

Calendar No. 178

103D CONGRESS
1ST SESSION

S. 1284

[Report No. 103-120]

A BILL

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

AUGUST 3 (legislative day, JUNE 30), 1993

Reported without amendment

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IN THE SENATE OF THE UNITED STATES

JULY 23 (legislative day, JUNE 30), 1993

Mr. HARKIN (for himself, Mr. DURENBERGER, Mr. KENNEDY, Mr. JEFFORDS, Mr. METZENBAUM, Mr. SIMON, Mr. WELLSTONE, Mr. WOFFORD, Mr. PELL, Mr. DOLE, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

AUGUST 3 (legislative day, JUNE 30), 1993

Reported by Mr. KENNEDY, without amendment

A BILL

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

programs, and projects of national significance, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Developmental Disabilities Assistance and Bill of Rights
 6 Act Amendments of 1993”.

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

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

TITLE I—GENERAL PROVISIONS

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

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

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

TITLE III—PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

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

TITLE IV—UNIVERSITY AFFILIATED PROGRAMS

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

TITLE V—PROJECTS OF NATIONAL SIGNIFICANCE

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

1 **SEC. 2. REFERENCES.**

2 Except as otherwise specifically provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or a repeal of, a section or other
 5 provision, the reference shall be considered to be made to
 6 a section or other provision of the Developmental Disabil-
 7 ities Assistance and Bill of Rights Act (42 U.S.C. 6000
 8 et seq.).

9 **TITLE I—GENERAL PROVISIONS**

10 **SEC. 101. TITLE AND PART HEADINGS.**

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

1 **“TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES”.**

2
3
4 (b) PART.—The heading of part A of title I of the
5 Act is amended to read as follows:

6 **“PART A—GENERAL PROVISIONS”.**

7 **SEC. 102. FINDINGS AND PURPOSES.**

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

10 **“SEC. 101. FINDINGS, PURPOSES, AND POLICY.**

11 **“(a) FINDINGS.—**The Congress finds that—

12 **“(1)** in 1993 there are more than 3,000,000
13 individuals with developmental disabilities in the
14 United States;

15 **“(2)** disability is a natural part of the human
16 experience and in no way diminishes the right of in-
17 dividuals with developmental disabilities to live inde-
18 pendently, enjoy self-determination, make choices,
19 contribute to society, and experience full integration
20 and inclusion in the economic, political, social, cul-
21 tural, and educational mainstream of American soci-
22 ety;

23 **“(3)** individuals with developmental disabilities
24 continually encounter various forms of discrimina-
25 tion in such critical areas as employment, housing,

1 public accommodations, education, transportation,
2 communication, recreation, institutionalization,
3 health services, voting, and public services;

4 “(4) there is a lack of public awareness of the
5 capabilities and competencies of individuals with de-
6 velopmental disabilities;

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

10 “(6) individuals with developmental disabilities
11 and their families often require specialized lifelong
12 assistance, provided in a coordinated and culturally
13 competent manner by many agencies, professionals,
14 advocates, community representatives, and others to
15 eliminate barriers and to meet the needs of such in-
16 dividuals and their families;

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

22 “(8) family members, friends, and members of
23 the community can play a central role in enhancing
24 the lives of individuals with developmental disabil-
25 ities, especially when the family and community are

1 provided with the necessary services and supports;
2 and

3 “(9) the goals of the Nation properly include
4 the goal of providing individuals with developmental
5 disabilities with the opportunities and support to—

6 “(A) make informed choices and decisions;

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

10 “(C) pursue meaningful and productive
11 lives;

12 “(D) contribute to their family, commu-
13 nity, State, and Nation;

14 “(E) have interdependent friendships and
15 relationships with others; and

16 “(F) achieve full integration and inclusion
17 in society.

18 “(b) PURPOSE.—The purpose of this Act is to assure
19 that individuals with developmental disabilities and their
20 families have access to culturally competent services, sup-
21 ports, and other assistance and opportunities that promote
22 independence, productivity, and integration and inclusion
23 into the community, through—

24 “(1) support to State Developmental Disabil-
25 ities Councils in each State to promote, through sys-

1 temic change, capacity building, and advocacy, a
2 consumer and family-centered, comprehensive sys-
3 tem, and a coordinated array of services, supports,
4 and other assistance for individuals with devel-
5 opmental disabilities and their families;

6 “(2) support to protection and advocacy sys-
7 tems in each State to protect the legal and human
8 rights of individuals with developmental disabilities;

9 “(3) support to university affiliated programs
10 to provide interdisciplinary preservice preparation of
11 students and fellows, community service activities,
12 and the dissemination of information and research
13 findings; and

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

19 “(c) POLICY.—It is the policy of the United States
20 that all programs, projects, and activities receiving assist-
21 ance under this Act shall be carried out in a manner con-
22 sistent with the principles that—

23 “(1) individuals with developmental disabilities,
24 including those with the most severe developmental
25 disabilities, are capable of achieving independence,

1 productivity, and integration and inclusion into the
2 community, and the provision of services, supports
3 and other assistance can improve such individuals'
4 ability to achieve independence, productivity, and in-
5 tegration and inclusion;

6 “(2) individuals with developmental disabilities
7 and their families are the primary decisionmakers
8 regarding the services and supports such individuals
9 and their families receive and play decisionmaking
10 roles in policies and programs that affect the lives
11 of such individuals and their families;

12 “(3) individuals with developmental disabilities
13 and their families have competencies, capabilities
14 and personal goals that should be recognized, sup-
15 ported, and encouraged;

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

20 “(5) communities accept and support individ-
21 uals with developmental disabilities and are enriched
22 by the full and active participation and the contribu-
23 tions by individuals with developmental disabilities
24 and their families; and

1 “(6) individuals with developmental disabilities
2 have opportunities and the necessary support to be
3 included in community life, have interdependent re-
4 lationships, live in homes and communities, and
5 make contributions to their families, community,
6 State, and Nation.”.

7 **SEC. 103. DEFINITIONS.**

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

10 **“SEC. 102. DEFINITIONS.**

11 “For purposes of this title:

12 “(1) AMERICAN INDIAN CONSORTIUM.—The
13 term ‘American Indian Consortium’ means any con-
14 federation of two or more recognized American In-
15 dian tribes, created through the official action of
16 each participating tribe, that has a combined total
17 resident population of 150,000 enrolled tribal mem-
18 bers and a contiguous territory of Indian lands in
19 two or more States.

20 “(2) ASSISTIVE TECHNOLOGY DEVICE.—The
21 term ‘assistive technology device’ means any item,
22 piece of equipment, or product system, whether ac-
23 quired commercially, modified or customized, that is
24 used to increase, maintain, or improve functional ca-

1 pabilities of individuals with developmental disabil-
2 ities.

3 “(3) ASSISTIVE TECHNOLOGY SERVICE.—The
4 term ‘assistive technology service’ means any service
5 that directly assists an individual with a developmen-
6 tal disability in the selection, acquisition, or use, of
7 an assistive technology device. Such term includes—

8 “(A) the evaluation of the needs of an indi-
9 vidual with a developmental disability, including
10 a functional evaluation of such individual in
11 such individual’s customary environment;

12 “(B) purchasing, leasing, or otherwise pro-
13 viding for the acquisition of assistive technology
14 devices by an individual with a developmental
15 disability;

16 “(C) selecting, designing, fitting, customiz-
17 ing, adapting, applying, maintaining, repairing
18 or replacing assistive technology devices;

19 “(D) coordinating and using other thera-
20 pies, interventions, or services with assistive
21 technology devices, such as those associated
22 with existing education and rehabilitation plans
23 and programs;

24 “(E) training or technical assistance for an
25 individual with a developmental disability, or,

1 where appropriate, the family of an individual
2 with a developmental disability; and

3 “(F) training or technical assistance for
4 professionals (including individuals providing
5 education and rehabilitation services), employ-
6 ers, or other individuals who provide services to,
7 employ, or are otherwise substantially involved
8 in the major life functions of, an individual with
9 developmental disabilities.

10 “(4) CHILD DEVELOPMENT ACTIVITIES.—The
11 term ‘child development activities’ means such prior-
12 ity area activities as will assist in the prevention,
13 identification, and alleviation of developmental dis-
14 abilities in children, including early intervention
15 services.

