



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

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

Telefax Transmittal Sheet
(Telefax # - 401-3769)

TO: Stan Hen's

FROM: Ruth Feldman

DATE/TIME: 9-10-93

PAGES SENT (including transmittal) 3

COMMENTS:



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF THE GENERAL COUNSEL

September 10, 1993

NOTE TO CHRIS MUSTAIN AND STANLEY HERR:

Attached is a revision to page 2 of the appendix to the conferee letter on the House and Senate versions of bills reauthorizing the Technology-Related Assistance for Individuals with Disabilities Act. The language on the top half of the page has been softened somewhat in light of a meeting Education Department staff (including Carol Cichowski) had today with Senate staff. What the Department had interpreted as policy differences with the Senate bill drafters turned out, in a few instances, to be merely ambiguous drafting.

Please let me know if you have any additional comments or questions. Incidentally, Senate staff commented to Carol that the side-by-side was "tremendously helpful." Thanks for your help, and once again send along my thanks to Lisa Fairhall.

Ruth Feldman *RF*

Room 4094, FOB-6
Voice: 401-2670
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TRA conference letter
appendix
rev. 9/10/93

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. In so doing, section 102(e)(6)(B) appears to require States to carry out 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 States must carry out and to provide for greater State flexibility in developing a program, the requirements to carry out certain activities in section 101(b) and section 102(e)(6)(B) should be merged and modified to authorize rather than mandate the specific activities noted above.

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.

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET**

ROUTE SLIP

TO: Darry White	Take necessary action	<input type="checkbox"/>
Lisa Fairhall	Approval signature	<input type="checkbox"/>
Stan Herr	Comment	<input type="checkbox"/>
	Prepare reply	<input type="checkbox"/>
	Discuss with me	<input type="checkbox"/>
	For your information	<input type="checkbox"/>
	See remarks below	<input checked="" type="checkbox"/>
FROM: Chris Mustain	DATE: Thu Sep 9, 1993 1:25pm	
(202) 395-3923 fax 395-6148		

REMARKS

Attached is Education's revised report to the conferees on H.R. 2339, reflecting Lisa's comments. Please let me know by noon tomorrow, Sept. 10th, if you have any further comments. Thanks.

cc: Janet Forsgren

RKV.DRAFT 9/4/93

Honorable Edward M. Kennedy
Chairman
Committee on Labor and Human Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I am writing to express the views of the Department of Education on the key issues before the conferees on the House and Senate versions of H. R. 2339, the "Technology-Related Assistance Act Amendments of 1993" (Act).

We strongly support reauthorization of the Act. We recognize the contribution that consumer-responsive statewide programs of technology-related assistance can make to improving the capacity of persons of all ages with disabilities to reach their educational and career goals, live more independently, and become fully integrated into the community. We further recognize the need for continued Federal support to help States complete development and implementation of ongoing statewide programs.

In general, we support the increased emphasis placed by both the House and the Senate versions of the bill on systems change. We agree that a definition of "systems change" and the addition of required activities will help States focus on those activities that will enable them to identify and eliminate the various barriers that impede the provision of assistive technology, including funding for devices and services. We also support the emphasis in both versions of the bill on ensuring a consumer-responsive program that meets the needs of persons with disabilities and fully involves them in decisions relating to the development and implementation of the statewide program and the provision of assistive technology. In addition, we support the House and Senate efforts to strengthen accountability. For example, we support the addition of a requirement that States must provide evidence in their applications of the ability of the lead agency to undertake the activities needed to develop and implement the statewide program, including the ability to respond to the assistive technology needs of individuals with disabilities and to promote and accomplish systemic change.

Despite our agreement with the goal of reauthorization, there are provisions in the House and Senate versions of the bill that are of serious concern to the Administration. These include:

-- the specificity and organization of the mandates in both the House and Senate versions of the bill, which include provisions that are unwieldy, confusing and overly prescriptive. These provisions would make it difficult for States to distinguish between required and authorized activities.

-- both the House requirement that the Secretary determine the adequacy of a State's funding for protection and advocacy services and the Senate provision that would give the State the option of allowing the Secretary,

Page 2 - Honorable Edward M. Kennedy

rather than the State, to make the award for protection and advocacy services. It would be difficult for the Secretary to determine, as the House requires, whether the amount a State sets aside is reasonable. The Senate provision is inconsistent with the Act's emphasis on State responsibility for protection and advocacy services.

-- the House requirement that targets funding increases above the 1993 level 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.

-- The Senate requirement for regulatory criteria for determining whether a State is making significant progress in developing and implementing its statewide program. The development of regulatory criteria would be extremely burdensome and time consuming and is unnecessary.

-- the House requirement for a competition to redesignate the lead agency. The Governor should be allowed to determine the best way to select a new lead agency.

-- the House requirement that the Department support four new full-time employees to work on the technology assistance program. This requirement would have an adverse effect on the Department's ability to determine how best to use staff.

-- the activities mandated by both the House and Senate in Title II and the House's proposal for a new program to support alternative funding mechanism projects. These activities duplicate activities authorized under Title I and other Acts.

Our recommendations regarding these and other provisions of the House and Senate versions of the bill are indicated in the enclosed Appendix. I urge the Conference to improve the bill by adopting these recommendations. We will, of course, be happy to continue working with the Congress to produce the best bill possible.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

Richard W. Kiley

Enclosure

REV.DRAFT 9/3/93

APPENDIX

SECTION 3

Advocacy services. We strongly support requiring States to undertake activities, including training and the dissemination of information, that will help individuals with disabilities access assistive technology devices and services. We do not support, however, the inclusion by the House of a definition of "advocacy services." Both the House and Senate bills, as well as the Administration's bill, include a definition of "protection and advocacy services." We believe that including definitions of both "advocacy services" and "protection and advocacy services" would be confusing.

Consumer-driven. We also strongly support the increased emphasis in both House and Senate bills on the involvement of consumers in the development, implementation, and evaluation of the statewide program of assistive technology. We do not support, however, the inclusion in the House bill of a definition of "consumer-driven." We consider it unnecessary if the Senate's definition of "consumer-responsive" is used.

Consumer-responsive. We prefer the Senate definition of "consumer-responsive," which, like the definition in the Administration's bill, describes the characteristics that a program must have in order to be "consumer-responsive." The House definition, on the other hand, lists the kinds of activities that a consumer-responsive program should provide, which duplicates the kinds of activities mandated under section 101.

Systems change activities. We prefer the Senate or Administration definition of "systems change activities," both of which emphasize the purpose of those activities. The list of activities in the House definition is confusing because other mandated systems change activities are included under section 101.

TITLE I

Mandated Activities:

In General. We support mandating certain activities to ensure that States focus on systems change. We are concerned, however, about the specificity and organization of the mandates in both the House and Senate bills. Both bills contain unwieldy, confusing (particularly where "shall" and "may" are used in the same sections), and overly prescriptive lists of mandated activities. As a result, States are likely to find it difficult to distinguish between the required activities they must undertake and the authorized activities they may undertake.

Senate Bill. The Senate bill includes mandates in two different locations. Under section 101(b)(1)(B), the Senate bill requires that in carrying out systemic change and advocacy activities, the State must carry out three particular activities: the development, implementation, and monitoring of laws, regulations, policies, practices, procedures and organizational structures; the development and implementation of strategies to overcome barriers to funding, with emphasis on addressing the needs of underserved groups; and the development and implementation of strategies to

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.

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.

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.

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.

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 currently has the flexibility to provide additional staff for this program as 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 NIDDK 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 and other agencies, including the Architectural and Transportation Barriers Compliance Board, 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.

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

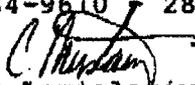
August 24, 1993

LEGISLATIVE REFERRAL MEMORANDUM

11 pgs
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 Falay - (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

LRM #I-1124

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: _____ (Date)
_____ (Name)
_____ (Agency)
_____ (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
- _____ see proposed edits on pages _____
- _____ Other: _____
- _____ FAX RETURN of _____ pages, attached to this response sheet

AUG 23 1993

Honorable Edward M. Kennedy
Chairman
Committee on Labor and Human Resources
United States Senate
Washington, DC 20510

DRAFT

Dear Mr. Chairman:

I am writing to express the views of the Department of Education on the key issues before the conferees on the House and Senate versions of H. R. 2339, the "Technology-Related Assistance Act Amendments of 1993" (Act).

We strongly support reauthorization of the Act. We recognize the contribution that consumer-responsive statewide programs of technology-related assistance can make to improving the capacity of persons of all ages with disabilities to reach their educational and career goals, live more independently, and become fully integrated into the community. We further recognize the need for continued Federal support to help States complete development and implementation of ongoing statewide programs.

In general, we support the increased emphasis placed by both the House and the Senate versions of the bill on systems change. We agree that a definition of "systems change" and the addition of required activities will help States focus on those activities that will enable them to identify and eliminate the various barriers that impede the provision of assistive technology, including funding for devices and services. We also support the emphasis in both versions of the bill on ensuring a consumer-responsive program that meets the needs of persons with disabilities and fully involves them in decisions relating to the development and implementation of the statewide program and the provision of assistive technology. In addition, we support the House and Senate efforts to strengthen accountability. For example, we support the addition of a requirement that States must provide evidence in their applications of the ability of the lead agency to undertake the activities needed to develop and implement the statewide program, including the ability to respond to the assistive technology needs of individuals with disabilities and to promote and accomplish systemic change.

Despite our agreement with the goal of reauthorization, there are provisions in the House and Senate versions of the bill that are of serious concern to the Administration. These include:

-- the specificity and organization of the mandates in both the House and Senate versions of the bill, which include provisions that are unwieldy, confusing and overly prescriptive.

-- both the House requirement that the Secretary determine the adequacy of a State's funding for protection and advocacy services and the Senate provision that would give the State the option of allowing the Secretary, rather than the State, to make the award for protection and advocacy services.

Page 2 - Honorable Edward M. Kennedy

-- the House requirement that targets funding increases above the 1993 level to the 10 States that have the largest populations and the States that are sparsely populated, with a wide geographic spread.

-- the Senate requirement for regulatory criteria for determining whether a State is making significant progress in developing and implementing its statewide program.

-- the House requirement for a competition to redesignate the lead agency.

-- the House requirement that the Department support four new full-time employees to work on the technology assistance program.

-- the activities mandated by both the House and Senate in Title II and the House's proposal for a new program to support alternative funding mechanism projects.

Our recommendations regarding these and other provisions of the House and Senate versions of the bill are indicated in the enclosed Appendix. I urge the Conference to improve the bill by adopting these recommendations. We will, of course, be happy to continue working with the Congress to produce the best bill possible.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

Richard W. Riley

Enclosure

APPENDIX

SECTION 3

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TITLE I

Mandated Activities:

In General. We strongly support mandating activities to ensure that States focus on systems change. We are concerned, however, about the specificity and organization of the mandates in both the House and Senate bills. Both bills contain unwieldy, confusing (particularly where "shall" and "may" are used in the same sections), and overly prescriptive lists of mandated activities. As a result, States are likely to find it difficult to distinguish between the required activities they must undertake and the authorized activities they may undertake.

Senate Bill. The Senate bill includes mandates in two different locations. Under section 101(b)(1)(B), the Senate bill requires that in carrying out systemic change and advocacy activities, the State must carry out three particular activities: the development, implementation, and monitoring of laws, regulations, policies, practices, procedures and organizational structures; the development and implementation of strategies to overcome barriers to funding, with emphasis on addressing the needs of underserved groups; and the development and implementation of strategies to

I believe this paragraph can be deleted since it

is itself vague, overbroad, and in conflict with the side-by-side analysis in which our recommended position is "no preference" regarding applications (see p. 18). Characterizes as a mandate what is at best a conditional nudge to the State to describe certain systemic change and advocacy activities. If you concur, then drop opposition language at page 15.

