Legislative History

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S. Code Cong. and Adm. News, p. 1383. See, also, Pub.L. 102-325, 1992 U.S. Code Cong. and Adm. News, p. 912.

SUBCHAPTER I—GRANTS TO STATES

§ 2211. Program authorized

(a) Grants to States

The Secretary of Education shall make grants to States in accordance with the provisions of this subchapter to assist States to develop and implement consumer-responsive comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2201(b)(1) of this title.

(b) Functions of programs

Any State that receives a grant under this subchapter may accomplish the purposes described in section 2201(b)(1) of this title by carrying out any of the following functions:

(1) Identification and needs assessment

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

(2) Identification and coordination of resources

Identification and coordination of Federal and State policies, resources, and services relating to the provision of assistive technology devices and assistive technology services to individuals with disabilities, including entering into inter-agency agreements.

(3) Provision of assistive technology devices and assistive technology services

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

(4) Dissemination of information

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

(5) Training and technical assistance

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

(6) Public awareness program

Conduct of a public awareness program focusing on the efficacy and availability of assistive technology devices and assistive technology services for individuals with disabilities.

(7) Assistance to statewide and community-based organizations

Provision of assistance to statewide and community-based organizations or systems that provide assistive technology services to individuals with disabilities.

(8) Partnerships and cooperative initiatives

Support of the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to facilitate the development and implementation of a statewide program of technology-related assistance for individuals with disabilities.

(9) Qualifications of staff

Taking actions to develop standards, or where appropriate, apply existing standards to ensure the availability of qualified personnel.

(10) Program data

Compilation and evaluation of appropriate data relating to the program.

(11) Procedures for involvement of concerned individuals

The establishment of procedures providing for the active involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals in the development and implementation of the program, and for the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices and assistive technology services in decisions relating to such assistive technology devices and assistive technology services.

(12) Other functions

Any other functions the Secretary considers appropriate.

(c) Authorized activities

In carrying out the functions described in subsection (b) of this section, any State may use amounts made available to the State under a grant under this subchapter for activities including the following:

(1) Model delivery systems

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

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

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

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

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

(2) Statewide needs assessment

The State may conduct a statewide needs assessment, which may be based on existing data and may include—

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

(B) a description of efforts during the fiscal year ending before August 19, 1988, to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

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

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

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

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

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

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

(G) a description of—

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

(I) a loan system for assistive technology devices;

(II) a low-interest loan fund;

(III) a revolving fund;

(IV) a loan insurance program; and

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

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

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

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

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

(ii) the use of assistive technology services.

(3) Support groups

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

(4) Public awareness program

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

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

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

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

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

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

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

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

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

(5) Training and technical assistance

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

(6) Access to technology-related information

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

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

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

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

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

(7) Interstate agreements

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

(8) Other activities

The State may utilize amounts made available under grants made under this subchapter for any other activities necessary for developing, implementing, or evaluating the statewide program of technology-related assistance.

(Pub.L. 100-407, Title I, § 101, Aug. 19, 1988, 102 Stat. 1047.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S. Code Cong. and Adm. News, p. 1383.

§ 2212. Development grants

(a) General authority

The Secretary shall award to States 3-year grants to assist States to develop and implement statewide programs of technology-related assistance for individuals with disabilities in accordance with the provisions of section 2211 of this title.

(b) Number of grants to be awarded

From amounts appropriated under section 2216 of this title, the Secretary shall award under this section, to the extent appropriate applications are submitted—

- (1) in the first fiscal year for which amounts are appropriated, not more than 10 grants on a competitive basis;
- (2) in the second fiscal year for which amounts are appropriated, not more than 20 grants on a competitive basis; and
- (3) in the third fiscal year for which amounts are appropriated, any number of grants on a competitive basis.

(c) Amounts of grants

(1) Grants to states

From amounts appropriated under section 2216 of this title, the Secretary shall pay to each State that receives a grant under this section—

- (A) for each of the first 2 years of the grant period, an amount that is not less than \$500,000 and not more than \$1,000,000; and
- (B) for the third year of the grant period, an amount that is not less than \$500,000 and not more than \$1,500,000.

(2) Grants to territories

From amounts appropriated under section 2216 of this title for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than \$150,000.