16 “(5) COMMUNITY LIVING ACTIVITIES.—The
17 term ‘community living activities’ means such prior-
18 ity area activities as will assist individuals with de-
19 velopmental disabilities to obtain and receive the
20 supports needed to live in their family home or a
21 home of their own with individuals of their choice
22 and to develop supports in the community.

23 “(6) COMMUNITY SUPPORTS.—The term ‘com-
24 munity supports’ means activities, services, supports,
25 and other assistance designed to—

1 “(A) assist neighborhoods and commu-
2 nities to be more responsive to the needs of in-
3 dividuals with developmental disabilities and
4 their families;

5 “(B) develop local networks that can pro-
6 vide informal support; and

7 “(C) make communities accessible and en-
8 able communities to offer their resources and
9 opportunities to individuals with developmental
10 disabilities and their families.

11 Such term includes community education, personal
12 assistance services, vehicular and home modifica-
13 tions, support at work, and transportation.

14 “(7) DEVELOPMENTAL DISABILITY.—The term
15 ‘developmental disability’ means a severe, chronic
16 disability of an individual 5 years of age or older
17 that—

18 “(A) is attributable to a mental or physical
19 impairment or combination of mental and phys-
20 ical impairments;

21 “(B) is manifested before the individual at-
22 tains age 22;

23 “(C) is likely to continue indefinitely;

1 “(D) results in substantial functional limi-
2 tations in three or more of the following areas
3 of major life activity—

4 “(i) self-care;

5 “(ii) receptive and expressive lan-
6 guage;

7 “(iii) learning;

8 “(iv) mobility;

9 “(v) self-direction;

10 “(vi) capacity for independent living;

11 and

12 “(vii) economic self-sufficiency; and

13 “(E) reflects the individual’s need for a
14 combination and sequence of special, inter-
15 disciplinary, or generic services, supports, or
16 other assistance that are of lifelong or extended
17 duration and are individually planned and co-
18 ordinated,

19 except that such term, when applied to infants and
20 young children means individuals from birth to age
21 5, inclusive, who have substantial developmental
22 delay or specific congenital or acquired conditions
23 with a high probability of resulting in developmental
24 disabilities if services are not provided.

1 “(8) EARLY INTERVENTION SERVICES.—The
2 term ‘early intervention services’ means services pro-
3 vided to infants, toddlers, young children, and their
4 families to—

5 “(A) enhance the development of infants,
6 toddlers, and young children with disabilities
7 and to minimize their potential for developmen-
8 tal delay; and

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

12 “(9) EMPLOYMENT ACTIVITIES.—The term
13 ‘employment activities’ means such priority area ac-
14 tivities as will increase the independence, productiv-
15 ity, and integration and inclusion into the commu-
16 nity of individuals with developmental disabilities in
17 work settings.

18 “(10) FAMILY SUPPORT SERVICE.—The term
19 ‘family support service’ means services, supports,
20 and other assistance provided to families with mem-
21 bers with developmental disabilities, that are de-
22 signed to—

23 “(A) strengthen the family’s role as pri-
24 mary caregiver;

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

3 “(C) reunite families with members who
4 have been placed out of the home.

5 Such term includes respite care, rehabilitation tech-
6 nology, personal assistance services, parent training
7 and counseling, support for elderly parents, vehicu-
8 lar and home modifications, and assistance with ex-
9 traordinary expenses associated with the needs of in-
10 dividuals with developmental disabilities.

11 “(11) FEDERAL PRIORITY AREAS.—The term
12 ‘Federal priority areas’ means community living ac-
13 tivities, employment activities, child development ac-
14 tivities, and system coordination and community
15 education activities.

16 “(12) INDEPENDENCE.—The term ‘independ-
17 ence’ means the extent to which individuals with de-
18 velopmental disabilities exert control and choice over
19 their own lives.

20 “(13) INDIVIDUAL SUPPORTS.—The term ‘indi-
21 vidual supports’ means services, supports, and other
22 assistance that enable an individual with a devel-
23 opmental disability to be independent, productive, in-
24 tegrated, and included into such individual’s commu-
25 nity, and that are designed to—

1 “(A) enable such individual to control such
2 individual’s environment, permitting the most
3 independent life possible;

4 “(B) prevent placement into a more re-
5 strictive living arrangement than is necessary;
6 and

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

9 Such term includes personal assistance services, re-
10 habilitation technology, vehicular and home modi-
11 fications, support at work, and transportation.

12 “(14) INTEGRATION AND INCLUSION.—The
13 term ‘integration and inclusion’, with respect to indi-
14 viduals with developmental disabilities, means—

15 “(A) the use by individuals with devel-
16 opmental disabilities of the same community re-
17 sources that are used by and available to other
18 citizens;

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

22 “(C) the full and active participation by in-
23 dividuals with developmental disabilities in the
24 same community activities and types of employ-
25 ment as citizens without disabilities, and utili-

1 zation of the same community resources as citi-
2 zens without disabilities, living, learning, work-
3 ing, and enjoying life in regular contact with
4 citizens without disabilities; and

5 “(D) having friendships and relationships
6 with individuals and families of their own
7 choosing.

8 “(15) NONPROFIT.—The term ‘nonprofit’
9 means an agency, institution, or organization that is
10 owned or operated by one or more corporations or
11 associations, no part of the net earnings of which in-
12 ures, or may lawfully inure, to the benefit of any pri-
13 vate shareholder or individual.

14 “(16) OTHER ORGANIZATIONS.—The term
15 ‘other organizations’ means those organizations that
16 are not State agencies or nonprofit agencies, except
17 such organizations may be consulting firms, inde-
18 pendent proprietary businesses and providers, and
19 local community groups not organizationally incor-
20 porated, and that are interested in supporting indi-
21 viduals with developmental disabilities.

22 “(17) PERSONAL ASSISTANCE SERVICES.—The
23 term ‘personal assistance services’ means a range of
24 services, provided by one or more individuals, de-
25 signed to assist an individual with a disability to

1 perform daily living activities on or off a job that
2 such individual would typically perform if such indi-
3 vidual did not have a disability. Such services shall
4 be designed to increase such individual's control in
5 life and ability to perform everyday activities on or
6 off such job.

7 “(18) PREVENTION.—The term ‘prevention’
8 means activities that address the causes of devel-
9 opmental disabilities and the exacerbation of func-
10 tional limitations, such as activities that—

11 “(A) eliminate or reduce the factors that
12 cause or predispose individuals to developmental
13 disabilities or that increase the prevalence of
14 developmental disabilities;

15 “(B) increase the early identification of ex-
16 isting problems to eliminate circumstances that
17 create or increase functional limitations; and

18 “(C) mitigate against the effects of devel-
19 opmental disabilities throughout the individual's
20 lifespan.

21 “(19) PRODUCTIVITY.—The term ‘productivity’
22 means—

23 “(A) engagement in income-producing
24 work that is measured by increased income, im-

1 proved employment status, or job advancement;
2 or

3 “(B) engagement in work that contributes
4 to a household or community.

5 “(20) PROTECTION AND ADVOCACY SYSTEM.—
6 The term ‘protection and advocacy system’ means a
7 protection and advocacy system established in ac-
8 cordance with section 142.

9 “(21) REHABILITATION TECHNOLOGY.—The
10 term ‘rehabilitation technology’ means the system-
11 atic application of technologies, engineering meth-
12 odologies, or scientific principles to meet the needs
13 of, and address the barriers confronted by, individ-
14 uals with developmental disabilities in areas that in-
15 clude education, rehabilitation, employment, trans-
16 portation, independent living, and recreation. Such
17 term includes rehabilitation engineering, assistive
18 technology devices, and assistive technology services.

19 “(22) SECRETARY.—The term ‘Secretary’
20 means the Secretary of Health and Human Services.