(the side-by-side)

APPENDIX**SECTION 3**

Advocacy services. We strongly support requiring States to undertake activities, including training and the dissemination of information, that will help individuals with disabilities access assistive technology devices and services. We do not support, however, the inclusion by the House of a definition of "advocacy services." Both the House and Senate bills, as well as the Administration's bill, include a definition of "protection and advocacy services." We believe that including definitions of both "advocacy services" and "protection and advocacy services" would be confusing.

Consumer-driven. We also strongly support the increased emphasis in both House and Senate bills on the involvement of consumers in the development, implementation, and evaluation of the statewide program of assistive technology. We do not support, however, the inclusion in the House bill of a definition of "consumer-driven." We consider it unnecessary if the Senate's definition of "consumer-responsive" is used.

Consumer-responsive. We prefer the Senate definition of "consumer-responsive," which, like the definition in the Administration's bill, describes the characteristics that a program must have in order to be "consumer-responsive." The House definition, on the other hand, lists the kinds of activities that a consumer-responsive program should provide, which duplicates the kinds of activities mandated under section 101.

Systems change activities. We prefer the Senate or Administration definition of "systems change activities," both of which emphasize the purpose of these activities. The list of activities in the House definition is confusing because other mandated systems change activities are included under section 101.

TITLE I**Mandated Activities:**

In General. We strongly support mandating activities to ensure that States focus on systems change. We are concerned, however, about the specificity and organization of the mandates in both the House and Senate bills. Both bills contain unwieldy, confusing (particularly where "shall" and "may" are used in the same sections), and overly prescriptive lists of mandated activities. As a result, States are likely to find it difficult to distinguish between the required activities they must undertake and the authorized activities they may undertake.

Senate Bill. The Senate bill includes mandates in two different locations. Under section 101(b)(1)(B), the Senate bill requires that in carrying out systemic change and advocacy activities, the State must carry out three particular activities: the development, implementation, and monitoring of laws, regulations, policies, practices, procedures and organizational structures; the development and implementation of strategies to overcome barriers to funding, with emphasis on addressing the needs of underserved groups; and the development and implementation of strategies to

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(a), 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(a), 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(a) should be deleted.

There is lots of flexibility in this formula

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

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.

x8. next meeting -- staff meeting next thursday at her house
if need to meet, that thursday am let her know

good first meeting--- warm welcome -liked Family of Man always
wanted one; on coffee table
BEGAN W/APOLOGY RE CONFUSION RE STARTRT DATE 8-23--cr KNEW ; r
JUST HAD IN HER HEAD 9-23
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magazines;
liked getting Hilary rts of children art in 1973 only had seen
synopsis
delighetd at idea of getting ADA book
"we're on aroll"

if any prtoiblem re gattinh in tourt let her know

1

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

August 26, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-1153

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 Study RE: HR 2339,
Technology-Related Assistance for Individuals
with Disabilities Amendments of 1993

DEADLINE: 2:00 PM August 31, 1993

COMMENTS: Education would like to share the attached sectional analysis with Hill staff. If any edits are suggested, please make sure that the sectional analysis comports with Education's proposed report on HR 2339 that was circulated under LRM I-1124.

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
Bayla White
Lisa Fairhall
Mary Cassell
Richard Popper
Shannah Koss
Dan Chenok
Bob Damus
Howard Paster

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

~~TECHNOLOGY-RELATED ASSISTANCE ACT~~

<p align="center">HOUSE BILL - H.R. 2339 "Technology-Related Assistance for Individuals with Disabilities Amendments of 1993"</p>	<p align="center">SENATE BILL - S. 1283 "Technology-Related Assistance Act Amendments of 1993"</p>	<p align="center">RECOMMENDED POSITION</p>
<p><u>SEC 2 - FINDINGS AND PURPOSES</u></p> <p>(a) Findings.- Updates current law</p> <p>(b) Purposes.- Amends current law to insert new purposes emphasizing systems change and consumer involvement.</p> <p>Inserts a new paragraph that ensures activities carried out are in a manner consistent with individual dignity, privacy, rights, inclusion, etc.</p> <p><u>SEC 3 - DEFINITIONS</u></p> <p>Redesignates all paragraphs in current law, amends definitions, and inserts new terms. (Terms follow as numbered and redesignated in House bill.)</p> <p>(1) <u>Advocacy services</u> New term, meaning assistance to individuals, etc. in accessing tech, including dissemination, case management, training, and pursuit of legal remedies.</p>	<p><u>SEC 2 - FINDINGS AND PURPOSES</u></p> <p>Amends and redesignates current law; inserts new findings.</p> <p>Similar to House.</p> <p>Adds a new subsection (c) Policy, containing similar language.</p> <p><u>SEC 3 - DEFINITIONS</u></p> <p>Redesignates, amends, and inserts new definitions. (Terms follow as numbered and redesignated in the Senate bill.)</p> <p>Does not define.</p>	<p>No preference.</p> <p>No preference, except with respect to the policy statement regarding individual dignity.</p> <p>Prefer Senate, which separates the policy statement from the purposes of the Act.</p> <p>Prefer Senate. Inclusion of a definition is unnecessary and likely to lead to confusion in light of the P&A definition and the inclusion of advocacy services in sec. 101(b) of the House bill.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 3 - DEFINITIONS - cont'd</u></p> <p>(2) <u>Assistive technology device</u> Retains current law.</p> <p>(3) <u>Assistive technology service</u> Amends current law to expand types of individuals to receive training and technical assistance.</p> <p>Does not define.</p> <p>(4) <u>Comprehensive</u> New term, similar to Senate changes to (3), except for the Senate language regarding agency or service delivery system.</p> <p>(5) <u>Consumer-driven</u> New term, meaning statewide program that includes individuals with disabilities and others in developing, implementing, and evaluating the program.</p>	<p><u>SEC 3 - DEFINITIONS - cont'd</u></p> <p>(1) <u>Assistive technology device</u> Retains current law.</p> <p>(2) <u>Assistive technology service</u> Similar amendment; includes "parents" as separate from "family members" and refers to an "individual with a disability".</p> <p>(3) <u>Consumer-responsive comprehensive statewide program of technology-related assistance.</u> Defined as a statewide program of technology-related assistance under Title I that is: consumer-responsive; addresses the needs of all individuals with disabilities, including underserved groups; addresses the needs without regard to age, disability, race, etc.; and addresses the needs without requiring which agency or service delivery system be used.</p> <p>Does not define, but definition of comprehensive system in (3) contains almost identical language.</p> <p>Does not define, but incorporates concept in definition of consumer-responsive.</p>	<p>---</p> <p>Prefer House, with change in current sec. 3(2) to refer only to "individuals with disabilities".</p> <p>No objection to Senate language, but should not be included if "comprehensive" is defined, as proposed by the House.</p> <p>No objection to House language, but should not be included if Senate definition of "consumer-responsive comprehensive statewide system" is used.</p> <p>Prefer Senate. Use of this term doesn't add anything if Senate definition of "consumer-responsive" is used.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

SEC 3 - DEFINITIONS - cont'd

(6) Consumer-responsive

When used with reference to a program, is defined as a statewide program that provides information, training, TA, and transportation and related services.

Does not define.

(7) Individual with a disability

Changes current law term of "individual with disabilities" to "individual with a disability" but retains current law definition, except for striking "or handicap".

(8) Individuals with disabilities

Defines as more than one individual with a disability.

(9) Institution of higher education

Refers to sec. 481(a) of the HEA.

SEC 3 - DEFINITIONS - cont'd

(4) Consumer-responsive

When used with reference to an entity or program, is defined as: easily accessible by individuals; responds to needs; and facilitates the full participation of individuals in decisions and the planning of consumer-responsive comprehensive stateside program of technology-related assistance. (Almost identical to Administration bill.)

(5) Disability

New term. Defined as a condition considered to be a disability or handicap for any Federal law other than this act or for the purpose of the law of the State involved.

(6) Individual with a disability; Individuals with disabilities

Amends current law to include both terms and defines them the same as House terms.

See Senate subsection (6).

(7) Institution of higher education

Refers to sec. 481 of the HEA.

Prefer Senate, which describes the characteristics of the program, instead of listing activities.

Prefer House. The definition repeats the same requirements as in "individual with a disability." It's not needed. If retained "handicap" should be deleted for consistency with definition of "individual with a disability."

No preference.

No preference.

Both bills would include proprietary IHEs and postsecondary vocational schools, unlike current law. Prefer reference to sec. 1201(a) of the HEA.

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 3 - DEFINITIONS</u> - cont'd</p> <p>(10) <u>Protection and advocacy services</u> Almost identical to Senate and to Administration bill.</p> <p>(11) <u>Secretary</u> Retains current law.</p> <p>(12) <u>State</u> Replaces "Trust Territory" with "Palau (until the Compact of Free Association with Palau takes effect.)"</p> <p>(13) <u>Systems change activities</u> New term. Defines as specific activities: identify laws that are service delivery barriers to access; develop State or local laws to allow individuals with disabilities to access assistive tech; and increase funding for and access to assistive tech devices and services permanently.</p>	<p><u>SEC 3 - DEFINITIONS</u> - cont'd</p> <p>(8) <u>Protection and advocacy services</u> Defines term to mean services that are described in Part D of the DD Act, PAMII Act, or sec. 509 of the Rehab Act and are services that assist individuals with disabilities, or the parents, guardians, etc. with respect to assistive tech.</p> <p>(9) <u>Secretary</u> Retains current law.</p> <p>(10) <u>State</u> Amends references to "several States", "VI", and replaces "Trust Territory" with "Palau."</p> <p>(11) <u>Systemic change</u> New term. Defines as efforts that result in public or private agencies and organizations having greater capacity or enhanced ability to be consumer-responsive and provide funding for, or access to, assistive tech devices and assistive tech services, or otherwise increase the availability of such tech to benefit individuals, permanently.</p>	<p>Prefer Senate.</p> <p>---</p> <p>No preference.</p> <p>Prefer Administration or Senate, both of which emphasize the ends sought. By focusing on activities the House definition becomes confusing in light of the systems change activities mandated in Title I.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 3 - DEFINITIONS - cont'd</u></p> <p>(14) <u>Technology-related assistance</u> Retains current law.</p> <p>(15) <u>Underrepresented populations</u> Strikes "underserved group", inserts "underrepresented populations", and provides new definition.</p>	<p><u>SEC 3 - DEFINITIONS - cont'd</u></p> <p>(12) <u>Technology-related assistance</u> Amends current law to reflect changes in Purposes section and to delete references to functions.</p> <p>(13) <u>Underserved group</u> Retains current law.</p>	<p>Prefer Senate. Updates definition to reflect amendments.</p> <p>Prefer Senate, which is more comprehensive.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

TITLE I, SEC 101 - PROGRAM AUTHORIZED

Adds "consumer-driven" to the general authority in (a).

Deletes "(b) Functions of programs" and inserts "Required activities."

Note: The House bill requires the following four activities under the State grant program, each described in considerable detail. The list of consumer-responsive activities includes activities that are authorized but not required. Most of these exist in current law.

(b) Required activities

(1) Systems change activities shall include the development and implementation of strategies to obtain funds for assistive tech devices and services, the establishment of an interagency coordinating committee to enhance public funding options and to coordinate access to funding, and the development of written materials, training, and technical assistance to ensure individuals' needs are considered in the IEP, family service plan, IWRP, and other plans.

TITLE I, SEC 101 - PROGRAM AUTHORIZED

Adds systemic change and advocacy activities to the general authority. (As drafted does not read correctly.)

Deletes "(b) Functions of programs" and "(c) Authorized activities" and inserts new (b) "Activities."

Adds language requiring the State to use funds to accomplish purposes by carrying out activities described in (2) - (12).

Note: The bill describes three activities (i.e., particular activities) that shall be carried out under the State grant program.

(b) Particular activities include:

The development, implementation, and monitoring of State, regional, and local laws, regulations, policies, procedures, practices, and organization structures that will improve access to and funding for assistive tech devices and services.

The development and implementation of strategies to overcome barriers to funding of devices and services, with emphasis on underserved groups.

Prefer current law. No change is needed given the cross-reference to sec. 2(b). Senate language requires a technical correction.