(3) Calculation of amounts

The Secretary shall calculate the amounts described in paragraphs (1) and (2) on the basis of—

- (A) amounts available for making grants under this section;
- (B) the population of the State or territory concerned; and
- (C) the types of activities proposed by the State relating to the development of a statewide program of technology-related assistance.

(4) Priority for previously participating states

Amounts appropriated for purposes of carrying out the provisions of this section in each of the 2 fiscal years succeeding the fiscal year in which amounts are first appropriated for such purposes shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

(5) Definitions

For purposes of this subsection:

- (A) The term "State" does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.
- (B) The term "territory" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(d) Priorities for distribution

To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

- (1) is geographically equitable; and

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

(e) Applications

Any State that desires to receive a grant under this section shall submit an application that contains the following information and assurances:

(1) Designation of responsible entity

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

- (A) preparing the application;
- (B) administering and supervising the use of amounts made available under the grant;
- (C) planning and developing the statewide program of technology-related assistance;
- (D) coordination between public and private agencies, including the entering into of interagency agreements;
- (E) ensuring active, timely, and meaningful participation by individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals with respect to performing functions and carrying out activities under the grant; and
- (F) the delegation of any responsibilities described above, in whole or in part, to one or more appropriate offices, agencies, entities, or individuals.

(2) Agency involvement

A description of the nature and extent of involvement of various State agencies in the preparation of the application and the continuing role of such agencies in the development of the statewide program of technology-related assistance.

(3) Public involvement

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

(4) Preliminary needs assessment

A tentative assessment of the extent of the need of individuals with disabilities in the State, including individuals from underserved groups, for a statewide program of technology-related assistance and a description of previous efforts and efforts continuing on the date of the application to develop a statewide program of technology-related assistance.

(5) State resources

A description of State resources and other resources (to the extent such information is available) that are available to commit to the development of a statewide program of technology-related assistance.

(6) Goals, objectives, functions, activities, and outcomes

The State's goals, objectives, functions, and activities planned under the grant, and the expected outcomes at the end of the grant period with respect to a consumer-responsive statewide program of technology-related assistance, consistent with the purposes described in section 2201(b)(1) of this title.

(7) Information and evaluations

A description of—

- (A) procedures used for compiling information; and
- (B) procedures that will be used to conduct evaluations.

(8) State policies with respect to contracts and agreements

A description of the policies governing contracts, grants, and other arrangements with public agencies, private nonprofit organizations, and other entities or individuals for the purpose of providing assistive technology devices and assistive technology services consistent with the provisions of this subchapter.

(9) Distribution procedure

An assurance that, to the extent practicable, technology-related assistance made available with amounts received under the grant will be equitably distributed among all geographical areas of the State.

(10) Compliance with chapter

An assurance that amounts received under the grant will be expended in accordance with the provisions of this subchapter.

(11) Supplement other funds

An assurance that amounts received under the grant—

(A) will be used to supplement amounts available from other sources that are expended for technology-related assistance, including the provision of assistive technology devices and assistive technology services; and

(B) will not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices or assistive technology services) that would have been paid with amounts available from other sources if amounts under the grant had not been available, unless—

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

(ii) the entity or agency responsible subsequently reimburses the appropriate account with respect to programs and activities under the grant in an amount equal to the amount of the payment.

(12) Control of funds and property

An assurance that—

(A) a public agency shall control and administer amounts received under the grant; and

(B) a public agency or an individual with disabilities shall—

(i) hold title to property purchased with such amounts; and

(ii) administer such property.

(13) Reports

An assurance that the State will—

(A) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this subchapter; and

(B) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this paragraph.

(14) Commingling of funds

An assurance that amounts received under the grant will not be commingled with State or other funds.

(15) Fiscal control and accounting procedures

An assurance that the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant.

(16) Availability of information

An assurance that the State will—

(A) make available to individuals with disabilities and the families or representatives of individuals with disabilities information concerning technology-related assistance in a form that will allow such individuals to effectively use such information; and

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

(17) Other information

Such other information and assurances as the Secretary may reasonably require.

(Pub.L. 100-407, Title I, § 102, Aug. 19, 1988, 102 Stat. 1052.)

HISTORICAL AND STATUTORY NOTES**Legislative History**

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S. Code Cong. and Adm. News, p. 1383.

§ 2213. Extension grants**(a) General authority**

The Secretary may award a 2-year extension grant to any State that demonstrates to the Secretary that the State made significant progress in developing and implementing a statewide program of technology-related assistance under a grant provided under section 2212 of this title, consistent with the requirements of such section and the purposes described in section 2201(b)(1) of this title.