21 “(23) SERVICE COORDINATION ACTIVITIES.—
22 The term ‘service coordination activities’ (also re-
23 ferred to as ‘case management activities’) means ac-
24 tivities that assist and enable individuals with devel-
25 opmental disabilities and their families to access

1 services, supports and other assistance, and in-
2 cludes—

3 “(A) the provision of information to indi-
4 viduals with developmental disabilities and their
5 families about the availability of services, sup-
6 ports, and other assistance;

7 “(B) assistance in obtaining appropriate
8 services, supports, and other assistance, which
9 may include facilitating and organizing such as-
10 sistance;

11 “(C) coordination and monitoring of serv-
12 ices, supports, and other assistance provided
13 singly or in combination to individuals with de-
14 velopmental disabilities and their families to en-
15 sure accessibility, continuity, and accountability
16 of such assistance; and

17 “(D) follow-along services that ensure,
18 through a continuing relationship, that the
19 changing needs of individuals with developmen-
20 tal disabilities and their families are recognized
21 and appropriately met.

22 “(24) STATE.—The term ‘State’ includes, in
23 addition to each of the several States of the United
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, the United States Virgin Islands,

1 Guam, American Samoa, the Commonwealth of the
2 Northern Mariana Islands, and the Republic of
3 Palau (until the Compact of Free Association with
4 Palau takes effect).

5 “(25) STATE DEVELOPMENTAL DISABILITIES
6 COUNCIL.—The term ‘State Developmental Disabil-
7 ities Council’ means a Council established under sec-
8 tion 124.

9 “(26) STATE PRIORITY AREA.—The term ‘State
10 priority area’ means priority area activities in an
11 area considered essential by the State Developmental
12 Disabilities Council.

13 “(27) SUPPORTED EMPLOYMENT.—The term
14 ‘supported employment’ means competitive work in
15 integrated work settings for individuals with devel-
16 opmental disabilities—

17 “(A)(i) for whom competitive employment
18 has not traditionally occurred; or

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

22 “(B) who, because of the nature and sever-
23 ity of their disability, need intensive supported
24 employment services or extended services in
25 order to perform such work.

1 “(28) SYSTEM COORDINATION AND COMMUNITY
2 EDUCATION ACTIVITIES.—The term ‘system coordi-
3 nation and community education activities’ means
4 activities that—

5 “(A) eliminate barriers to access and eligi-
6 bility for services, supports, and other assist-
7 ance;

8 “(B) enhance systems design, redesign,
9 and integration, including the encouragement of
10 the creation of local service coordination and in-
11 formation and referral statewide systems;

12 “(C) enhance individual, family, and citi-
13 zen participation and involvement; and

14 “(D) develop and support coalitions and
15 individuals through training in self-advocacy,
16 educating policymakers, and citizen leadership
17 skills.

18 “(29) SYSTEMIC ADVOCACY.—The term ‘sys-
19 temic advocacy’ means activities that identify, sup-
20 port, and recommend improvements in the planning,
21 design, redesign, structure, delivery, or funding of
22 generic or specialized services and supports.

23 “(30) UNIVERSITY AFFILIATED PROGRAM.—
24 The term ‘university affiliated program’ means a

1 university affiliated program established under sec-
 2 tion 152.”.

3 **SEC. 104. FEDERAL SHARE.**

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

5 **SEC. 105. RECORDS AND AUDITS.**

6 (a) SECTION HEADING.—Section 104 (42 U.S.C.
 7 6003) is amended—

8 (1) by striking “SEC. 104.”; and

9 (2) in the section heading, by striking
 10 “RECORDS AND AUDIT” and inserting the following
 11 new section heading:

12 **“SEC. 104. RECORDS AND AUDITS.”.**

13 (b) RECORDS AND AUDITS.—Section 104 (42 U.S.C.
 14 6003) is amended—

15 (1) in subsection (a)—

16 (A) by striking “Each” and inserting
 17 “RECORDS.—Each”;

18 (B) by striking “including” and inserting
 19 “including—”;

20 (C) by realigning the margins of subpara-
 21 graphs (A), (B), and (C) of paragraph (1) so
 22 as to align with the margins of subparagraphs
 23 (A) and (B) of paragraph (27) of section 102;

1 (D) by realigning the margins of para-
2 graphs (1) and (2) so as to align with the mar-
3 gin of paragraph (30) of section 102;

4 (E) in paragraph (1), by striking “dis-
5 close” and inserting “disclose—”; and

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

8 (2) in subsection (b), by striking “The Sec-
9 retary” and inserting “ACCESS.—The Secretary”.

10 **SEC. 106. RECOVERY.**

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

12 **SEC. 107. STATE CONTROL OF OPERATIONS.**

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

14 (1) by striking “SEC. 106.”;

15 (2) in the section heading, by striking “STATE
16 CONTROL OF OPERATIONS” and inserting the follow-
17 ing new section heading:

18 “**SEC. 106. STATE CONTROL OF OPERATIONS.**”;

19 and

20 (3) by striking “facility for persons” and insert-
21 ing “programs, services, and supports for individ-
22 uals”.

23 **SEC. 108. REPORTS.**

24 (a) **SECTION HEADING.**—Section 107 (42 U.S.C.
25 6006) is amended—

1 (1) by striking “SEC. 107.”; and

2 (2) in the section heading, by striking “RE-
3 PORTS” and inserting the following new section
4 heading:

5 “SEC. 107. REPORTS.”.

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

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph

10 (1)—

11 (i) by striking, “By January” and in-
12 serting “DEVELOPMENTAL DISABILITIES
13 COUNCIL REPORTS.—By January”;

14 (ii) by striking “the State Planning
15 Council of each State” and inserting “each
16 State Developmental Disabilities Council”;

17 (iii) by striking “a report concerning”
18 and inserting “a report of”; and

19 (iv) by striking “such report” and in-
20 serting “report”;

21 (B) in paragraph (1), by striking “of such
22 activities” and all that follows through “from
23 such activities” and inserting “of activities and
24 accomplishments”;

25 (C) in paragraph (2)—

1 (i) by striking “such accomplish-
2 ments” and inserting “accomplishments”;
3 and

4 (ii) by striking “by the State”;
5 (D) in paragraph (4)—

6 (i) by striking “Planning” and insert-
7 ing “Developmental Disabilities”;

8 (ii) by striking “each” each place such
9 term appears;

10 (iii) by striking “report” and inserting
11 “reports”;

12 (iv) by striking “1902(a)(31)(C)” and
13 inserting “1902(a)(31)”;

14 (v) by striking “plan” and inserting
15 “plans”; and

16 (vi) by striking “; and” and inserting
17 a semicolon;

18 (E) by striking paragraph (5); and

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

21 “(5) a description of—

22 “(A) the trends and progress made in the
23 State concerning systemic change (including
24 policy reform), capacity building, advocacy, and
25 other actions on behalf of individuals with de-

1 velopmental disabilities, with attention to indi-
2 viduals who are traditionally unserved and un-
3 derserved, including individuals who are mem-
4 bers of ethnic and racial minority groups, and
5 individuals from underserved geographic areas;

6 “(B) systemic change, capacity building,
7 and advocacy activities that affect individuals
8 with disabilities other than developmental dis-
9 abilities; and

10 “(C) a summary of actions taken to im-
11 prove access and services for unserved and un-
12 derserved groups;

13 “(6) a description of resources leveraged by ac-
14 tivities directly attributable to State Developmental
15 Disabilities Council actions; and

16 “(7) a description of the method by which the
17 State Developmental Disabilities Council shall widely
18 disseminate the annual report to affected constitu-
19 encies as well as the general public and to assure
20 that the report is available in accessible formats.”;

21 (2) in subsection (b)—

22 (A) by striking “By January” and insert-
23 ing “PROTECTION AND ADVOCACY SYSTEM RE-
24 PORTS.—By January”; and

1 (B) by inserting before the period “, in-
 2 cluding a description of the system’s priorities
 3 for such fiscal year, the process used to obtain
 4 public input, the nature of such input, and how
 5 such input was used”; and

6 (3) in subsection (c)—

7 (A) by realigning the margins of subpara-
 8 graphs (A) and (B) of paragraph (1) so as to
 9 align with the margins of subparagraph (C) of
 10 such paragraph;

11 (B) by realigning the margins of para-
 12 graphs (1) and (2) so as to align with the mar-
 13 gin of paragraph (1) of subsection (a);

14 (C) by striking “(c)” and inserting “(c)
 15 SECRETARY REPORTS.—”;