Prefer using the Senate language mandating particular activities in (b)(1) as a basis for mandated activities. Senate language could be modified to incorporate key aspects of other mandates in the House and Senate bills such as interagency coordination. Mandates in House bill such as outreach to underrepresented populations can be addressed through reporting requirements. (See Administration bill).

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

SEC 101 - PROGRAM AUTHORIZED - cont'd

(2) Consumer-responsive, consumer-driven activities shall include the provision of outreach to under-represented and rural populations, and the establishment of consumer advisory councils. These activities may include: the increase of consumer participation, choice, and control in the selection of assistive tech; outreach to consumer organizations to implement self-help programs; the development of mechanisms for determining consumer satisfaction in the statewide program; the development or use of standards to ensure qualified personnel; and payment of expenses to ensure access to the statewide program by those with financial need.

(3) Advocacy services shall include the training of individuals, family, guardians, etc. to successfully advocate for access to assistive tech, and shall supplement, not supplant, similar advocacy services provided by other Federal or State laws.

SEC 101 - PROGRAM AUTHORIZED - cont'd

The development and implementation of strategies to enhance the ability of individuals with disabilities to successfully advocate access to and funding for assistive tech devices and services. (Similar to Administration bill.)

Similar to provision above.

Prefer Senate, which focuses on the goal of self-advocacy, rather than listing discrete activities. Oppose House language which mixes mandated with authorized activities. Oppose requiring consumer advisory councils. Increasing consumer participation should not be presented as optional--that is inconsistent with other requirements regarding consumer involvement. Personnel standards should not be listed under consumer-responsive activities.

Suggest incorporating training of individuals in Senate mandate for strategies to enhance ability of individuals to advocate.

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p>SEC 101 - PROGRAM AUTHORIZED - cont'd</p> <p>(4) Protection and advocacy services shall be provided by a contractor that will be an organization established under the DD Act, or another organization that was used by the State prior to Jan. 1993 to provide these services, and shall supplement not supplant similar P&A services provided under other Federal or State laws.</p> <p>(c) <u>Authorized Activities</u></p> <p>Retains "(c) <u>Authorized activities</u>"; but redesignates paragraphs, amends activities, and provides several new authorized activities. Activities follow as redesignated.</p> <p>(c)(1) <i>Model delivery systems.</i>- Amends current law by striking a provision requiring consumer involvement since this is covered elsewhere. (Similar to Administration bill.)</p> <p>No similar provision in this section; however, "advocacy services" is defined to include individual case management.</p>	<p>SEC 101 - PROGRAM AUTHORIZED - cont'd</p> <p>Requirements regarding P&A services are in sections 102(e) and (f).</p> <p>The remaining paragraphs of sec. 101(b) are "authorized activities" that may be carried out; except that sec. 102 (e)(6) requires a State to carry out, at a minimum, the activities in sec. 101(b)(2)-(4) unless the State can demonstrate progress.</p> <p>(2) <i>Access to and funding for assistive technology.</i>- New activity that includes activities to increase access to and funding for assistive tech; including the identification of barriers and the development of model delivery systems such as loan programs.</p> <p>(3) <i>Representation.</i>- New activity. Authorizes the State to support case management or representation to secure rights to assistive tech devices and services.</p>	<p>Prefer Senate location of provision.</p> <p>Prefer House. Senate language regarding barriers duplicates sec. 101(b)(1). Oppose mandating development of models, required by a cross reference in sec. 102(e)(6) of the Senate bill.</p> <p>Oppose mandating case management and representation beyond the required set-aside for P&A.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

SEC 101 - PROGRAM AUTHORIZED - cont'd

The House moves *Partnerships and Cooperative Initiatives* from functions to authorized activities and expands under sec. 101(c)(10). Authorizes the State to support the establishment or continuation of partnerships between public and private sector and to promote greater participation by business and industry in: the development, demonstration and dissemination of assistive tech and the on-going provision of information about new products to assist individuals with disabilities. (Similar to Administration bill.)

(2) Statewide needs assessment.-

Retains current law, except for striking the words "assistive technology" before the word "services" in 3 locations.

(3) Electronic communication.- New activity. States may participate in computer networks with other States.

(4) Demonstration of devices.- New activity. Activities include demonstration and short-term loans of devices and counseling to determine individual needs.

SEC 101 - PROGRAM AUTHORIZED - cont'd

(4) Interagency coordination.- Senate incorporates current law authority for partnerships. Authorizes the State to: coordinate Federal and State policies, resources, and services, including entering into interagency agreements; support the establishment or continuation of partnerships among public and private sector; convene interagency work groups; document and disseminate information about interagency activities, including evidence of increase participation of State and local special ed, VR, and medical assistance agencies and departments.

(5) Statewide needs assessment.-

Similar to current law, but deletes reference to describing loan programs. (Similar to Administration bill).

No similar provision.

No similar provision.

Prefer House which expands activity specifically to business and industry and does not mix interagency coordination and partnerships. Interagency coordination should be a required activity but not partnerships. Could require documentation of dissemination of interagency activities in progress reports. (See Administration bill.)

Prefer Senate. Loan programs should be separately authorized, not simply listed as one of the items to be described in a needs assessment.

Prefer Senate. House provision is unnecessary. Electronic communications are already authorized.

Prefer House but with a simplified authority as in the Administration bill, sec. 5.

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SEC 101 - PROGRAM AUTHORIZED - cont'd

(5) *Support groups*. - Retains current law except for striking words "assistive technology" before "services." Current law provides for the creation or maintenance of Statewide or community-based organizations or systems that assist individuals to use assistive tech devices and services.

(6) *Public awareness program*. - Amends current law; strikes "assistive technology" before "services", and amends references to family members and guardians, employers, etc.

(7) *Training and technical assistance*. - Amends references to family members and guardians, employers, etc.

No similar provision, but see (13), which would authorize these activities.

SEC 101 - PROGRAM AUTHORIZED - cont'd

(6) *Outreach*. - Expands "support groups" to authorize outreach to consumer groups to coordinate their activities with consumer-driven efforts. (House bill would mandate such outreach under consumer-responsive activities.)

(7) *Public awareness program*. - Similar to House; but structures the paragraph differently and retains "assistive technology" references where the House struck them.

(8) *Training and technical assistance*. - Replaces with detailed description of the training and TA for (a) individuals with disabilities, parents, etc. and (b) for employees, educators, and employers. Training may include written materials, and the facilitation of standards to ensure the availability of qualified personnel.

(9) *Program data*. - New activity. Authorizes compilation and evaluation of appropriate program data.

Prefer Senate. Oppose mandating outreach to consumer groups, as proposed by the House.

No preference.

No objection to Senate, except that provision in sec. 101(b)(8)(B)(ii)(I) that authorizes strategies to include training within State training initiatives should be required in the application as in the House and Administration bills.

Prefer House. Senate provision is duplicative.

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RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 101 - PROGRAM AUTHORIZED</u> - cont'd</p> <p>(8) <i>Access to technology-related information.</i>- Amends current law. Spells out that access to the system may be provided through community based entities, including public libraries, CILs and community programs. Updates the list of technologies.</p> <p>(9) <i>Interstate agreements.</i>- Retains current law.</p> <p>(10) <i>Partnerships and cooperative initiatives.</i>- See Senate (4).</p> <p>(11) <i>Device and Equipment Redistribution Information Systems and Recycling Centers.</i>- New activity. Authorizes establishing these systems and centers.</p> <p>(13) <i>Other activities.</i>- Retains current law, which allows the use of funds under this Title for any other activities necessary for developing, implementing, or evaluating the Statewide program of tech-related assistance.</p> <p>No similar provision.</p>	<p><u>SEC 101 - PROGRAM AUTHORIZED</u> - cont'd</p> <p>(10) <i>Access to technology-related information.</i>- Modifies current law to refer to electronic formats. Senate bill limits the information to activities carried out under other activities as authorized in sec. 101(b).</p> <p>(11) <i>Interstate agreements.</i>- Retains current law.</p> <p>See <i>Interagency coordination</i> (4).</p> <p>No similar provision.</p> <p>(12) <i>Other activities.</i>- Amends current law to specify that funds from sec. 102 and sec. 103 may be used for any systemic change and advocacy activities, other than those described in sec. 101, for developing, implementing, or evaluating the consumer-responsive, comprehensive Statewide program of tech-related assistance.</p> <p>(c) Makes a conforming amendment to sec. 231(b)(1) replacing the reference to the model delivery systems in sec. 101 to the new model delivery systems authority in the Senate bill.</p>	<p>Prefer House. The clarification in the House provision could be helpful to States.</p> <p>---</p> <p>See above.</p> <p>Prefer House, which clarifies that support for these activities is authorized.</p> <p>No preference.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p>SEC 102 - DEVELOPMENT GRANTS</p> <p>General authority.- Retains current law (subsection (a)).</p> <p>Strikes subsection (b) - Number of Grants to be Awarded.</p> <p>Amounts of grants.- Makes conforming references from sec. 106 to sec. 109(a)(1).</p> <p>Replaces Trust Territory with Palau under the definitions of "State" and "territory."</p> <p>Priorities for distribution.- Retains current law.</p> <p>The House has similar language in 102(d)(1) and (d)(2) under Applications.</p>	<p>SEC 102 - DEVELOPMENT GRANTS</p> <p>General authority.- Amends the general authority in current law to specify that the 3-year grants made to States are to support systemic change and advocacy activities described in sec. 101(b) to assist States in developing and implementing a consumer-responsive comprehensive statewide program.</p> <p>Strikes subsection (b). Redesignates subsections (c) and (d) as (b) and (c).</p> <p>Amounts of grants.- Amends "statewide program" to include "consumer-responsive comprehensive statewide program."</p> <p>Similar to House, but more complete.</p> <p>Priorities for distribution.- Amends "statewide program" to include "consumer-responsive comprehensive statewide program."</p> <p>Adds a new subsection (d) Designation of the lead agency.-</p> <p>(1) Designation - Modifies current law to emphasize role of lead agency in coordinating the planning and development of a statewide program and the participation by individuals with disabilities.</p>	<p>No preference.</p> <p>---</p> <p>Prefer Senate, which makes necessary conforming changes.</p> <p>No preference.</p> <p>Prefer Senate, which makes necessary conforming changes.</p> <p>No preference.</p>

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SEC 102(d) - APPLICATIONS - cont'd

leadership in responding to tech needs, promote and document the consumer-responsive nature of the statewide program, and exercise leadership in implementing effective strategies for capacity building.

(3) *Agency Involvement*. - Similar to current law, but adds the identification of available resources and financial responsibility of each agency for assistive tech. (Similar to Administration bill.)

(4) *Public Involvement*. - Amends current law to add reference to organizations, etc. from the private sector.

(5) *Preliminary needs assessment*. - Replaces "underserved groups" with "underrepresented populations and rural populations."

(6) *State resources*. - Retains current law.

SEC 102(e) - APPLICATIONS - cont'd

university affiliated program, a public agency, a council established under Federal/State law, or another appropriate office or agency.

(2) *Agency Involvement*. - Similar to House bill; except it includes State insurance department among those agencies to be involved.

(3) *Involvement*. - Requires both consumer involvement in the program and in decisions affecting individuals, including mechanisms to pay consumer expenses and to determine satisfaction; and public involvement in designation of lead agency in application.

(4) *Preliminary needs assessment*. - Amends "statewide program" to include "consumer-responsive comprehensive statewide program."

(5) *State resources*. - Amends "statewide program" to include "consumer-responsive comprehensive statewide program."

Prefer House, but no objection to including reference to insurance department.

Prefer Administration, which is similar to Senate, but requires consumer involvement in development of systems change plan and in an annual assessment. Also, requires a description of outreach to obtain input from underserved groups and summary and analysis of public comments.

Prefer Senate, which makes conforming changes.

Prefer Senate, which makes conforming changes.