(b) Amounts of grants**(1) In general**

(A) From amounts appropriated under section 2216 of this title for any fiscal year, the Secretary shall pay to each State that receives a grant under this section an amount that is not less than \$500,000 and not more than \$1,500,000.

(B) From amounts appropriated under section 2216 of this title for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than \$150,000.

(C) For purposes of this paragraph:

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

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

(2) Calculation of amount

The Secretary shall calculate the amount described in paragraph (1) on the basis of—

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

(B) the population of the State;

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

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

(3) Priority for previously participating states

Amounts appropriated in any fiscal year for purposes of carrying out the provisions of this section shall first be made available to States that received

grants under this section during the fiscal year preceding the fiscal year concerned.

(c) Application

A State that desires to receive an extension grant under this section shall submit an application that contains the following:

(1) Needs

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

(2) Activities under development grant

A description of the specific activities carried out under the development grant received under section 2212 of this title and the relationship of such activities to the development of a statewide program of technology-related assistance.

(3) Progress

Documentation of the progress made under the development grant toward development of a statewide program of technology-related assistance.

(4) Public involvement

A description of State actions designed to determine the degree of satisfaction of individuals with disabilities, families or representatives of individuals with disabilities, public and private service providers, employers, and other appropriate individuals with—

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

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

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

(5) Comments

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

(6) Other information and assurances

The information and assurances described in section 2212(e) of this title, except the preliminary needs assessment described in section 2212(e)(4) of this title.

(7) Compatibility and accessibility of electronic equipment

An assurance that the State will comply with guidelines established under section 794d of this title.

(Pub.L. 100-407, Title I, § 103, Aug. 19, 1988, 102 Stat. 1055.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S.Code Cong. and Adm. News, p. 1383.

§ 2214. Progress reports

(a) In general

Each State that receives a grant under this subchapter shall submit to the Secretary annually a report that describes—

(1) completed activities carried out under the grant, especially with regard to section 2212(e)(6) of this title, including, to the extent appropriate, a description of the impact of such activities on individuals with disabilities, public agencies, financial resources committed to technology-related assistance for individuals with disabilities, community-based organizations, and employers;

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

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

(b) Specific requirements for reports with respect to extension grants

Each State that receives a development grant under section 2212 of this title may include, and each State that receives an extension grant under section 2213 of this title shall include in the report required by subsection (a) of this section a description of—

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

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

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

(Pub.L. 100-407, Title I, § 104, Aug. 19, 1988, 102 Stat. 1056.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S.Code Cong. and Adm. News, p. 1383.

§ 2215. Administrative provisions

(a) Review of participating states

(1) In general

The Secretary shall establish a system to assess the extent to which States that receive grants pursuant to this subchapter are making significant progress in achieving the purposes of this subchapter.

(2) Onsite visits

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

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

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

At a minimum the visits shall allow the Secretary to determine the extent to which the State is making significant progress in developing a statewide program of technology-related assistance consistent with the purposes described in section 2201(b)(1) of this title.

(4) Provision of information

To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) Corrective action plan

(1) In general

Any State that fails to comply with the requirements of this subchapter shall be subject to a corrective action plan.

(2) Penalties

A State that fails to comply with the requirements of this subchapter may be subject to penalties such as—

- (A) partial or complete fund termination;
- (B) ineligibility to participate in the grant program in the following year; or
- (C) reduction in funding for the following year.

(3) Appeals procedures

The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this subchapter as the result of an onsite visit or failure to supply information required under subsection (a)(4) of this section.

(c) Effect on other assistance

Nothing in this subchapter shall be construed to permit the State or any Federal agency to reduce medical or other assistance available or to alter eligibility under—

- (1) title II, V, XVI, XVIII, XIX, or XX of the Social Security Act [42 U.S.C.A. §§ 401 et seq., 701 et seq., 1381 et seq., 1395 et seq., 1396 et seq., or 1397 et seq.];
- (2) the Individuals with Disabilities Education Act;
- (3) the Rehabilitation Act of 1973 [29 U.S.C.A. § 70 et seq.]; or
- (4) laws relating to veterans' benefits.

(Pub.L. 100-407, Title I, § 105, Aug. 19, 1988, 102 Stat. 1057, Pub.L. 101-476, Title IX, § 901(a)(2), Oct. 30, 1990, 104 Stat. 1142.)