16 (D) by striking “(1) By” and inserting the
 17 following:

18 “(1) IN GENERAL.—By”;

19 (E) in paragraph (1)—

20 (i) in subparagraph (B)—

21 (I) by striking “integration” each
 22 place such term appears and inserting
 23 “integration and inclusion”; and

24 (II) by striking “persons” and in-
 25 serting “individuals”;

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

3 “(C)(i) the trends and progress made in
4 the States concerning systemic change (includ-
5 ing policy reform), capacity building, advocacy,
6 and other actions on behalf of individuals with
7 developmental disabilities, with attention to in-
8 dividuals who are traditionally unserved and
9 underserved, including individuals who are
10 members of ethnic and racial minority groups,
11 and individuals from underserved geographic
12 areas;

13 “(ii) systemic change, capacity building,
14 and advocacy activities that affect individuals
15 with disabilities other than developmental dis-
16 abilities; and

17 “(iii) a summary of actions taken to im-
18 prove access and services for unserved and un-
19 derserved groups;” and

20 (iii) in subparagraph (D), by striking
21 “persons” and inserting “individuals”; and
22 (F) in paragraph (2)—

23 (i) by striking “use and include” and
24 inserting “include and analyze”; and

25 (ii) by striking “to the Secretary”.

1 **SEC. 109. RESPONSIBILITIES OF THE SECRETARY.**

2 (a) SECTION HEADING.—Section 108 (42 U.S.C.
3 6007) is amended—

4 (1) by striking “SEC. 108.”; and

5 (2) in the section heading, by striking “RE-
6 SPONSIBILITIES OF THE SECRETARY” and inserting
7 the following new section heading:

8 **“SEC. 108. RESPONSIBILITIES OF THE SECRETARY.”.**

9 (b) RESPONSIBILITIES.—Section 108 (42 U.S.C.
10 6007) is amended—

11 (1) in subsection (a), by striking “The Sec-
12 retary” and inserting “REGULATIONS.—The Sec-
13 retary”; and

14 (2) in subsection (b)—

15 (A) by striking “Within ninety” and in-
16 serting “INTERAGENCY COMMITTEE.—Within
17 90”; and

18 (B) by striking “Administration for Devel-
19 opmental Disabilities” and inserting “Adminis-
20 tration on Developmental Disabilities,”.

21 **SEC. 110. EMPLOYMENT OF HANDICAPPED INDIVIDUALS.**

22 (a) SECTION HEADING.—Section 109 (42 U.S.C.
23 6008) is amended—

24 (1) by striking “SEC. 109.”; and

1 (2) in the section heading, by striking “EM-
2 PLOYMENT OF HANDICAPPED INDIVIDUALS” and in-
3 serting the following new section heading:

4 **“SEC. 109. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**
5 **ITIES.”.**

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

8 (1) by striking “handicapped individuals” and
9 inserting “individuals with disabilities”;

10 (2) by striking “Act of” and inserting “Act of
11 1973”; and

12 (3) by striking “which govern” and all that fol-
13 lows through “subcontracts.” and inserting the fol-
14 lowing: “that govern employment—

15 “(1) by State rehabilitation agencies and com-
16 munity rehabilitation programs; and

17 “(2) under Federal contracts and sub-
18 contracts.”.

19 **SEC. 111. RIGHTS OF THE DEVELOPMENTALLY DISABLED.**

20 (a) SECTION HEADING.—Section 110 (42 U.S.C.
21 6009) is amended—

22 (1) by striking “SEC. 110.”; and

23 (2) in the section heading, by striking “RIGHTS
24 OF THE DEVELOPMENTALLY DISABLED” and insert-
25 ing the following new section heading:

1 **“SEC. 110. RIGHTS OF INDIVIDUALS WITH DEVELOPMEN-**
2 **TAL DISABILITIES.”.**

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

5 (1) in the matter preceding paragraph (1) by
6 striking “persons” and inserting “individuals”;

7 (2) in paragraph (1), by striking “Persons” and
8 inserting “Individuals”;

9 (3) in paragraph (2)—

10 (A) by striking “a person” and inserting
11 “an individual”;

12 (B) by striking “the person” and inserting
13 “the individual”; and

14 (C) by striking “the person’s” and insert-
15 ing “the individual’s”;

16 (4) in paragraph (3), by striking “persons”
17 each place such term appears and inserting “individ-
18 uals”;

19 (5) in paragraph (4), by striking “persons”
20 each place such term appears and inserting “individ-
21 uals”; and

22 (6) in the matter after subparagraph (C), by
23 striking “persons” each place such term appears and
24 inserting “individuals”.

1 **TITLE II—FEDERAL ASSISTANCE**
2 **FOR PRIORITY AREA ACTIVITIES FOR INDIVIDUALS WITH**
3 **DEVELOPMENTAL DISABILITIES**

6 **SEC. 201. PART HEADING.**

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

9 **“PART B—FEDERAL ASSISTANCE TO STATE**
10 **DEVELOPMENTAL DISABILITIES COUNCILS”.**

11 **SEC. 202. PURPOSE.**

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

14 **“SEC. 121. PURPOSE.**

15 “The purpose of this part is to provide for allotments
16 to support State Developmental Disabilities Councils in
17 each State to promote, through systemic change, capacity
18 building, and advocacy, the development of a consumer
19 and family-centered, comprehensive system and a coordi-
20 nated array of services, supports, and other assistance de-
21 signed to achieve independence, productivity, and integra-
22 tion and inclusion into the community for individuals with
23 developmental disabilities.”.

1 **SEC. 203. STATE PLANS.**

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

4 **“SEC. 122. STATE PLAN.**

5 “(a) IN GENERAL.—Any State desiring to take ad-
6 vantage of this part shall have a State plan submitted to,
7 and approved by, the Secretary under this section.

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

11 “(c) STATE PLAN REQUIREMENTS.—In order to be
12 approved by the Secretary under this section, a State plan
13 shall meet the requirements in paragraphs (1) through
14 (5).

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

20 “(2) DESIGNATED STATE AGENCY.—The plan
21 shall identify the agency or office within the State
22 designated to support the State Developmental Dis-
23 abilities Council in accordance with this section and
24 section 124(d).

25 “(3) COMPREHENSIVE REVIEW AND ANALY-
26 SIS.—The plan shall contain a comprehensive review

1 and analysis of the extent to which services and sup-
2 ports are available to, and the need for services and
3 supports for, individuals with developmental disabil-
4 ities and their families. Such review and analysis
5 shall include—

6 “(A) a description of the services, supports
7 and other assistance being provided to, or to be
8 provided to, individuals with developmental dis-
9 abilities and their families under other federally
10 assisted State programs, plans, and policies
11 that the State conducts and in which individ-
12 uals with developmental disabilities are or may
13 be eligible to participate, including programs re-
14 lating to education, job training, vocational re-
15 habilitation, public assistance, medical assist-
16 ance, social services, child welfare, maternal
17 and child health, aging, programs for children
18 with special health care needs, children’s mental
19 health, housing, transportation, technology,
20 comprehensive health and mental health, and
21 such other programs as the Secretary may
22 specify;

23 “(B) a description of the extent to which
24 agencies operating such other federally assisted
25 State programs pursue interagency initiatives to

1 improve and enhance services, supports, and
2 other assistance for individuals with devel-
3 opmental disabilities; and

4 “(C) an examination of the provision, and
5 the need for the provision, in the State of the
6 four Federal priority areas and an optional
7 State priority area, including—

8 “(i) an analysis of such Federal and
9 State priority areas in relation to the de-
10 gree of support for individuals with devel-
11 opmental disabilities attributable to either
12 physical impairment, mental impairment,
13 or a combination of physical and mental
14 impairments;

15 “(ii) an analysis of criteria for eligi-
16 bility for services, including specialized
17 services and special adaptation of generic
18 services provided by agencies within the
19 State, that may exclude individuals with
20 developmental disabilities from receiving
21 such services;

22 “(iii) consideration of the report con-
23 ducted pursuant to section 124(e);

24 “(iv) consideration of the data col-
25 lected by the State educational agency

1 under section 618 of the Individuals with
2 Disabilities Education Act;

3 “(v) an analysis of services, assistive
4 technology, or knowledge that may be un-
5 available to assist individuals with devel-
6 opmental disabilities;

7 “(vi) an analysis of existing and pro-
8 jected fiscal resources;

9 “(vii) an analysis of any other issues
10 identified by the State Developmental Dis-
11 abilities Council; and

12 “(viii) the formulation of objectives in
13 systemic change, capacity building, and ad-
14 vocacy to address the issues described in
15 clauses (i) through (v) for all subpopula-
16 tions of individuals with developmental dis-
17 abilities that may be identified by the
18 State Developmental Disabilities Council.