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RECOMMENDED POSITION

<p><u>SEC 102(d) - APPLICATIONS</u> - cont'd</p>	<p><u>SEC 102(e) - APPLICATIONS</u> - cont'd</p>	
<p>(7) <i>Goals, objectives, functions, activities, and outcomes.</i>- Amends to include consumer-driven, comprehensive.</p>	<p>(6) <i>Goals, objectives, functions, activities, and outcomes.</i>- Amends to require States to conduct the first three authorized activities unless the State demonstrates significant progress.</p>	<p>Prefer Administration provision requiring a systems change plan that would describe goals and objectives and strategies to remedy gaps. Oppose inclusion of language here that mandates certain activities, as proposed by Senate.</p>
<p>(8) <i>Data collection.</i>- Changes title from "Information and evaluation" and requires description of the data collection system rather than procedures used for compiling information consistent with a national classification system (if established).</p>	<p>(9) <i>Data collection and evaluations.</i>- Similar to House.</p>	<p>No preference, but prefer Administration requirement for an annual assessment.</p>
<p>(9) <i>State policies with respect to contracts and agreements.</i>- Strikes "assistive technology" before "services".</p>	<p>(8) <i>State policies with respect to contracts and agreements.</i>- Retains current law.</p>	
<p>(10) <i>Distribution procedure.</i>- Retains current law.</p>	<p>(9) <i>Distribution procedure.</i>- Retains current law.</p>	<p>---</p>
<p>(11) <i>Compliance with Act.</i>- Retains current law.</p>	<p>(10) <i>Compliance with Act.</i>- Retains current law.</p>	<p>---</p>
<p>(12) <i>Supplement other funds.</i>- Strikes assistive technology.</p>	<p>(11) <i>Supplement other funds.</i>- Replaces the term "individual with disabilities" with "individual with a disability."</p>	<p>Prefer Senate, which makes a conforming change.</p>

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RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 102(d) - APPLICATIONS - cont'd</u></p>	<p><u>SEC 102(e) - APPLICATIONS - cont'd</u></p>	
<p>(13) <i>Control of funds and property.</i>- Retains current law.</p>	<p>(12) <i>Control of funds and property.</i>- Replaces the term "individual with disabilities" with "individual with a disability."</p>	
<p>(14) <i>Reports.</i>- Retains current law.</p>	<p>(13) <i>Reports.</i>- Retains current law.</p>	<p>---</p>
<p>(15) <i>Commingling of funds.</i>- Retains current law.</p>	<p>(14) <i>Commingling of funds.</i>- Retains current law.</p>	<p>---</p>
<p>(16) <i>Fiscal control and accounting procedures.</i>- Amends current law to add that the agency will have the authority to use funds to comply with the State grant requirements, including hiring qualified staff.</p>	<p>(15) <i>Fiscal control and accounting procedures.</i>- Retains current law.</p>	<p>Prefer Senate. This is not an appropriate place for the requirement that the lead agency have authority to use funds to hire qualified staff.</p>
<p>(17) <i>Availability of information.</i>- Retains current law; yet inserts identical new provision at (23).</p>	<p>(16) <i>Availability of information.</i>- Amends reference to families or representatives.</p>	
<p>Similar requirement included above in (16).</p>	<p>(17) <i>Authority to use funds.</i>- Adds new requirement for an assurance that the agency will have the authority to use funds to comply with State grant requirements, including hiring qualified staff.</p>	<p>Prefer Senate location if new requirement is added.</p>
<p>(18) <i>Protection and advocacy services.</i>- Requires an assurance that the State will enter into a contract for P&A services. The amount of funds from Federal/State must be reasonable in relation to the size of the grant and State.</p>	<p>(18) <i>Protection and advocacy services.</i>- Requires an assurance that the State will use the lesser of \$75,000 or 10% of grant for a grant or contract to support P&A services, <u>or</u> may request that the Secretary make a grant or contract to support P&A services.</p>	<p>Support Administration bill. Prefer the amount of funds to be specified in law and that the amounts to be spent be based on population. Oppose Senate language providing for awards by the Secretary if the State elects, which would be administratively cumbersome for the Department.</p>

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HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p>SEC 102(d) - APPLICATIONS - cont'd</p> <p>(19) <i>Training activities.</i>- Requires an assurance that the State will include personnel training in assistive tech within existing Federal/State funded training initiatives, and will document those activities.</p> <p>(20) <i>Limit on indirect costs.</i>- Shall not exceed 15%. (Same as Administration bill).</p>	<p>SEC 102(e) - APPLICATIONS - cont'd</p> <p>No similar requirement, but in sec. 101(b)(8) authorizes developing and implementing such strategies.</p> <p>(19) <i>Limit on indirect costs.</i>- Shall not exceed 8%.</p>	<p>Prefer House, which will help ensure that training on assistive technology becomes an integral part of training for all service providers.</p> <p>Prefer House because Senate cap is unduly restrictive.</p>
<p>(21) <i>Coordination with State Councils.</i>- Requires the coordination of the project under this act with other councils under several acts. Cites section 1916(e) of Public Health Service Act. (Similar to Administration bill.)</p> <p>(22) <i>Coordination with other systems change projects.</i>- Projects funded under this act to coordinate with other related systems change projects funded by either Fed or State.</p> <p>(23) <i>Availability of information.</i>- Duplicates (17) above.</p>	<p>(20) <i>Coordination with State Councils.</i>- Requires the lead agency to coordinate with the same councils, plus any council under two provisions in the Older Americans Act. Cites section 1914 of the Pub. Health Ser. Act.</p> <p>(21) <i>Coordination with other systemic change projects.</i>- Requires the lead agency to coordinate the activities funded through 102 and 103 with other systemic change projects funded through Fed or State resources.</p>	<p>No preference.</p> <p>Prefer House, which only requires coordination with <u>related</u> projects.</p> <p>House provision duplicates earlier provision.</p>

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HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p>SEC 102(d) - APPLICATIONS - cont'd</p> <p>(24) <i>Timeliness of service provision.</i>- Requires an assurance that the State will review all State laws, regulations, policies, etc. that impact on: the need for and the provision of assistive tech; the specific entity that will provide the service or device; the procurement policies that affect the usage of the service or device; and the timelines involved in such procurement. Also, the State must review all State laws, regs, etc. to determine areas that delay the acquisition or delivery of assistive tech services or devices and determine ways to decrease time lines.</p> <p>(25) <i>Other information.</i>- Retains current law.</p> <p>Includes a similar provision in sec. 101(b)(4).</p>	<p>SEC 102(e) - APPLICATIONS - cont'd</p> <p>No similar requirement.</p> <p>(22) <i>Other information.</i>- Retains current law.</p> <p>(f) <i>Requirements.</i>- Adds a new subsection in sec. 102. States that have provided P&A services through a comparable program as of Jan. 1, 1993 shall be considered to meet the requirements.</p>	<p>No preference.</p> <p>---</p> <p>Need to clarify that the State is required to reserve the same amount for a comparable program as it would be required to reserve for a P&A established under the DD Act.</p>

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RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 103 - EXTENSION GRANTS</u></p> <p>Amends current law, redesignates subsections, and provides new authorities.</p> <p>(a) General authority.- Minor changes to current law.</p> <p>House provides for a 5-year Second Extension grant with a declining Federal contribution in years 4 and 5, see sec. 104.</p> <p>(b) Assessment of progress.- Requires the Secretary to develop guidelines for use in assessing the progress of the statewide program.</p> <p>House requires the lead agency to document its ability as part of its application requirements in sec. 102(d), which apply to applicants for extension grants. House requires in sec. 103(d)(7) a description of how the State will permanently continue the program, including identification of funding sources and commitments.</p>	<p><u>SEC 103 - EXTENSION GRANTS</u></p> <p>Replaces sec. 103.</p> <p>(a)(1) Initial extension grant.- Amends current law to require State to meet standards specified in (b)(1).</p> <p>(a)(2) Additional extension grant.- Authorizes 3 year grant if State meets the standards specified in (b)(2).</p> <p>See sec. 104 which requires the Secretary to establish criteria by regulation.</p> <p>(b) Standards.-</p> <p>(1) For an initial extension grant, requires the designated lead agency to: provide evidence of its ability to carry out the activities described in 102(d)(2)((B); and demonstrate progress.</p> <p>(2) For an additional extension, requires the lead agency to: provide evidence of its ability to carry out the activities described in 102(d)(2)((B); describe how the State will permanently continue the consumer-responsive comprehensive statewide program; and identify future public and private sector funding, key individuals, agencies, and organizations to direct future efforts.</p>	<p>No preference.</p> <p>Strongly prefer House, but recommend that second extension be for "not more than" 5 years.</p> <p>Strongly prefer House because the burden and difficulty involved in regulating would not be justified for this small, time-limited program.</p> <p>Prefer Senate, which does not require the State to describe how it will permanently continue the program until the application for the second extension grant.</p>

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RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p>SEC 103 - EXTENSION GRANTS - cont'd</p> <p>(c) Amounts of grants.- Amends the references from sec. 106 to sec. 109 in both (b)(1)(A) and (B).</p> <p>Amends definitions of "State" and "territory" to reference Palau rather than the Trust Territory. Retains current law.</p> <p>Inserts a new paragraph that requires the Secretary, in providing increases above the amount provided in FY 1993, to give priority to the 10 States that have the largest populations and States that have a wide geographic spread.</p> <p>Retains current law.</p>	<p>SEC 103 - EXTENSION GRANTS - cont'd</p> <p>(c) Amounts of grants.- Identical to current law.</p> <p>Amends definitions to reference Virgin Islands and Palau.</p> <p>No similar provision. (Current law requires the Secretary to take population into account in calculating grant amounts).</p> <p>Calculation of Amount.- Amends to clarify that the Secretary shall consider "resources committed (are) by the State and to the State from other sources."</p>	<p>Prefer Senate.</p> <p>Prefer Senate, which gives the Secretary more flexibility in calculating grant amounts. Oppose House language requiring the Secretary to give priority to a specified number of States.</p> <p>Prefer Senate, which clarifies current law.</p>
<p>SEC 103(d)</p> <p>(d) Application.- Strikes requirements, inserts new paragraphs, and makes amendments to current law. Requires the State to provide the following:</p> <p>(1) <i>Information and assurances.</i>- Requires information and assurances as required under 102(d) "Development Grant Application requirements."</p>	<p>SEC 103(d)</p> <p>(d) Application.- Requires the State to provide the following:</p> <p>(1) <i>Information and assurances.</i>- Identical provision.</p>	

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HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p>SEC 103(d) - EXTENSION GRANTS- cont'd</p> <p>(2) <i>Needs.</i>- Requires a description of the needs related to assistive tech, the gaps in the development of a statewide program, the strategies that will remedy such gaps, and the outreach activities.</p> <p>(3) <i>Activities and progress under previous grant.</i>- Similar to Senate, but applies only to an application for the initial extension grant.</p>	<p>SEC 103(d) - EXTENSION GRANTS- cont'd</p> <p>(2) <i>Needs; Gaps; Strategies; Outreach.</i>- Similar provision, except that the Senate describes "problems" rather than "gaps."</p> <p>(3) <i>Activities and progress under previous grant.</i>- Requires a description of the required</p>	<p>No preference, but Administration bill includes similar provisions in the Development Application requirement.</p> <p>Prefer Senate, which covers requirements for both the initial and additional extension grants.</p>
<p>(4) <i>Public Involvement.</i>- Makes minor changes to current law. Does not require a report like the Senate provision.</p> <p>(5) <i>Comments.</i>- Retains current law.</p>	<p>activities (sec. 101(b)) carried out under a development grant, or under an initial extension grant, and the actions undertaken to produce systems change, activities to improve consumer involvement including training and TA efforts, and an evaluation of the impact of the systems change activity, training, and TA. Also, a description of the relationship for the systemic change and advocacy activities to the development and progress toward a statewide program.</p> <p>(4) <i>Public Involvement.</i>- Requires a report on required hearings for both an initial or additional extension grant. Also requires descriptions of other State actions to determine consumer satisfaction as in current law.</p> <p>(5) <i>Comments.</i>- Requires a summary of comments solicited through the public hearings and through other means on issues raised in (4).</p>	<p>No objection to Senate.</p> <p>No objection to Senate.</p>