HISTORICAL AND STATUTORY NOTES

References in Text

The Social Security Act, referred to in subsec. (c)(1), is Act Aug. 14, 1935, c. 531, 49 Stat. 620, as amended. Title II, V, XVI, XVIII, XIX, or XX of the Social Security Act is classified generally to subchapter II (section 401 et seq.), V (section 701 et seq.), XVI (section 1381 et seq.), XVIII (section 1395 et seq.), XIX (section 1396 et seq.), or XX (section 1397 et seq.), respectively, of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (c)(2), is Title VI of Pub.L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (section 1400 et seq.) of Title 20, Education.

For complete classification, of this Act to the Code, see section 1400 of Title 20 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (c)(3), is Pub.L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified principally to chapter 16 (section 701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

1990 Amendment

Subsec. (c)(2). Pub.L. 101-476, substituted provisions referring to the Individuals with Disabilities Education Act for provisions referring to the Education of the Handicapped Act.

1990 Act

Amendment by Pub.L. 101-476 effective Oct. 1, 1990, see section 1001 of Pub.L. 101-476, set out as a note under section 238 of Title 20, Education.

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S. Code Cong. and Adm. News, p. 1723.

§ 2216. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out this subchapter \$9,000,000 for the fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year ending before October 1, 1993.

(b) Reservation

(1) Provision of information

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

(2) Onsite visits

The Secretary may reserve from amounts appropriated in any fiscal year under subsection (a) of this section such sums as the Secretary considers necessary for the purposes of conducting onsite visits as required by section 2215(a)(2) of this title.

(Pub.L. 100-407, Title I, § 106, Aug. 19, 1988, 102 Stat. 1058.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S. Code Cong. and Adm. News, p. 1383.

§ 2217. Evaluation

(a) Evaluation

(1) In general

The Secretary, directly or by contract, shall conduct a national evaluation of the program of grants to States authorized by this subchapter.

(2) Report to Congress

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

(b) Purpose

The purpose of the evaluation required by subsection (a) of this section shall be—

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

(2) to recommend amendments to this subchapter that the Secretary considers necessary to assist States to fully accomplish the purposes of this subchapter.

(c) Information system

The Secretary shall work with the States to consider and develop an information system designed to report and compile, from information provided by the States, a qualitative and quantitative description of the impact of the program of grants to States authorized by this subchapter on—

(1) the lives of individuals with disabilities, particularly with regard to the purposes described in section 2201(a)(3) of this title;

29 § 2217**LABOR**

- (2) public agencies;
- (3) fiscal resources committed to technology-related assistance for individuals with disabilities;
- (4) community-based organizations; and
- (5) employers.

(Pub.L. 100-407, Title I, § 107, Aug. 19, 1988, 102 Stat. 1058.)

HISTORICAL AND STATUTORY NOTES**Legislative History**

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S.Code Cong. and Adm. News, p. 1383.

SUBCHAPTER II—PROGRAMS OF NATIONAL SIGNIFICANCE**PART A—STUDY ON FINANCING OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES FOR INDIVIDUALS WITH DISABILITIES****§ 2231. Study by National Council on the Handicapped****(a) Study and recommendations.**

The National Council on the Handicapped (hereafter in this part referred to as the "Council"), in addition to the duties of the Council described in section 781 of this title, shall conduct a study and make recommendations to the Congress and the President concerning—

- (1) Federal laws, regulations, procedures, and practices that facilitate or impede the ability of the States to develop and implement consumer-responsive statewide programs of technology-related assistance for individuals with disabilities;
- (2) Federal and State laws, regulations, procedures, and practices that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities;
- (3) policies, practices, and procedures of private entities (including insurers) that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities; and
- (4) alternative strategies for acquiring or paying for assistive technology devices and assistive technology services.

(b) Advisory committee

The Council shall appoint an advisory committee in accordance with section 784(c) of this title to assist the Council in carrying out the duties of the Council under this part. Such advisory committee shall be appointed from individuals from both the public and private sectors who have broad experience and expertise directly relevant to the issues to be studied by the Council under this part, and shall also include individuals with disabilities, families of individuals with disabilities, and representatives of organizations representing individuals with disabilities.

(c) Cooperation of other agencies**(1) Federal agencies**

The heads of all Federal agencies shall, to the extent not prohibited by law, cooperate with the Council in carrying out the duties of the Council under this part.