19 “(4) PLAN OBJECTIVES.—The plan shall—

20 “(A) specify employment, and at the dis-
21 cretion of the State, any or all of the three
22 other Federal priority areas and an optional
23 State priority area that are selected by the
24 State Developmental Disabilities Council for
25 such Council’s major systemic change, capacity

1 building, and advocacy activities to be ad-
2 dressed during the plan period and describe the
3 extent and scope of the Federal and State pri-
4 ority areas that will be addressed under the
5 plan in the fiscal year;

6 “(B) describe the specific 1-year and 3-
7 year objectives to be achieved and include a list-
8 ing of the programs, activities, and resources by
9 which the State Developmental Disabilities
10 Council will implement its systemic change, ca-
11 pacity building, and advocacy agenda in se-
12 lected priority areas, and set forth the non-Fed-
13 eral share required to carry out each objective;
14 and

15 “(C) establish a method for the periodic
16 evaluation of the plan’s effectiveness in meeting
17 the objectives described in subparagraph (B).

18 “(5) ASSURANCES.—The plan shall contain or
19 be supported by the assurances described in sub-
20 paragraphs (A) through (N), which are satisfactory
21 to the Secretary.

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

1 “(i) such funds will be used to make
2 a significant contribution toward enhanc-
3 ing the independence, productivity, and in-
4 tegration and inclusion into the community
5 of individuals with developmental disabil-
6 ities in various political subdivisions of the
7 State;

8 “(ii) such funds will be used to sup-
9 plement and to increase the level of funds
10 that would otherwise be made available for
11 the purposes for which Federal funds are
12 provided and not to supplant non-Federal
13 funds;

14 “(iii) such funds will be used to com-
15 plement and augment rather than dupli-
16 cate or replace services for individuals with
17 developmental disabilities and their fami-
18 lies who are eligible for Federal assistance
19 under other State programs;

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

23 “(v) not more than 25 percent of such
24 funds will be allocated to the agency des-
25 ignated under section 124(d) for service

1 demonstration by such agency and that
2 such funds and demonstration services
3 have been explicitly authorized by the
4 State Developmental Disabilities Council;

5 “(vi) not less than 65 percent of the
6 amount available to the State under sec-
7 tion 125 shall be expended for activities in
8 the Federal priority area of employment
9 activities, and, at the discretion of the
10 State, activities in any or all of the three
11 other Federal priority areas and an op-
12 tional State priority area; and

13 “(vii) the remainder of the amount
14 available to the State from allotments
15 under section 125 (after making expendi-
16 tures required by clause (vi)) shall be used
17 for the planning, coordination, administra-
18 tion, and implementation of priority area
19 activities, and other activities relating to
20 systemic change, capacity building, and ad-
21 vocacy to implement the responsibilities of
22 the State Developmental Disabilities Coun-
23 cil pursuant to section 124(c).

24 “(B) STATE FINANCIAL PARTICIPATION.—

25 The plan shall provide assurances that there

1 will be reasonable State financial participation
2 in the cost of carrying out the State plan.

3 “(C) CONFLICT OF INTEREST.—The plan
4 shall provide assurances that the State Devel-
5 opmental Disabilities Council has approved con-
6 flict of interest policies as of October 1, 1994,
7 to ensure that no member of such Council shall
8 cast a vote on any matter that would provide
9 direct financial benefit to the member or other-
10 wise give the appearance of a conflict of inter-
11 est.

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

19 “(E) PROGRAM STANDARDS.—The plan
20 shall provide assurances that programs,
21 projects, and activities assisted under the plan,
22 and the buildings in which such programs,
23 projects, and activities are operated, will meet
24 standards prescribed by the Secretary in regula-

1 tion and all applicable Federal and State acces-
2 sibility standards.

3 “(F) INDIVIDUALIZED SERVICES.—The
4 plan shall provide assurances that any direct
5 services provided to individuals with devel-
6 opmental disabilities and funded under this
7 plan will be provided in an individualized man-
8 ner, consistent with unique strengths, resources,
9 priorities, concerns, abilities and capabilities of
10 an individual.

11 “(G) HUMAN RIGHTS.—The plan shall pro-
12 vide assurances that the human rights of all in-
13 dividuals with developmental disabilities (espe-
14 cially those individuals without familial protec-
15 tion) who are receiving services under programs
16 assisted under this part will be protected con-
17 sistent with section 110 (relating to rights of
18 individuals with developmental disabilities).

19 “(H) MINORITY PARTICIPATION.—The
20 plan shall provide assurances that the State has
21 taken affirmative steps to assure that participa-
22 tion in programs under this part is geographi-
23 cally representative of the State, and reflects
24 the diversity of the State with respect to race
25 and ethnicity.

1 “(I) INTERMEDIATE CARE FACILITY FOR
2 THE MENTALLY RETARDED SURVEY RE-
3 PORTS.—The plan shall provide assurances that
4 the State will provide the State Developmental
5 Disabilities Council with a copy of each annual
6 survey report and plan of corrections for cited
7 deficiencies prepared pursuant to section
8 1902(a)(31) of the Social Security Act with re-
9 spect to any intermediate care facility for the
10 mentally retarded in such State not less than
11 30 days after the completion of each such re-
12 port or plan.

13 “(J) VOLUNTEERS.—The plan shall pro-
14 vide assurances that the maximum utilization of
15 all available community resources including vol-
16 unteers serving under the Domestic Volunteer
17 Service Act of 1973 and other appropriate vol-
18 untary organizations will be provided for, except
19 that such volunteer services shall supplement,
20 and shall not be in lieu of, services of paid
21 employees.

22 “(K) EMPLOYEE PROTECTIONS.—The plan
23 shall provide assurances that fair and equitable
24 arrangements (as determined by the Secretary
25 after consultation with the Secretary of Labor)

1 will be provided to protect the interests of em-
2 ployees affected by actions under the plan to
3 provide community living activities, including
4 arrangements designed to preserve employee
5 rights and benefits and to provide training and
6 retraining of such employees where necessary
7 and arrangements under which maximum ef-
8 forts will be made to guarantee the employment
9 of such employees.

10 “(L) STAFF ASSIGNMENTS.—The plan
11 shall provide assurances that the staff and
12 other personnel of the State Developmental Dis-
13 abilities Council, while working for the Council,
14 are responsible solely for assisting the Council
15 in carrying out its duties under this part and
16 are not assigned duties by the designated State
17 agency or any other agency or office of the
18 State.

19 “(M) NONINTERFERENCE.—The plan shall
20 provide assurances that the designated State
21 agency or other office of the State will not
22 interfere with systemic change, capacity build-
23 ing, and advocacy activities, budget, personnel,
24 State plan development, or plan implementation
25 of the State Developmental Disabilities Council.

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

6 “(d) PUBLIC REVIEW, SUBMISSION, AND AP-
7 PROVAL.—

8 “(1) PUBLIC REVIEW.—The plan shall be made
9 available for public review and comment with appro-
10 prium and sufficient notice in accessible formats and
11 take into account and respond to significant sugges-
12 tions, as prescribed by the Secretary in regulation.

13 “(2) CONSULTATION WITH THE DESIGNATED
14 STATE AGENCY.—Before the plan is submitted to
15 the Secretary, the State Developmental Disabilities
16 Council shall consult with the designated State agen-
17 cy to ensure that the State plan is consistent with
18 State law and to obtain appropriate State plan
19 assurances.

20 “(3) PLAN APPROVAL.—The Secretary shall ap-
21 prove any State plan and annual updates of such
22 plan that comply with the provisions of subsections
23 (a), (b), and (c). The Secretary may not finally dis-
24 approve a State plan except after providing reason-

1 able notice and an opportunity for a hearing to the
2 State.”.