HOUSE BILL

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RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p>SEC 103(d) - EXTENSION GRANTS- cont'd</p> <p>(6) <i>Compatibility and accessibility of electronic equipment.</i>- Adds that the State "or any recipient of its funds" will comply with sec. 508 of the Rehab Act.</p> <p>(7) <i>Continuation of program.</i>- Requires a description of the steps the State has taken to continue a statewide program, including the identification of potential funding sources and funding commitments from the public and private sectors.</p>	<p>SEC 103(d) - EXTENSION GRANTS- cont'd</p> <p>(6) <i>Compatibility and accessibility of electronic equipment.</i>- Retains current law.</p> <p>Similar provision in sec. 103(b).</p>	<p>Prefer House, which clarifies that the sec. 508 guidelines apply to recipients of State funds.</p> <p>Prefer Senate, which does not require this information to be provided until the State applies for an additional extension grant.</p>
<p>Sec. 106(d) Public Comment requires the P&A agency to conduct a public hearing and report to the Secretary.</p> <p>SEC 104 - SECOND EXTENSION GRANTS</p> <p>General authority.- Provides for a 5 year extension grant.</p> <p>Amount of grant is the same as first extension grant except that the Federal share declines in the fourth and fifth year to 75% and 50% of amounts paid in the third year. Requires the Secretary to give priority to 10 States with the largest populations or geographic spread in providing increases in grants above the 1993 levels.</p>	<p>(e) <i>Public Hearing.</i>- New subsection. Requires the State to hold a hearing the third year of its development grant to be eligible for an initial extension grant or in the second year of its initial extension grant for an additional extension grant.</p> <p>See Senate sec. 103(a)(2) - 3 year additional extension grant to any State that meets specified standards.</p> <p>No similar provision.</p>	<p>Prefer Senate, but recommend that only one hearing be required no later than 6 months before the end of the initial extension grant.</p> <p>Prefer House, but recommend second extension be "not more than" 5 years, as proposed by the Administration, to give the Secretary flexibility to award a shorter grant if appropriate.</p> <p>Oppose language that appears to require same amounts as first extension grant, but support declining Federal contribution in fourth and fifth years.</p>

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<p><u>SEC 105 - PROGRESS REPORTS</u></p> <p>See requirement in Sec. 103 for guidelines.</p>	<p><u>SEC 104 - PROGRESS CRITERIA AND REPORTS</u></p> <p>(a) Regulations.- Requires the Secretary, through regulation, to establish criteria for determining whether a State is making significant progress in developing and implementing a statewide program. Criteria shall include standards for assessing the impact of the systemic change and advocacy activities in achieving the purpose of the act.</p>	<p>Oppose Senate provision requiring the Secretary to establish criteria in regulations.</p>
<p>(a) In general.- Requires an annual report documenting significant progress in developing a statewide program. The report must document: successful systems change activities to increase funding and access, including an analysis of law, regs, etc. and a report on P&A services; consumer satisfaction and participation; involvement of State agencies in the application and in the development of the statewide program; efforts to train personnel; information collection and dissemination activities relating to systems change; written notices by State and local agencies of policies in order to inform individuals with disabilities of Federal requirements; efforts to disseminate information on major program initiatives by electronic communication; efforts to comply with the assurance of "timeliness of service;" efforts to reduce service delivery time; and efforts to disseminate information about interagency activities that promote coordination</p>	<p>(b) Reports.- Each State shall provide an annual report that: documents significant progress in developing the program, consistent with the standards and criteria required above in (a). Requires information similar to the House bill except does not require detailed P&A service reporting; information on efforts to train personnel; efforts to disseminate information on major program initiatives by electronic communication; and efforts to reduce service delivery time. Unlike the House, the Senate requires information on the numbers of consumers involved and the activities consumers were involved in.</p>	<p>Prefer Administration bill. Oppose Senate language requiring information on the numbers of consumers involved as too burdensome; prefer House language requiring documentation of the degree of consumer satisfaction and participation. Requirement in both bills to describe State agency involvement duplicates Application requirement in sec. 102(e).</p>

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RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 105 - PROGRESS REPORTS</u></p> <p>of assistive tech.</p> <p>(b) Specific Requirements for reports with respect to extension grants.- Retains current law, except for adding a reference to Extension grants and second Extension grants.</p> <p>(c) Reports on Protection and Advocacy services.- New paragraph that requires the P&A to annually report on their progress in four areas. House also contains a general requirement to report on P&A services in 106(a)(1)(B)).</p>	<p>Deletes (b).</p> <p>Senate bill requires reporting on all sec. 101 activities.</p>	<p>Prefer Senate because information is not needed.</p> <p>No preference.</p>
<p>(d) Public Comment.- New paragraph that requires the P&A to: conduct a hearing for public comment; conduct the hearing within a specific time frame; and summarize and report on the public comments from the hearing.</p> <p><u>SEC 106 - ADMINISTRATIVE PROVISIONS</u></p> <p>Amends and redesignates. (Subsections follow as redesignated.)</p> <p>(a) Review of participating states.- Retains current law.</p>	<p>Senate requires the State to hold a public hearing in sec. 103(e) above.</p> <p><u>SEC 105 - ADMINISTRATIVE PROVISIONS</u></p> <p>(a)(1) Review of participating states.- Requires an assessment of consistency with the standards in sec. 104(a).</p>	<p>Prefer Senate, which requires the State to conduct the hearing but recommend that only one hearing be required no later than 6 months before the end of the initial extension grant.</p> <p>Prefer House because of objection to Senate requirement for standards.</p>

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<u>SEC 106 - ADMINISTRATIVE PROVISIONS</u>	<u>SEC 105 - ADMINISTRATIVE PROVISIONS</u>	
<p>(a)(2) <i>Onsite visits</i>.- Retains current law, except for updating compensation.</p>	<p>(a)(2)(A) <i>Onsite visits</i>.- Requires the Secretary to conduct an onsite visit during the final year of each grant, and an additional visit to any State that received an extension grant and whose initial visit was prior to the 1993 Amendments.</p> <p>(a)(2)(B) Two-thirds of the monitoring team shall be qualified peer reviewers who are not agency personnel and who are from States other than the State being monitored, including an individual with a disability or parent, etc.</p>	<p>Prefer House. Senate requirement is unduly burdensome.</p> <p>No objection to Senate.</p>
<p>Similar provision.</p>	<p>(a)(2)(C) Updates compensation for officers or employees and other members.</p>	
<p>No similar provision.</p>	<p>(a)(2)(D) Requires the Secretary to prepare and make public a report of the findings from the onsite visits and determine whether to continue funding the program with or without changes.</p>	<p>Prefer House. Oppose Senate requirement for Secretary to prepare a report, which would be burdensome, and could threaten the integrity of the peer review process.</p>
<p>No similar provision.</p>	<p>(a)(3) <i>Advance Public Notice</i>.- New paragraph requires the Secretary to provide advance public notice of the onsite visit and solicit comment. Comment shall be included in the onsite visit report.</p>	<p>Prefer House, which does not require the Secretary to seek public comment in connection with a site visit.</p>
<p>Retains current law.</p>	<p>(a)(4) <i>Minimum requirements</i>.- Inserts "consumer-responsive comprehensive" to statewide program.</p>	<p>Prefer Senate, which makes necessary conforming changes.</p>

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RECOMMENDED POSITION

SEC 106 - ADMINISTRATIVE PROVISIONS

(b) Corrective action plan.- Retains current law. (House authorizes the Secretary to require redesignation based on the recommendations of a monitoring panel and mandates redesignation if the Governor fails to appoint a monitoring panel).

(c) Redesignation of lead agency.- Requires the Governor within 30 days to appoint a monitoring panel made up of certain members if State is subject to a corrective action plan. Failure to appoint monitoring panel results in loss of funding and a State competition for agency redesignation.

(d) Redesignation of protection and advocacy services.- Requires the Secretary to redesignate if significant progress has not been achieved. A competition is held in the State.

(e) Annual report.- Requires the Secretary to publish a report by Dec. 31 each year. Prescribes contents.

(f) Interagency disability coordinating council.- Requires the ICDD to report on or before Oct. 1, 1995.

(g) Effect on other assistance.- Deletes from current law the references to specific authorities.

SEC 105 - ADMINISTRATIVE PROVISIONS

(b) Corrective action plan.- Changes "Penalties" to "Corrective Actions", and adds a new paragraph that permits the Secretary to require redesignation of the agency if the State fails to comply with requirements.

See (b) above, which provides that the State may be directed to redesignate.

(d) Change of Protection and Advocacy Services provider.- Allows the Governor to redesignate the provider of P&A services for good cause.

(e) Annual Report.- Similar requirements.

(f) Interagency Disability Coordinating Council.- Similar requirements.

(c) Effect on other assistance.- Retains current law.

Prefer Senate, which gives the Secretary flexibility to require redesignation if a State is out of compliance.

Prefer Senate. Establishing a monitoring panel could be costly. ~~State competition is not a~~ appropriate mechanism to select a new lead agency.

Prefer Senate. House language would not permit the Governor to redesignate for good cause.

No preference.

No preference.

No preference.