(2) Use of resources of Federal, State, and local agencies

The Council may use in carrying out its duties under this part, with the consent of the agency involved, services, personnel, information, and facilities of

LABOR**29 § 2242****(d) Reports**

The Council shall submit to the President and to the appropriate committees of the Congress—

- (1) such interim reports as the Council considers advisable; and
- (2) not later than 18 months after August 19, 1988, providing appropriations to carry out this part, a final report of its study and investigation together with such recommendations, including specific proposals for legislation, as the Council considers advisable.

(Pub.L. 100-407, Title II, § 201, Aug. 19, 1988, 102 Stat. 1059.)

HISTORICAL AND STATUTORY NOTES**Legislative History**

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S.Code Cong. and Adm. News, p. 1383.

PART B—NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK**§ 2241. Establishment of national information and program referral network**

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

- (1) determine whether it is appropriate, based on the findings and recommendations of the study conducted under section 2242 of this title, to establish and operate a national information and program referral network to assist States to develop and implement consumer-responsive statewide programs of technology-related assistance; and
- (2) if the Secretary determines that establishment and operation of such a network is appropriate, enter into any contract or cooperative agreement necessary to establish and operate such a network, which may consist of information and program referral networks in existence or under development at the time of the study conducted under section 2242 of this title.

(Pub.L. 100-407, Title II, § 211, Aug. 19, 1988, 102 Stat. 1060.)

HISTORICAL AND STATUTORY NOTES**Legislative History**

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S.Code Cong. and Adm. News, p. 1383.

LIBRARY REFERENCES

United States ⇐82(4).
C.J.S. United States § 122.

§ 2242. Feasibility study required**(a) In general**

The Secretary shall conduct a study—

- (1) to determine the feasibility and desirability of creating the network described in section 2241 of this title; and
- (2) to determine the appropriate structure for the organization and operation of such a network, if it is determined to be feasible and desirable.

(b) Contract authority

In carrying out the study required by subsection (a) of this section, the Secretary may enter into a contract or cooperative agreement necessary to conduct the study.

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S.Code Cong. and Adm. News, p. 1383.

§ 2243. Contents of study

The study conducted under section 2242 of this title shall—

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

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

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

(B) the cost of maintaining such networks;

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

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

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

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

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

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

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

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

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

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

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

(B) various network configurations, including—

(i) regionally distributed;

(ii) focused on functional limitations;

(iii) age-focused;

(iv) expertise-centered; and

(v) other network configurations;

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

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

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

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

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

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

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

(Pub.L. 100-407, Title II, § 213, Aug. 19, 1988, 102 Stat. 1060.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S.Code Cong. and Adm. News, p. 1383.

§ 2244. Timetable for study

(a) Award of contract

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

(b) Completion of study

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

(c) Implementation of recommendations

The Secretary, after allowing for public comment on the report submitted under subsection (b) of this section, shall take appropriate action based on the report before the end of the 6-month period following the date on which the Secretary receives the report.

(Pub.L. 100-407, Title II, § 214, Aug. 19, 1988, 102 Stat. 1062.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S.Code Cong. and Adm. News, p. 1383.

PART C—TRAINING AND PUBLIC AWARENESS PROJECTS

§ 2251. Training

(a) Technology training

(1) General authority

The Secretary shall enter into contracts or cooperative agreements with appropriate public or private agencies and organizations, including institutions of higher education for the purposes of—

(A) conducting training sessions; and

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

(2) Eligible activities

Activities conducted under contracts or cooperative agreements entered into under paragraph (1) may address the training needs of individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with



not designed specifically for individuals with disabilities and developing adaptations of such technology for individuals with disabilities;

(C) assist in the transfer of technology that is not specifically designed for individuals with disabilities to uses appropriate for such individuals; and

(D) facilitate effective and efficient technology transfer.

(3) **Income-contingent direct loan demonstration project**

Demonstration projects in accordance with regulations issued by the Secretary (which may include a requirement that the Secretary shall provide an amount equal to not more than 90 percent of the amount required for any such project) to examine the feasibility of a direct loan program that would provide loans—

(A) to individuals with disabilities who require technology-related assistance in order to maintain a level of functioning or to achieve a greater level of functioning in any major life activity; or

(B) to the families or employers of individuals with disabilities, on behalf of such individuals, for the purposes described in subparagraph (A).