3 **SEC. 204. HABILITATION PLANS.**

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

5 **SEC. 205. COUNCILS.**

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

8 **“SEC. 124. STATE DEVELOPMENTAL DISABILITIES COUN-**
9 **CILS AND DESIGNATED STATE AGENCIES.**

10 “(a) IN GENERAL.—Each State that receives assist-
11 ance under this part shall establish and maintain a State
12 Developmental Disabilities Council (hereafter in this sec-
13 tion referred to as the ‘Council’) to conduct systemic
14 change, capacity building, and advocacy activities on be-
15 half of all individuals with developmental disabilities. The
16 Council shall have the authority to fulfill its responsibil-
17 ities described in subsection (c).

18 “(b) COUNCIL MEMBERSHIP.—

19 “(1) COUNCIL APPOINTMENTS.—The members
20 of the Council of a State shall be appointed by the
21 Governor of the State from among the residents of
22 that State. The Governor shall select members of the
23 Council, at his or her discretion, after soliciting rec-
24 ommendations from organizations representing a
25 broad range of individuals with developmental dis-

1 abilities and individuals interested in individuals
2 with developmental disabilities, including the non-
3 State agency members of the Council. The Council
4 shall coordinate Council and public input to the Gov-
5 ernor regarding all recommendations. To the extent
6 feasible, the membership of the Council shall be geo-
7 graphically representative of the State and reflect
8 the diversity of the State with respect to race and
9 ethnicity.

10 “(2) MEMBERSHIP ROTATION.—The Governor
11 shall make appropriate provisions to rotate the mem-
12 bership of the Council. Such provisions shall allow
13 members to continue to serve on the Council until
14 such members’ successors are appointed. The Coun-
15 cil shall notify the Governor and the Secretary, and
16 the Secretary shall contact the Governor regarding
17 membership requirements, when vacancies remain
18 unfilled for a significant period of time.

19 “(3) REPRESENTATION OF AGENCIES AND OR-
20 GANIZATIONS.—Each Council shall at all times in-
21 clude representatives of the principal State agencies
22 (including the State agencies that administer funds
23 provided under the Rehabilitation Act of 1973, the
24 Individuals with Disabilities Education Act, the
25 Older Americans Act, and title XIX of the Social Se-

1 security Act), institutions of higher education, each
2 university affiliated program in the State established
3 under part D, the State protection and advocacy
4 system established under part C, and local agencies,
5 nongovernmental agencies, and private nonprofit
6 groups concerned with services for individuals with
7 developmental disabilities in the State in which such
8 agencies and groups are located. Such representa-
9 tives shall—

10 “(A) have sufficient authority to engage in
11 policy planning and implementation on behalf of
12 the department, agency, or program such rep-
13 resentatives represent; and

14 “(B) recuse themselves from any discus-
15 sion of grants or contracts for which such rep-
16 resentatives’ departments, agencies, or pro-
17 grams are grantees or applicants and comply
18 with the conflict of interest policies required
19 under section 122(c)(5)(C).

20 “(4) REPRESENTATION OF INDIVIDUALS WITH
21 DEVELOPMENTAL DISABILITIES.—Not less than 50
22 percent of the membership of each Council shall con-
23 sist of individuals who are—

24 “(A)(i) individuals with developmental dis-
25 abilities;

1 “(ii) parents or guardians of children with
2 developmental disabilities; or

3 “(iii) immediate relatives or guardians of
4 adults with mentally impairing developmental
5 disabilities who cannot advocate for themselves;
6 and

7 “(B) not employees of a State agency that
8 receives funds or provides services under this
9 part, and who are not managing employees (as
10 defined in section 1126(b) of the Social Secu-
11 rity Act) of any other entity that receives funds
12 or provides services under this part.

13 “(5) COMPOSITION OF MEMBERSHIP WITH DE-
14 VELOPMENTAL DISABILITIES.—Of the members of
15 the Council described in paragraph (4)—

16 “(A) one-third shall be individuals with de-
17 velopmental disabilities as described in para-
18 graph (4)(A)(i);

19 “(B) one-third shall be parents of children
20 with developmental disabilities as described in
21 paragraph (4)(A)(ii), or immediate relatives or
22 guardians of adults with mentally impairing de-
23 velopmental disabilities as described in para-
24 graph (4)(A)(iii); and

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

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

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

16 “(1) SYSTEMIC CHANGE, CAPACITY BUILDING,
17 AND ADVOCACY.—The Council shall serve as an ad-
18 vocate for individuals with developmental disabilities
19 and conduct programs, projects, and activities that
20 carry out the purpose under section 121.

21 “(2) EXAMINATION OF PRIORITY AREAS.—Not
22 less than once every 3 years, the Council shall exam-
23 ine the provision of and need for the four Federal
24 priority areas and an optional State priority area to
25 address, on a statewide and comprehensive basis, ur-

1 gent needs for services, supports, and other assist-
2 ance for individuals with developmental disabilities
3 and their families, pursuant to section 122.

4 “(3) STATE PLAN DEVELOPMENT.—The Coun-
5 cil shall develop and submit to the Secretary the
6 State plan required under section 122 after con-
7 sultation with the designated State agency under the
8 State plan. Such consultation shall be solely for the
9 purposes of obtaining State assurances and ensuring
10 consistency of the plan with State law.

11 “(4) STATE PLAN IMPLEMENTATION.—The
12 Council shall implement the State plan by conduct-
13 ing and supporting the Federal priority area of em-
14 ployment, not less than one of the remaining three
15 Federal priority areas, and an optional State priority
16 area as defined in section 102, through systemic
17 change, capacity building, and advocacy activities
18 such as those described in subparagraphs (A)
19 through (K).

20 “(A) DEMONSTRATION OF NEW AP-
21 PROACHES.—The Council may conduct, on a
22 time-limited basis, the demonstration of new
23 approaches to enhance the independence, pro-
24 ductivity, and integration and inclusion into the
25 community of individuals with developmental

1 disabilities. This may include making successful
2 demonstrations generally available through
3 sources of funding other than funding under
4 this part, and may also include assisting those
5 conducting such successful demonstration ac-
6 tivities to develop strategies for securing fund-
7 ing from other sources.

8 “(B) OUTREACH.—The Council may con-
9 duct activities to reach out to assist and enable
10 individuals with developmental disabilities and
11 their families who otherwise might not come to
12 the attention of the Council to obtain services,
13 supports, and other assistance, including access
14 to special adaptation of generic services or spe-
15 cialized services.

16 “(C) TRAINING.—The Council may con-
17 duct training for individuals with developmental
18 disabilities, their families, and personnel (in-
19 cluding professionals, paraprofessionals, stu-
20 dents, volunteers, and other community mem-
21 bers) to enable such individuals to obtain access
22 to, or to provide, services, supports and other
23 assistance, including special adaptation of ge-
24 neric services or specialized services for individ-
25 uals with developmental disabilities and their

1 families. To the extent that training activities
2 are provided, such activities shall be designed to
3 promote the empowerment of individuals with
4 developmental disabilities and their families.

5 “(D) SUPPORTING COMMUNITIES.—The
6 Council may assist neighborhoods and commu-
7 nities to respond positively to individuals with
8 developmental disabilities and their families by
9 encouraging local networks to provide informal
10 and formal supports and enabling communities
11 to offer such individuals and their families ac-
12 cess, resources, and opportunities.

13 “(E) INTERAGENCY COLLABORATION AND
14 COORDINATION.—The Council may promote
15 interagency collaboration and coordination to
16 better serve, support, assist, or advocate for in-
17 dividuals with developmental disabilities and
18 their families.