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 108 - FUNDING</u> (This section is placed here to align with the Senate provisions.)</p> <p>(a) Authorization of Appropriations.- (1) \$50,000,000 for FY 1994 and such sums for 1995 - 2002.</p> <p>(2) Reservation.- 2% of subsec. (a)(1) funds, or \$1,500,000, whichever is greater, for sec. 107 Technical Assistance.</p>	<p><u>SEC 106 - AUTHORIZATION OF APPROPRIATIONS</u></p> <p>(a) Authorization of Appropriations.- (1) Such sums for FY 1994 - 1996.</p> <p>(b) Reservation.- (A) Provision of Information and Technical Assistance.- 2% of Subsec. (a)(1) funds, or \$1,500,000, whichever is greater, for TA as described in this section.</p>	<p>Support Administration bill, which authorizes \$37.744 million for FY 1994 and such sums for 1995 - 1998.</p> <p>Prefer Administration bill, which clarifies that the Secretary may reserve more than the greater of 2% or \$1.5 million.</p>
<p><u>SEC 107 - INFORMATION AND TECHNICAL ASSISTANCE</u></p> <p>(a) In General.- Requires the Secretary to provide States, individuals with disabilities, and their families with information and technical assistance.</p> <p>(b) Information and Technical Assistance to States.- Requires assistance to States to include: a clearinghouse for information on projects; service delivery capacity building, personnel training, evaluation, research and data collection; technical assistance on information referral, interagency coordination on training, and outreach to underrepresented populations; technical assistance on development and implementation of activities to further extend the statewide program; technical assistance to projects funded under</p>	<p>(1) Technical Assistance to States.-</p> <p>(A) In General.- Similar provision; except that community-based organizations and P&A agencies also are recipients of the information and technical assistance.</p> <p>(B) Technical Assistance to States.- Similar provisions. Requires Secretary to consider input from the directors of the statewide program in providing information and technical assistance to States will include very similar provisions.</p>	<p>Prefer Senate, which is less prescriptive.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 107 - INFORMATION AND TECHNICAL ASSISTANCE</u></p> <p>authorized activities in 101(c); and any information to assist States in carrying out the Act.</p> <p>(c) Information and Technical Assistance to Individuals.- Requires assistance to individuals with disabilities and their families, etc... to include: information on Federal, State, and local law, regs, policies, procedures, and practices that facilitate funding for and access to assistive tech to promote independence, productivity, and inclusion; effective systems change activities, advocacy services, and P&A services; funding decisions or legal actions that enhance access to and funding for assistive tech; State-Federal coordination; and any information to assist individuals in carrying out the Act.</p>	<p><u>SEC 106 - AUTHORIZATION OF APPROPRIATIONS</u> Provision of Information and Technical Assistance</p> <p>(C) Information and Technical Assistance to Individuals with Disabilities.- Similar provision; except that information will be on a nationwide basis and will include community-based organizations and P&A agencies.</p>	<p>Prefer Senate.</p>
<p>(d) Grants, Contracts, and Agreements.- Requires the Secretary to provide this assistance through grants, contracts, or cooperative agreement with public private agencies and organization, including IHEs with documented experience and</p>	<p>(D) Coordination.- Requires coordination of technical assistance with other activities under the Act.</p> <p>(E) Grants, Contracts, or Cooperative Agreements.- Requires the Secretary to make grants through the same mechanisms and to the same entities. However, the Senate bill does not specify the number of grants, but specifies that funding for TA to</p>	<p>No objection, but not necessary.</p> <p>Prefer House, but oppose limit of 2 on number of awards. Oppose Senate language that prescribes the percentage of funds to be spent on the two types of technical assistance.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 107 - INFORMATION AND TECHNICAL ASSISTANCE</u></p> <p>capacity to accomplish the required activities. One or two grants will be awarded, and the recipient is authorized to (sub)contract for the provision of services.</p>	<p><u>SEC 106 - AUTHORIZATION OF APPROPRIATIONS</u> Provision of Information and Technical Assistance</p> <p>States and TA to individuals will be between 45% and 55% of the reserved amount. In addition, out of the 2 amounts the Secretary is authorized to reserve up to \$300,000 for an additional grant or contract for an organization with expertise in funding to assist the recipients of the other technical assistance grants.</p>	
<p>Omits provision in current law authorizing the use of funds for site visits.</p> <p>Replaces sec. 107.</p>	<p>All grants or contracts will be competitive and shall submit applications as the Secretary may require.</p> <p>(2) The Secretary may reserve funds for the required onsite visits.</p> <p>Repeals sec. 107 Evaluation.</p>	<p>Strongly prefer Senate, but recommend that the language be modified to include visits that are not required by statute.</p>
<p><u>SEC 108 - FUNDING</u></p> <p>See 108(a) above, aligned with sec. 106 of Senate bill.</p> <p>(b) Administration.- Requires the Secretary to provide S&E resources to OSERS for 4 FTE to be assigned to NIDRR to administer this act.</p>	<p>No similar provision.</p>	<p>Strongly prefer Senate. House provision would diminish the Secretary's ability to assign staff to where they are most needed.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>TITLE II - PROGRAMS OF NATIONAL SIGNIFICANCE</u></p> <p>Inserts a new Title II as follows:</p> <p><u>SEC 201 - NATIONAL CLASSIFICATION SYSTEM</u></p> <p>a) General authority.- Requires the Secretary to collect uniform data on the publicly funded programs through the use of a single taxonomy. And requires the determination of whether devices and services are assistive tech for purposes of the IRS.</p> <p>(b) Single taxonomy.- Requires the Secretary to adopt a single taxonomy for assistive tech devices and services. A two-year grant or contract may be awarded (within 6 months of enactment) to carry this out. If a grant or contract is not awarded the Secretary must adopt the taxonomy within the two-year period.</p> <p>(c) Uniform data.- Prescribes a host of data collection elements.</p> <p>(d) Publicly Funded Programs.- Rehab Act (Titles I, VI, and VII) IDEA (Parts H and B) SSA (Titles V and XIX) Older Americans Act DD Bill of Rights</p>	<p><u>TITLE II - PROGRAMS OF NATIONAL SIGNIFICANCE</u></p> <p>Amends Title II.</p> <p><u>SEC 201 - NATIONAL CLASSIFICATION SYSTEM</u></p> <p>a) Pilot Project.- Requires the Secretary to conduct a pilot project to develop a national classification system, with the goal of uniform data. Authorizes the Secretary to enter into contract or cooperative agreements.</p> <p>(b) Single taxonomy.- Requires the Secretary to adopt a single taxonomy and nomenclature in conducting the pilot project. Similar timing provisions -- see below.</p> <p>(c) Data Collection Instrument.- Requires the secretary to develop an instrument to collect data on funding for assistive tech and data from the following programs: Rehab Act (Titles I, VI, and VII) IDEA (Parts H and B) SSA (Titles V and XIX) Older Americans Act DD Bill of Rights</p>	<p>Prefer Senate. A pilot is more realistic given the complexity of the project, the funding, and the time frame.</p> <p>Object to language in House bill that establishes a deadline for the award.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 211 - TRAINING GRANTS</u> - cont'd</p> <p>(2) <i>Eligible Activities.</i>- Activities may address the training needs of individuals with disabilities, family members, representatives of public agencies, teachers and related services personnel, technology experts, etc.</p>	<p><u>SEC 221 - TRAINING</u> - cont'd</p> <p>disabilities" and to provide training to develop awareness, skills, and competencies of providers and consumers in rural areas to increase the availability of assistive tech.</p> <p>(2) <i>Eligible Activities.</i>- Very similar provision.</p>	
<p>No similar provision.</p> <p>(b) <u>TECHNOLOGY CAREERS.</u>- General authority.- Requires the Secretary to make grants to IHEs to prepare students and faculty in 7 specific fields.</p>	<p>(3) <i>Uses of funds.</i>- Grant funds may be used for part of the costs of the training and for scholarships and stipends.</p> <p>(4) <i>Application.</i>- Requires applicants for grants to provide a description of strategies that will increase the employment of individuals with disabilities or minority groups.</p> <p>(b) <u>TECHNOLOGY CAREERS.</u>- General authority.- Amends current law to make grants to IHEs and community-based organizations to prepare personnel for careers relating to the provision of technology-related assistance.</p>	<p>Oppose retention of authority. If retained, activities should be authorized, not mandated.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p>SEC 211 - TRAINING GRANTS - cont'd</p> <p>Priority.- Similar to Senate but does not provide "interdisciplinary preparation."</p> <p>(3) Uses of funds.- Grant funds may be used for part of the costs of the training and for scholarships and stipends.</p> <p>No similar provision.</p>	<p>SEC 221 - TRAINING - cont'd</p> <p>Priority.- Priority is given to the interdisciplinary preparation of personnel who provide technical assistance in order to support the development of the statewide program and to enhance the skills of service providers.</p> <p>(3) Uses of funds.- Grant funds may be used for part of the costs of the training and for scholarships and stipends.</p> <p>(4) Application.- Requires applicants for grants to provide a description of strategies that will increase the employment of individuals with disabilities or minority groups.</p>	
<p>(c) GRANTS TO HISTORICALLY BLACK COLLEGES.- Requires the Secretary to reserve an adequate amount for grants to HBCUs and other IHEs whose enrollment is at least 50%.</p> <p>SEC 212 - TECHNOLOGY TRANSFER</p> <p>Requires the Secretary to provide funds to an organization to promote technology transfer from and among Federal laboratories (defined in Steveson-Wydler Tech Innovation Act).</p>	<p>No similar provision.</p> <p>No similar provision.</p>	<p>Prefer Senate, which would not require the Secretary to announce a separate competition to ensure funding for minority institutions.</p> <p>Prefer Senate, which would not require the Secretary to support technology transfer under this Act. NIDRR has authority to support technology transfer under the Rehabilitation Act.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

HOUSE BILL	SENATE BILL	RECOMMENDED POSITION
<p><u>SEC 213 - DEVICE AND EQUIPMENT REDISTRIBUTION INFORMATION SYSTEMS AND RECYCLING CENTERS</u> Requires the Secretary to make grants, contracts, or cooperative agreements to establish recycling projects.</p>	<p>No similar provision.</p>	<p>Prefer Senate. This activity is authorized under Title I. A separate discretionary grants program is not needed.</p>
<p><u>SEC 214 - BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES</u> Authorizes the Secretary to make grants to individuals with disabilities to operate commercial enterprises that market assistive devices or services.</p>	<p>No similar provision.</p>	<p>Prefer Senate because the authority proposed by the House is not related to the purposes of the Act.</p>
<p><u>SEC 215 - PRODUCTS OF UNIVERSAL DESIGN</u> Authorizes the Secretary to make grants to commercial enterprises and IHEs for research of products of universal design.</p>	<p>No similar provision.</p>	<p>Prefer Senate. NIDRR has the authority to promote universal design.</p>
<p><u>SEC 216 - GOVERNING STANDARDS FOR PART B PROJECTS</u> Requires projects funded under the PART B - TRAINING AND DEMONSTRATION PROJECTS authority to: be held to the same standards as the statewide program under Title I; to make available to individuals and their families information in an accessible form; prepare information that considers the media-related needs of individuals; and to coordinate their efforts with the statewide program in the State or States that their projects operate.</p>	<p>No similar provision.</p>	<p>No objection to House.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

<p>See Title III authority for alternative financing mechanisms such as loans.</p>	<p><u>SEC 231 - DEMONSTRATION AND INNOVATION PROJECTS</u></p> <p>Amends current law. Retains demo authority for grants or contracts to non profits to pay all or part of costs for demonstrations.</p> <p>Amends (3) Direct loan projects.- to authorize demonstrations to examine alternative direct loan programs such as low-interest loan funds, revolving loan funds, loan insurance programs, and to evaluate such loan systems.</p>	<p>Oppose retention of these authorities, but prefer Senate as opposed to House authority for loan projects because the Senate is less prescriptive.</p>
<p><u>SEC 221 - AUTHORIZATION OF APPROPRIATIONS</u></p> <p>(a) Authorization of Appropriations.- \$10,000,000 for 94 and such sums for 95-98.</p> <p>(b) Reservation.- \$200,000 of (a) funds in FY 1994 and 1995 for sec. 201 for the adoption of the taxonomy.</p>	<p><u>SEC 241 - AUTHORIZATION OF APPROPRIATIONS</u></p> <p>(a) Authorization of Appropriations.- Such sums for 94-96.</p> <p>Sec. 201 requires reservation of \$200,000 in FY 1994.</p> <p>Senate bill repeals Title II Part B (National Information and Program Referral Network) and sec. 222 (Public Awareness Projects). But neglects to repeal sec. 231 (c) Report to Congress on Extension of Direct Loan Program.</p>	<p>Prefer Senate.</p> <p>Prefer House, but recommend Secretary be authorized but not required to reserve up to \$200,000 each year.</p>

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

TITLE III - SEC 301 - ALTERNATIVE FINANCING MECHANISMS

Requires the Secretary to award grants to establish or expand alternative financing mechanisms for the purchase of assistive tech devices. Grants may provide up to one half of the costs of administering the alternative financing mechanisms. Mechanisms may include: low interest plan fund; a revolving fund; loan insurance program; partnership with private entities for the purchase or lease of assistive tech; an other alternative financing mechanisms that meet the requirements of this Act.

SEC 302 - APPLICATIONS AND PROCEDURES

Any State that receive(s)(d) a grant under 102, 103, or 104 is eligible to compete for Title III grant. Exceptions include: (1) only one grant to a State; (2) applications must include assurances that the States will match the Federal share, that the alternative financing will continue on a permanent basis, and that the financing will expand consumer choice and control; (3) requires States to contract with an organization for the administration, and requires that the organization contract with commercial lending institutions or State financing agencies; (4) Requires that the

Retains authority in current law under Title II, with minor modifications.

Prefer Senate. Oppose language requiring grants for this purpose because these activities are authorized in Title I. If a discretionary grant program is to be included, prefer Senate, which includes a much more flexible authority under demonstration and innovation projects.

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

SEC 302 - APPLICATIONS AND PROCEDURES

contract between the State and the organization must administer both the Federal and Non-Federal share, and will include any provision requires by the Secretary.

SEC 303 - GRANT ADMINISTRATION REQUIREMENTS

Requires States to develop and submit (within 12 months or otherwise requested by the Secretary) policies or procedures for administration of the mechanism.

SEC 304 - FINANCIAL REQUIREMENTS

Requires States to submit an application that contain assurances that funds supporting an alternative financing mechanism meet prescribed requirements.

SEC 305 - AMOUNT OF GRANTS

(a) Grants shall not be more than \$500,000 except for "Excess Funds."

(b) Excess Funds shall be available to States receiving grants on a competitive basis. States are required to match additional funds.

(c) Insufficient funds.- If insufficient funds exist to award grants to all approved applications priority shall be given to them in the next fiscal year.