(c) **Report to Congress on extension of direct loan program**

The Secretary shall, based on the projects assisted under subsection (b)(3) of this section, report to Congress concerning the feasibility of operating a direct loan program of general applicability beginning after September 30, 1993.

(Pub.L. 100-407, Title II, § 231, Aug. 19, 1988, 102 Stat. 1063; Pub.L. 102-569, Title IX, § 913(3), Oct. 29, 1992, 106 Stat. 4487.)

HISTORICAL AND STATUTORY NOTES

Codification

Section 913(3) of Pub.L. 102-569, which directed that section 231(a) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (subsec. (a) of this section) be amended, was executed to subsec. (a) of this section, despite parenthetical reference to section 2252(a) of this title, as the probable intent of Congress.

Legislative History

For legislative history and purpose of Pub.L. 100-407 see 1988 U.S. Code Cong. and Adm. News, p. 1383. See, also Pub.L. 102-569, 1992 U.S. Code Cong. and Adm. News, p. 3712.

PART E—AUTHORIZATION OF APPROPRIATIONS

§ 2271. Authorization of appropriations

(a) **General authority**

There are authorized to be appropriated for purposes of carrying out this subchapter (other than section 2261(b)(1) of this title) \$5,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(b) **Model delivery projects**

There are authorized to be appropriated for purposes of carrying out section 2261(b)(1) of this title \$1,500,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(c) **Priorities**

(1) **Model delivery projects**

Notwithstanding any other provision of this chapter, if amounts appropriated for purposes of carrying out this chapter, for the fiscal year 1989 equal or exceed \$6,000,000, the Secretary shall first make available, from such amounts, not less than \$500,000 for demonstration projects under section 2261(b)(1) of this title.

(2) **Other subchapter II activities**

(A) Of amounts appropriated under subsection (a) of this section for the fiscal year 1989, the Secretary shall first make available not more than \$250,000 for

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

(i) not more than \$750,000 for purposes of carrying out section 2242 of this title; and

(ii) such sums as may be necessary for purposes of carrying out section 2241 of this title.

Pub.L. 100-407, Title II, § 241, Aug. 19, 1988, 102 Stat. 1064.)

HISTORICAL AND STATUTORY NOTES

Legislative History

For legislative history and purpose of Pub.L. 100-407, see 1988 U.S. Code Cong. and Adm. News, p. 1383.

LIBRARY REFERENCES

United States Ⓒ85.
C.J.S. United States § 123.

**CHAPTER 25—DISPLACED HOMEMAKERS
SELF-SUFFICIENCY ASSISTANCE**

Sec.		Sec.	
2301.	Findings: statement of purpose. (a) Findings. (b) Purpose.	2308.	State administration. (a) Designation of administrative entity. (b) State administrative entity.
2302.	Definitions.	2309.	Use of funds. (a) In general. (b) Supplement not supplant. (c) Supportive services limitations. (d) Administrative cost.
2303.	Program authorization. (a) Grants by the Secretary. (b) State grant program. (c) Reservation.	2310.	Within State allocation. (a) In general. (b) Awards. (c) Assurances. (d) Reservations.
2304.	Competitive grants. (a) In general. (b) Priority. (c) Awards.	2311.	Eligible service providers. (a) In general. (b) Priority. (c) Community-based organizations.
2305.	Use of competitive grant funds. (a) In general. (b) Administrative cost.	2312.	National activities. (a) Information. ¹
2306.	Allocation. (a) Allocation among States. (b) Maintenance of effort.	2313.	Administrative provisions. (a) In general. (b) Special rule. (c) Report.
2307.	State plan. (a) Plan required. (b) Contents of plan.	2314.	Authorization of appropriations.

¹ So in original. Section enacted without a subsec. (b).

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Labor Relations Ⓒ7.
Social Security and Public Welfare Ⓒ194,
194.1, 194.2.
WESTLAW Topic No. 232A.

WESTLAW Topic No. 356A.
C.J.S. Labor Relations § 2 et seq.
C.J.S. Social Security and Public Welfare
§§ 113 to 116.

§ 2301. Findings: statement of purpose

(a) **Findings**

The Congress finds that—

(1) the Nation has a vested interest in building a quality and productive workforce that will enable the United States to compete effectively in the global marketplace;

(2) two in every three new entrants to the workforce during the 1990's will be