19 “(F) COORDINATION WITH RELATED
20 COUNCILS, COMMITTEES, AND PROGRAMS.—The
21 Council may conduct activities to enhance co-
22 ordination with—

23 “(i) other councils or committees, au-
24 thorized by Federal or State statute, con-
25 cerning such individuals with disabilities

1 (such as the State Interagency Coordinat-
2 ing Council under part H of the Individ-
3 uals with Disabilities Education Act, the
4 State Rehabilitation Advisory Council and
5 the Statewide Independent Living Council
6 under the Rehabilitation Act of 1973, the
7 State Mental Health Planning Council
8 under part B of title XIX of the Public
9 Health Service Act and other similar coun-
10 cils or committees);

11 “(ii) parent training and information
12 centers under part D of the Individuals
13 with Disabilities Education Act and other
14 federally funded projects that assist par-
15 ents of children with disabilities; and

16 “(iii) other groups interested in sys-
17 temic change, capacity building, and advo-
18 cacy for individuals with disabilities.

19 “(G) BARRIER ELIMINATION, SYSTEMS DE-
20 SIGN, AND CITIZEN PARTICIPATION.—The
21 Council may conduct activities to eliminate bar-
22 riers, enhance systems design and redesign, and
23 enhance citizen participation to address issues
24 identified in the State plan.

1 “(H) PUBLIC EDUCATION AND COALITION
2 DEVELOPMENT.—The Council may conduct ac-
3 tivities to educate the public about the capabili-
4 ties, preferences, and needs of individuals with
5 developmental disabilities and their families and
6 to develop and support coalitions that support
7 the policy agenda of the Council, including
8 training in self-advocacy, educating policy-
9 makers, and citizen leadership skills.

10 “(I) INFORMING POLICYMAKERS.—The
11 Council may provide information to Federal,
12 State, and local policymakers, including the
13 Congress, the Federal executive branch, the
14 Governor, State legislature, and State agencies,
15 in order to increase the ability of such policy-
16 makers to offer opportunities and to enhance or
17 adapt generic services or provide specialized
18 services to individuals with developmental dis-
19 abilities and their families by conducting stud-
20 ies and analyses, gathering information, and de-
21 veloping and disseminating model policies and
22 procedures, information, approaches, strategies,
23 findings, conclusions, and recommendations.

1 “(J) PREVENTION.—The Council may con-
2 duct prevention activities as defined in section
3 102.

4 “(K) OTHER ACTIVITIES.—The Council
5 may conduct other systemic change, capacity
6 building, and advocacy activities to expand and
7 enhance the independence, productivity, and in-
8 tegration and inclusion into the community of
9 individuals with developmental disabilities
10 throughout the State on a comprehensive basis.

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

15 “(6) REVIEW OF DESIGNATED STATE AGEN-
16 CY.—The Council shall periodically review the appro-
17 priateness of the designated State agency and make
18 any recommendations for change to the Governor.

19 “(7) REPORTS.—The Council shall submit to
20 the Secretary, through the Governor, periodic re-
21 ports on its activities as the Secretary may reason-
22 ably request, and keep such records and afford such
23 access thereto as the Secretary finds necessary to
24 verify such reports.

1 “(8) BUDGET.—Each Council shall prepare, ap-
2 prove, and implement a budget using amounts paid
3 to the State under this part to fund and implement
4 all programs, projects, and activities under this part
5 including—

6 “(A) conducting such hearings and forums
7 as the Council may determine to be necessary
8 to carry out the duties of the Council, reimburs-
9 ing Council members of the Council for reason-
10 able and necessary expenses for attending
11 Council meetings and performing Council duties
12 (including child care and personal assistance
13 services), paying compensation to a member of
14 the Council, if such member is not employed or
15 must forfeit wages from other employment, for
16 each day such member is engaged in performing
17 the duties of the Council, supporting Council
18 member and staff travel to authorized training
19 and technical assistance activities including in-
20 service training and leadership development,
21 and appropriate subcontracting activities;

22 “(B) hiring and maintaining sufficient
23 numbers and types of staff (qualified by train-
24 ing and experience) and obtaining the services
25 of such professional, consulting, technical, and

1 clerical personnel (qualified by training and ex-
2 perience), consistent with State law, as the
3 Council determines to be necessary to carry out
4 its functions under this part, except that such
5 State shall not apply hiring freezes, reductions
6 in force, prohibitions on staff travel, or other
7 policies that negatively affect the provision of
8 staff support of the Council; and

9 “(C) directing the expenditure of funds for
10 grants, contracts, interagency agreements that
11 are binding contracts, and other activities au-
12 thorized by the approved State plan.

13 “(9) STAFF HIRING AND SUPERVISION.—A
14 Council shall, consistent with State law, recruit and
15 hire a Director of the Council, should the position of
16 Director become vacant, and supervise and annually
17 evaluate the Director. The Director shall hire, super-
18 vise, and annually evaluate the staff of the Council.
19 Council recruitment and hiring of staff shall be con-
20 sistent with Federal and State nondiscrimination
21 laws. Dismissal of personnel shall be for cause only,
22 based on documented performance evaluations and
23 consistent with State law and personnel policies.
24 Council directors and staff who are exempt from

1 State personnel policies may be dismissed based only
2 on documented performance criteria.

3 “(10) STAFF ASSIGNMENTS.—The staff and
4 other personnel, while working for the Council, shall
5 be responsible solely for assisting the Council in car-
6 rying out its duties under this part and shall not be
7 assigned duties by the designated State agency or
8 any other agency or office of the State.

9 “(11) CONSTRUCTION.—Nothing in this part
10 shall be construed to preclude a Council from engag-
11 ing in systemic change, capacity building, and advo-
12 cacy activities for individuals with disabilities other
13 than developmental disabilities, where appropriate.

14 “(d) DESIGNATED STATE AGENCY.—

15 “(1) IN GENERAL.—Each State that receives
16 assistance under this part shall designate the State
17 agency that shall, on behalf of the State, provide
18 support to the Council. After the date of enactment
19 of the Developmental Disabilities Assistance and Bill
20 of Rights Act Amendments of 1993, any designation
21 of a State agency shall be made in accordance with
22 the requirements of this subsection.

23 “(2) DESIGNATION.—

1 “(A) TYPE OF AGENCY.—Except as pro-
2 vided in this subsection, the designated State
3 agency shall be—

4 “(i) the Council if such Council may
5 be the designated State agency under the
6 laws of the State;

7 “(ii) a State agency that does not pro-
8 vide or pay for services made available to
9 individuals with developmental disabilities;
10 or

11 “(iii) a State office, including the im-
12 mediate office of the Governor of the State
13 or a State planning office.

14 “(B) CONDITIONS FOR CONTINUATION OF
15 STATE SERVICE AGENCY DESIGNATION.—

16 “(i) DESIGNATION BEFORE ENACT-
17 MENT.—If a State agency that provides or
18 pays for services for individuals with devel-
19 opmental disabilities was a designated
20 State agency for purposes of this part on
21 the date of enactment of the Developmen-
22 tal Disabilities Assistance and Bill of
23 Rights Act Amendments of 1993, and the
24 Governor of the State (or legislature,
25 where appropriate and in accordance with

1 State law) determines prior to June 30,
2 1994, not to change the designation of
3 such agency, such agency may continue to
4 be a designated State agency for purposes
5 of this part.

6 “(ii) CRITERIA FOR CONTINUED DES-
7 IGNATION.—The determination at the dis-
8 cretion of the Governor (or legislature as
9 the case may be) shall consider the com-
10 ments and recommendations of the general
11 public and a majority of the non-State
12 agency members of the Council with re-
13 spect to the designation of such State
14 agency, and after the Governor (or legisla-
15 ture as the case may be) has made an
16 independent assessment that the designa-
17 tion of such agency shall not interfere with
18 the budget, personnel, priorities, or other
19 action of the Council, and the ability of the
20 Council to serve as an advocate for individ-
21 uals with developmental disabilities.

22 “(C) REVIEW OF DESIGNATION.—After
23 October 1, 1993, the Council may request a re-
24 view of the designation of the designated State
25 agency by the Governor (or legislature as the

1 case may be). The Council shall provide docu-
2 mentation concerning the reason the Council
3 desires a change to be made and make a rec-
4 ommendation to the Governor (or legislature as
5 the case may be) regarding a preferred des-
6 ignated State agency.

7 “(D) APPEAL OF DESIGNATION.—After the
8 review is completed under subparagraph (C), a
9 majority of the non-State agency members of
10 the Council may appeal to the Secretary for a
11 review of the designation of the designated
12 State agency if Council independence as an ad-
13 vocate is not assured because of the actions or
14 inactions of the designated State agency.