HOUSE BILL

SENATE BILL

RECOMMENDED POSITION

<p><u>SEC 306 - TECHNICAL ASSISTANCE</u> Requires the Secretary to provide prescribed information and TA to States through grants, contracts, or cooperative agreements to assist in the development and implementation of the alternative financing mechanisms.</p> <p><u>SEC 307 - ANNUAL REPORT</u> Requires the Secretary to submit a report not later than Dec. 31. The report must contain prescribed information.</p>		
<p><u>SEC 308 - AUTHORIZATION OF APPROPRIATIONS</u> (a) \$8,000,000 for 94 and such sums for 95-02.</p> <p>(b) Availability in Succeeding Fiscal year. - Subsection (a) funds shall remain available in the following fiscal year.</p> <p>(c) Reservation.- Requires the Secretary to reserve \$250,000 for information and TA to States Under sec. 306.</p>		<p>This provision would have no effect. Appropriations language governs availability.</p>
<p><u>TITLE IV - AMENDMENTS TO OTHER ACTS</u></p> <p>IDEA Rehabilitation act Technical and conforming amendments</p> <p><u>TITLE IV - EFFECTIVE DATE</u> Oct. 1, 1993 or date of enactment, whichever occurs later.</p>	<p>No similar provisions.</p> <p>No provision, therefore effective upon enactment.</p>	<p>No objection to House.</p> <p>Prefer House, which ensures bill is not effective before FY 1994.</p>

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maybe

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 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 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 reassignment of the provider of direct 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.

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 would be costly.

question

information on the type or range of consumers involved could be more useful,

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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intended involving groups
§30

AMENDMENT CONCERNING MANDATORY/REQUIRED/PRIORITY ACTIVITIES

House recedes with an amendment--

In the Senate bill:

strike page 14, lines 17-25; page 15, lines 1-25; and page 16, lines 1-13;

Renumber paragraphs;

rename first paragraph "MODEL SYSTEMS AND ALTERNATIVE STATE-FINANCED SYSTEMS"

strike page 38, lines 13-25 and page 39, lines 1-15 and insert the following:

(6) GOALS, OBJECTIVES, ACTIVITIES, AND OUTCOMES.--

Information on the program to be carried out under the grant with respect to-

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

(B) the activities that the State plans to carry out under the program; and

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

(7) Priority Activities.--(A) An assurance that the State will use funds made available under this title to accomplish the purposes described in section 2(b)(1) and the goals, objectives and outcomes described in paragraph (6) by carrying out systemic change and advocacy activities in a manner that is consumer-responsive.

(B) In carrying out such systemic change and advocacy activities, the State shall particularly carry out activities regarding--

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

(ii) the development and implementation of strategies to overcome barriers regarding access to, provision of, and funding for such devices and services, with priority for identification of barriers to funding through State special education services, vocational rehabilitation services, and medical assistance services or, as appropriate, other health and

human services and with particular emphasis on addressing the needs of underserved groups;

(iii) coordination among State agencies, in order to facilitate access to, provision of, and funding for assistive technology devices and assistive technology services; and

(iv) the development and implementation of strategies to empower individuals with disabilities, and family members, guardians, advocates, and authorized representatives of such individuals, to successfully advocate for increased access to, funding for, and provision of assistive technology devices and assistive technology services,

unless the State demonstrates through the progress reports required under section 104 that-

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

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

(8) An assurance that the State will conduct an annual assessment of the statewide system of technology-related assistance, in order to determine-

(A) the extent to which the State's goals and objectives for systemic change and advocacy, as identified in the State plan under paragraph (6), have been achieved; and

(B) the areas of need that require attention in the next year.



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:

9/9/93 4:30PAGES SENT (including transmittal) 2COMMENTS:

I understand from Carol Cichowski, with whom you spoke this afternoon, that the enclosed revision to p. 2 of the appendix addresses your concerns. Please let me or Carol (401-3939) know if you have any questions or comments.

P.O. Box 2914
Alameda, CA 94501
Phone: (510) 865-5282
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To be released: May 15, 1994

For further information
contact: Darcy Cohan

LIMITATIONS BECOME OPPORTUNITIES WITH THE RIGHT TOOLS

This book is written for a community that has not discovered the power of technology. This community includes people with disabilities, but it also includes family members, advocates, and friends of people with disabilities. It encompasses thousands of professionals in the fields of education and rehabilitation who are concerned about quality-of-life issues and options for children and adults with disabilities. We believe this constituency will demand nothing less than a revolution in expectations, making more options available for people with disabilities everywhere.

-- From the Book

COMPUTER RESOURCES FOR PEOPLE WITH DISABILITIES

by the Alliance for Technology Access

Foreword by Stephen Hawking

In the United States alone over 2 million people have speech and language disabilities, 1.4 million have severe vision problems, and 28 million have hearing impairments. Fortunately, the computer age has achieved dramatic inroads in helping people with disabilities. This comprehensive new book is an excellent resource for people with disabilities and the counselors, family members, and teachers with whom they live and work. Written by experts in the field, it identifies appropriate computer technology, explains how to seek necessary funding to purchase equipment, and how to use the technology at work or at home, alongside other people with or without disabilities. *Computer Resources for People with Disabilities* includes:

- ◆ Guiding and informative real life success stories
- ◆ Explanations of legislation such as ADA, IDEA, the Tech Act, and what they mean for the reader
- ◆ "Tool boxes" describing current assistive technology
- ◆ Detailed descriptions of specially modified software and hardware, such as speech synthesizers for speech or hearing impairments, and talking word processors which enable quadriplegics to communicate effectively

The guide also gives an extensive list of support groups, national agencies, professional associations, and educational training institutions that offer an array of possibilities for people with disabilities.

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ABOUT THE AUTHORS

The Alliance for Technology Access

The Alliance for Technology Access is a network of community-based technology resource centers dedicated to providing information, resources and support to children and adults with disabilities, and increasing their access to standard and assistive technology. ATA is part of a growing movement of people across the country who are working to redefine human potential through the powerful and imaginative application of computer technology. Its members share a common vision -- and an uncommon commitment -- to improving the quality of life for people with disabilities.

Foreword by Stephen Hawking, Ph.D.

Stephen Hawking, Ph.D., is perhaps the greatest modern physicist since Einstein. When he was twenty-one he was diagnosed with ALS, a degenerative nerve disease. With the help of a voice synthesizer, and other computer technology, he has been able to communicate his genius to the world. He is the author of *A Brief History of Time* and *Black Holes and Baby Universes and Other Essays*.

**ENDORSEMENTS FOR
COMPUTER RESOURCES FOR PEOPLE WITH DISABILITIES**

"Assistive technology can be liberating, creating opportunities and independence for people with disabilities. This comprehensive and clear guide through the often confusing maze of technology can inform people, and empower them as well."

-- Joseph Shapiro
Senior Editor
U.S. News and World Report

"There has been an explosion of technologies that gives access and power to people with disabilities. But which equipment is right for you, your child, or your classroom? And what funds for assistive technology are you entitled to? In your hands is your best guide to choosing peripherals that are specific to you or your child's needs. It is thorough, well organized, and highly readable. This is a book that can make a tremendous difference."

-- Amy Tan
Former language development consultant for
special education programs
Author of The Joy Luck Club

"This book helps us understand the power of technology and its potential to give everyone the capabilities to fulfill their dreams."

-- George Lucas
Chairman
The George Lucas Educational Foundation
Filmmaker

"*Computer Resources for People with Disabilities* gets beyond the jargon, beyond the commercialism, and beyond the theory to address the real needs of people with disabilities who want to use technology in their lives."

-- Vicki Casella, Ph.D.
Professor of Special Education
San Francisco State University

"This book on assistive technology speaks directly to people with disabilities and their families. Technology is vital for attaining independence. This book can assist you in figuring out how to get it into your life."

-- Ed Roberts
President
World Institute on Disability

- Sec. 101. Program authorized.
- Sec. 102. Development grants.
- Sec. 103. Extension grants.
- Sec. 104. Second extension grants.
- Sec. 105. Progress reports.
- Sec. 106. Administrative provisions.
- Sec. 107. Information and technical assistance.
- Sec. 108. Funding.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

- Sec. 201. Programs authorized.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

- Sec. 301. Alternative financing mechanisms authorized.

TITLE IV—AMENDMENTS TO OTHER ACTS

- Sec. 401. Individuals With Disabilities Education Act.
- Sec. 402. Rehabilitation Act of 1973.
- Sec. 403. Technical and conforming amendments.

TITLE V—EFFECTIVE DATE

- Sec. 501. Effective date.

1 SEC. 2. FINDINGS AND PURPOSES.

2 (a) FINDINGS.—Section 2(a) of the Technology-Re-
 3 lated Assistance for Individuals With Disabilities Act of
 4 1988 (29 U.S.C. 2201(a)) is amended to read as follows:

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

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

9 “(A) to live independently;

10 “(B) to enjoy self-determination;

11 “(C) to make choices;

12 “(D) to contribute to society;

13 “(E) to pursue meaningful careers; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **SEC. 3. DEFINITIONS.**

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

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

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

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

INTRODUCTION OF CAROL

1. UNIQUE PLEASURE

2. "WAR ROOM" -- EMOTIONAL SPEECH NEAR THE END OF CAMPAIGN, JIM CARVILLE SAYS GREATEST GIFT A PERSON CAN GIVE IS THEIR LOVE, NEXT GREATEST IS THEIR LABOR AND WHEN YOU CAN MARRY BOTH IN A LABOR OF LOVE YOU HAVE A RARE OPPORTUNITY

Handwritten note: I HAVE SEEN CAROL RASCO PERFORM A LABOR OF LOVE --- ASSISTING THE PRESIDENT TO CARRY OUT HIS DOMESTIC POLICY TO ENSURE THAT EVERY AMERICAN -- INCLUDING EVERY PERSONS WITH MR AND RELKATED DISABILITIES HAS HEALTH INSURANCE AND ADEQUATE CARE; THAT EVERY PERSON IS TREATED WITH DIGNITY AND HAS AN OPPORTUNITY FOR CHOICES NOT ONLY IN HEALTH CARE, BUT IN EDUCATION, COMMUNITY LIVING, AND INCLUSION.

3. OUR NEWLY AMENDED DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS LAW, SIGNED INTO LAW BY PRESIDENT CLINTON ON APRIL , 1994, BEST EXPRESSES THE SPIRIT THAT CAROL RASCO BRINGS TO HER POSITION:

THE GOALS OF THE NATION
INFORMED CHOICES ETC
AND INCLUUSIION IN SOCIETY.

4 THE BIOGRAPHICAL FACTS ARE WELL -KNOWN

5. SEE NY TIEMS -- RASCO FILE

6. SEE US NEWS AND WORLD REPORT

--- "MOTHERS OF INVENTION"

7. BRINGS TO BEAR THIS EXPEREINCE AND PERSPECTIVE WHEN DECISIOPNS ARE MADE IN THE CIRCLES OF THE PRESIDENECY

8. GOOD QUOTE: WHO GUARDS THE GUARDS? CAROL DOES

MEMORANDUM TO CAROL H. RASCO

FROM: Stanley S. Herr

SUBJ: Speech notes for Alliance for Technology Access, 7th Annual Training Institute, July, 19, 1994

DATE: July 1, 1994; July 18th revised material in bold

Time and Place: 12:00 to 2:00 p.m., Tuesday, July 19, 1994
(luncheon and your keynote session)
Sheraton City Centre Hotel
1143 New Hampshire Avenue, N.W.
Washington, DC 20037

City Centre Ballroom

Points of Contact:

Hotel Phone for conference organizers: 775-0800 [ask hotel's business office to take message to Ms. Brand]
Jacquelyn (Jackie) Brand, Executive Director, Foundation for Technology Assistance

Audience:

Currently there are 200 participants expected. Audience is mainly families of children and adults with disabilities (about one-half), with the remainder being professional service providers, vendors of accessible technology and representatives of nonprofit organizations. Participants are expected from all parts of the country.

Session:

You will be introduced by Jackie Brand, unless you prefer that the honor go to one of your friends from Arkansas like Ginny Heiple or Janet Hargett. I told her that I thought you would want to leave that decision up to their organization, but she seems equally happy doing it or having someone who knows you do it. If you have a preference, please let me know and I'll call Ms. Brand back.

Time: talk can begin about 12:45 -- 30 minutes or further time as you wish.

Primary messages of interest to this audience:

1. The Administration understands the important role of technology in including people with disabilities in every aspect of society.

2. The President's oft-quoted belief that we have not "a single person to waste" resonates deeply both in this audience and in what we as an Administration are attempting to do.

3. As planning for the National Information Infrastructure moves forward, the Clinton Administration intends to reflect the diversity of needs of all our people and recognizes the importance of the concept of universal design.

4. Our commitment to the empowerment of individuals with disabilities is also reflected in:

- our implementation of the ADA whose 4th Anniversary will be celebrated at the White House next week;
- in the Technology-Related Assistance for Individuals with Disabilities Amendments which stresses consumer responsiveness, and systemic change;
- and in the planning for the reauthorization of IDEA that is now getting underway.

5. Since we are all interested in technology in its broadest terms, I will describe for you some exciting new developments I've observed or read about lately.

Specific talking points and sources

1. The materials I prepared for you for the Annenberg Washington Conference, or received from them.

2. Materials received and your own observations at Dinah Cohen's CAP program.

3. Washington Post article I mentioned in our phone conversation toady, "the future at His Fingertip: Quadriplegic Can run High-Tech Home at Touch of A Button," June 29, 1994, B1 (copy attached as App. 1), which Ms. Brand confirmed would be of interest to this audience.

4. Your Exceptional Parent speech as a base with significant amendments. [This group also is keenly interested in health care reform, since they hope that some of its benefits or long-term care provisions will help them to actually afford durable equipment and other technologies].

5. Ms. Brand will be sending me a copy of their new book, Alliance for Technology Access, "Computer Resources for People with Disabilities" which features a foreword by Cambridge

University scientist Stephen Hawking. You should note the book's recent publication, which they expect USA Today to cover, and I will give you a synopsis/highlights when I receive it. See below and attached extract; please let me know if you would like to see the whole book.

Potential remarks

- I understand that Howard Moses opened your conference on Sunday evening, so I know that you better understand that "all means all" in the Department of education and in this Administration. You now can better appreciate that this Administration knows from first-hand experience the importance of inclusion and workplace accommodations. [see letter of invitation and agenda as App. A; Carol, Judy took a fall sometime this weekend and Howard gave her speech instead; but I understand that she is recovering ok and is at work today]

- Commend your centers for introducing nearly 100,000 people to use the latest technology to permit inclusion in schools, in the workplace, and in social settings. [see App. B]

- Congratulate you on your recent publication of the book, Computer Resources for People with Disabilities: A Guide to Exploring Today's Assistive Technology. When a dozen writers can collaborate and produce a text that is highly readable, understandable and empowering, you have a great achievement! You have managed to weave together personal stories with solutions, technological tools, helpful resources, and the key concepts. As the authors' put it, "we believe in every person's right to be productive and independent and to achieve his or her desired quality of life. And we believe the most noble application of technology is to support those rights." [p. 3] Well, this Administration shares those beliefs, for as President Clinton has so frequently said: "We do not have a single person to waste."

- I wish I could convey the excitement of my recent visit to the Defense Department's CAP program where I witnessed the latest advances in computer and telecommunication accessibility for our Federal employees with disabilities. They even told us that synthesized voices come not only in male-female variants, but in regional accents. And from reading Stephen Hawking's wonderful foreword to your Computer Resources book, I've now learned that he too speaks with an American accent. I quote from this world-renowned British physicist:

"Computerized speech synthesizers have improved a great deal in recent years, and this is important: not only does one want to be understood, but also does not want to sound like Mickey Mouse or Dalek. My voice may be a bit tinny and American, but it is almost human." [p.viii]

elaborate on your visit to Dinah Cohen's Cap program

• I wish I could fully capture the excitement of high school students with various disabilities demonstrating the latest computer equipment to a Washington Annenberg conference, equipment that had helped them to succeed and prosper in their own classrooms. These are students with great expectations. Why one student now enrolled as a college freshman was already looking ahead to Law School, and a spot in the Oval Office one day. Obviously it doesn't hurt to plan ahead! Despite his cerebral palsy and vision problems, he has learned to use the tools that can bring him into the supermarkets of information.

• I have my own experiences and recollections of my son Hamp's encounters with technology, and his ability to put his people-person skills to good use whether in his current job or his encounters with the President.

• Thanks to Joseph Shapiro, your keynote speaker yesterday, and his article "Mothers of Invention" I gather you have some understanding of how parents like Jackie Brand and myself came to develop our advocacy and public policy skills through the disability movement. Our movement clearly remains a work of invention that is in progress. It is a movement that is changing expectations and options by persons with disabilities. [Carol: Jackie just told me that Shapiro in his key note made extensive reference to you and to Jackie by drawing on the "Mothers" article].

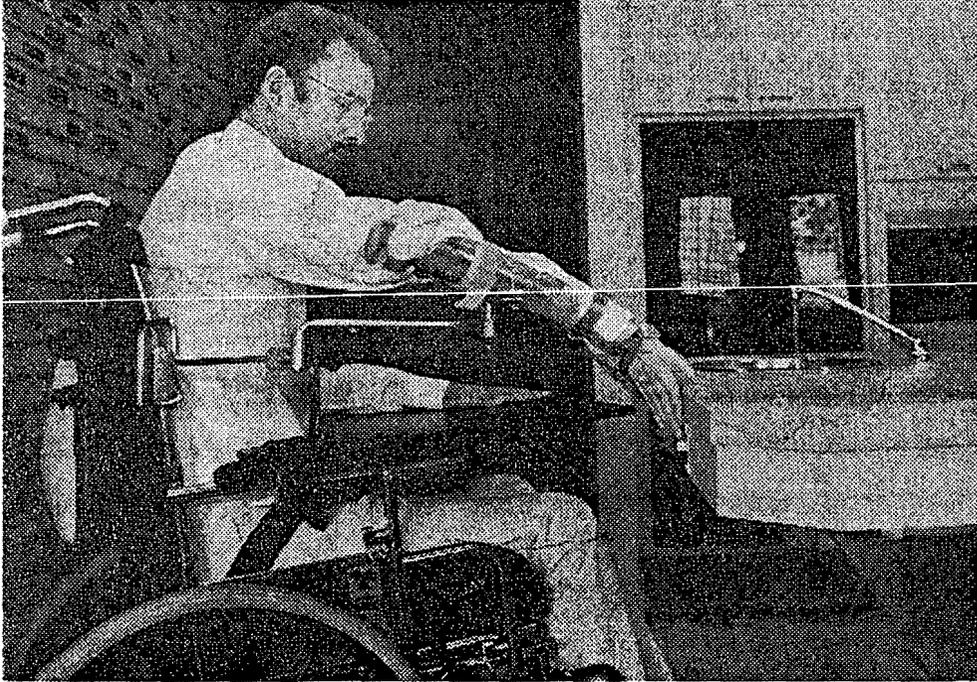
Carol -- are there anecdotes you could tell linked to the Arkansas Technology Resource Center since it is funded through the Federal Tech Assistance for Individuals with Disabilities Act, and is part of the national network of the Alliance for Technology Access that you are addressing? [see App. C, brochures about the Arkansas Center].

If you need any further information, please permit me to supplement these materials in the week of July 11th.

p.s. Both for light relief and possible future references in speeches re changing media portrayals of what a person with a disability can do, you may enjoy seeing "Forest Gump", the new Tom Hanks movie. While this is not cinema verite, the tale of an Alabama mom who believes that her son with leg braces and IQ 75 is no different from his other classmates and deserves to go to regular school with them is a powerful one. Forest manages to get to the Oval Office a couple of times, star on 'Bama football, the Congressional Medal of Honor, entrepreneurial success, and win the love of his childhood sweetheart. Now that's what I call inclusion (or Hollywood)!

Appendix
C2 p. 58

Washington Post, B1, June 29, 1994



Charles "Dave" Ward activates the counter-level water control in the kitchen of Future Home, a showcase of automation tailored to help disabled people live more independently.

BY LARRY MORRIS—THE WASHINGTON POST

The Future at His Fingertip

Quadriplegic Can Run High-Tech Home at Touch of a Button

By Paul W. Valentine
Washington Post Staff Writer

PHOENIX, Md., June 28—Smart House, move over. Here comes Future Home, disguised as a 135-year-old brick and stone tavern here in semirural Baltimore County.

Confused? Just go inside. On the second floor, beyond the antique ice box and Victorian bric-a-brac, a master computer whirs and blinks, sending signals at the flick of a remote control that opens doors, shuts windows, turns on the shower, makes telephone calls, checks the temperature—all designed for the physically disabled.

Buttons, knobs and switches are marked in Braille. Telephones have enlarged numbers for the sight-impaired and voice amplification for the hearing-impaired. Shelves and counters can be lowered electronically for

wheelchair users. A voice-activated computer accesses games, magazine articles, home shopping, the stock market and other information for users unable to type commands.

"This place is one of a kind," said Louise White, a project spokeswoman.

Established at a cost of more than \$500,000 in public and private funds, Future Home will open officially Wednesday at 12900 Jarrettsville Pike, 16 miles north of Baltimore. It is a permanent showcase for the latest electronic and automated gadgetry specially tailored to help disabled people live more independently.

It is the brainchild of a group called Volunteers for Medical Engineering, which planned and installed the gadgetry, and Charles "Dave" Ward, a quadriplegic and local history buff who has been restoring the tavern since 1968.

See FUTURE HOME, B3, Col. 1

PRESERVATION PHOTOGRAPHY



Charles Ward demonstrates the stair-lift that takes him to the second floor of Future Home. Most of the living space in the house is on the first floor.

BY LARRY MORRIS—THE WASHINGTON POST

Home Puts Disabled in Cont

FUTURE HOME, From B1

Under an agreement with the State of Maryland, which owns the building as a historic landmark, Ward will live in it permanently.

For his part, Ward must make the building available to the public, especially groups interested in learning about the latest home-based technology for disabled people.

Volunteers for Medical Engineering officials said it is the first facility in the country designed to demonstrate home automation for the disabled.

Ward, 47, a former industrial equipment manufacturer's representative, lived in the building from 1968 until 1977, when he fell from a tower and suffered a spinal cord injury that paralyzed all four limbs.

Ward has been living with his parents since the accident but said he hopes to move back into Future House "as soon as possible."

"I'm still getting used to some of the technologies," Ward said. "Everybody's ready but me."

Working from a motorized wheelchair, he has the use of one finger to manipulate a stylus for pushing buttons on an enlarged remote control. The control enables him to open and shut doors, make phone calls on an intercom system or read an encyclopedia entry on a 35-inch television screen.

To accommodate wheelchairs, floors are flat with no raised thresholds and doorways are extra wide. The bathroom features a wheelchair-friendly "roll-in" shower and

push-button faucets that control both water flow and temperature. There even is a laundry room equipped with a single machine that washes and dries clothes.

Most of Ward's living space is on one floor. As he moves from room to room, motion-sensitive ceiling lights automatically come on. A motorized stair-lift carries Ward and his wheelchair to the second floor, operated chiefly by the master computer.

An assistant helps Ward with some things, such as cooking and getting in and out of bed.

Jeffrey Jerome, director of Future Home for the volunteer group, said the technology devised by his organization will be helpful not only to wheelchair users and other people with disabling diseases such as multiple sclerosis and muscular dystrophy but also to the elderly.

"In fact, the elderly will probably become the largest group of beneficiaries," Jerome said.

Features designed for the elderly include television-based reminders to take medication and an "anti-falling" alarm that triggers phone calls to neighbors or relatives when the occupant fails to reenter the house after a prolonged absence.

Ron Pisarz, 45, a computer programmer with multiple sclerosis, has been working at Future Home off and on as a volunteer for several months, said he enjoys the work because it helps take his mind off his own disability.

"It keeps me going," he said.