15 “(3) RESPONSIBILITIES.—The designated State
16 agency shall, on behalf of the State, have the respon-
17 sibilities described in subparagraphs (A) through
18 (F).

19 “(A) SUPPORT SERVICES.—The designated
20 State agency shall provide required assurances
21 and support services as requested by and nego-
22 tiated with the Council.

23 “(B) FISCAL RESPONSIBILITIES.—The
24 designated State agency shall—

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

4 “(ii) provide for such fiscal control
5 and fund accounting procedures as may be
6 necessary to assure the proper disperse-
7 ment of, and accounting for, funds paid to
8 the State under this part.

9 “(C) RECORDS, ACCESS, AND FINANCIAL
10 REPORTS.—The designated State agency shall
11 keep such records and afford access thereto as
12 the Secretary and the Council determine nec-
13 essary. The designated State agency, if other
14 than the Council, shall provide timely financial
15 reports at the request of the Council regarding
16 the status of expenditures, obligations, liquida-
17 tion, and the Federal and non-Federal share.

18 “(D) NON-FEDERAL SHARE.—The des-
19 ignated State agency, if other than the Council,
20 shall provide the required non-Federal share de-
21 fined in section 125A(c).

22 “(E) ASSURANCES.—The designated State
23 agency shall assist the Council in obtaining the
24 appropriate State plan assurances and in ensur-
25 ing that the plan is consistent with State law.

1 “(F) MEMORANDUM OF UNDERSTAND-
2 ING.—On the request of the Council, the des-
3 ignated State agency shall enter into a memo-
4 randum of understanding with the Council de-
5 lineating the roles and responsibilities of the
6 designated State agency.

7 “(4) USE OF FUNDS FOR DESIGNATED STATE
8 AGENCY RESPONSIBILITIES.—

9 “(A) NECESSARY EXPENDITURES OF
10 STATE DESIGNATED AGENCY.—At the request
11 of any State, a portion of any allotment or al-
12 lotments of such State under this part for any
13 fiscal year shall be available to pay up to one-
14 half (or the entire amount if the Council is the
15 designated State agency) of the expenditures
16 found necessary by the Secretary for the proper
17 and efficient exercise of the functions of the
18 State designated agency, except that not more
19 than 5 percent of the total of the allotments of
20 such State for any fiscal year, or \$50,000,
21 whichever is less, shall be made available for
22 the total expenditure for such purpose by the
23 State agency designated under this subsection.

24 “(B) CONDITION FOR FEDERAL FUND-
25 ING.—Amounts shall be provided under sub-

1 paragraph (A) to a State for a fiscal year only
2 on condition that there shall be expended from
3 State sources for carrying out the responsibil-
4 ities of the designated State agency under para-
5 graph (3) not less than the total amount ex-
6 pended for carrying out such responsibilities
7 from such sources during the previous fiscal
8 year, except in such year as the Council may
9 become the designated State agency.

10 “(C) SUPPORT SERVICES PROVIDED BY
11 OTHER AGENCIES.—With the agreement of the
12 designated State agency, the Council may use
13 or contract with agencies other than the des-
14 ignated State agency to perform the functions
15 of the designated State agency.

16 “(e) 1990 REPORT.—Not later than January 1,
17 1990, each Council shall complete the reviews, analyses,
18 and final report described in this section.

19 “(1) COMPREHENSIVE REVIEW AND ANALY-
20 SIS.—Each Council shall conduct a comprehensive
21 review and analysis of the eligibility for services pro-
22 vided, and the extent, scope, and effectiveness of,
23 services provided and functions performed by, all
24 State agencies (including agencies that provide pub-
25 lic assistance) that affect or that potentially affect

1 the ability of individuals with developmental disabili-
2 ties to achieve the goals of independence, productiv-
3 ity, and integration and inclusion into the commu-
4 nity, including individuals with developmental dis-
5 abilities attributable to physical impairment, mental
6 impairment, or a combination of physical and mental
7 impairments.

8 “(2) CONSUMER SATISFACTION.—Each Council
9 shall conduct a review and analysis of the effective-
10 ness of, and consumer satisfaction with, the func-
11 tions performed by, and services provided or paid for
12 from Federal and State funds by, each of the State
13 agencies (including agencies that provide public as-
14 sistance) responsible for performing functions for,
15 and providing services to, all individuals with devel-
16 opmental disabilities in the State. Such review and
17 analysis shall be based upon a survey of a represent-
18 ative sample of individuals with developmental dis-
19 abilities receiving services from each such agency,
20 and if appropriate, shall include such individual’s
21 families.

22 “(3) PUBLIC REVIEW AND COMMENT.—Each
23 Council shall convene public forums, after the provi-
24 sion of notice within the State, in order to—

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

4 “(B) obtain comments from all interested
5 individuals in the State regarding the unserved
6 and underserved populations of individuals with
7 developmental disabilities that result from phys-
8 ical impairment, mental impairment, or a com-
9 bination of physical and mental impairments;
10 and

11 “(C) obtain comments on any proposed
12 recommendations concerning the removal of
13 barriers to services for individuals with devel-
14 opmental disabilities and to connect such serv-
15 ices to existing State agencies by recommending
16 the designation of one or more State agencies,
17 as appropriate, to be responsible for the provi-
18 sion and coordination of such services.

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

23 **SEC. 206. STATE ALLOTMENTS.**

24 (a) SECTION HEADING.—Section 125 (42 U.S.C.
25 6025) is amended—

1 (1) by striking “SEC. 125.”; and

2 (2) in the section heading, by striking “STATE
3 ALLOTMENTS” and inserting the following:

4 “SEC. 125. STATE ALLOTMENTS.”.

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

7 (1) in subsection (a)—

8 (A) in paragraph (1)—

9 (i) by realigning the margins of sub-
10 paragraphs (A), (B), and (C) so as to align
11 with the margin of subparagraph (A) of
12 paragraph (4); and

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

16 (B) by striking “(a)(1) For” and inserting
17 the following:

18 “(a) ALLOTMENTS.—

19 “(1) IN GENERAL.—For”;

20 (C) in paragraph (2)—

21 (i) by striking “(2) Adjustments” and
22 inserting the following:

23 “(2) ADJUSTMENTS.—Adjustments”;

24 (ii) by striking “may be” and insert-
25 ing “shall be”; and

1 (iii) by striking “not less” and insert-
2 ing “and the percentage of the total appro-
3 priation for each State not less”;

4 (D) in paragraph (3)—

5 (i) by striking “(3)(A) Except” and
6 all that follows through “September 30,
7 1990.” and inserting the following:

8 “(3) MINIMUM ALLOTMENT.—

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

12 “(i) to each of American Samoa,
13 Guam, the United States Virgin Islands,
14 the Commonwealth of the Northern Mari-
15 ana Islands, or the Republic of Palau
16 (until the Compact of Free Association
17 with Palau takes effect) may not be less
18 than the greater of—

19 “(I) \$210,000; or

20 “(II) the greater of the allotment
21 received by such State for fiscal year
22 1992, or the allotment received by
23 such State for fiscal year 1993, under
24 this section (determined without re-
25 gard to subsection (d)); and

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

4 “(I) \$400,000; or

5 “(II) the greater of the allotment
6 received by such State for fiscal year
7 1992, or the allotment received by
8 such State for fiscal year 1993, under
9 this section (determined without re-
10 gard to subsection (d)).”; and

11 (ii) by striking “(B) Notwithstanding”
12 and inserting the following:

13 “(B) REDUCTION OF ALLOTMENT.—Not-
14 withstanding”;

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

16 “(4) MAXIMUM ALLOTMENT.—

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

21 “(i) to each of American Samoa,
22 Guam, the United States Virgin Islands,
23 the Commonwealth of the Northern Mari-
24 ana Islands or the Republic of Palau (until
25 the Compact of Free Association with

1 Palau takes effect) may not be less than
2 the greater of—

3 “(I) \$220,000; or

4 “(II) the greater of the allotment
5 received by such State for fiscal year
6 1992, or the allotment received by
7 such State for fiscal year 1993, under
8 this section (determined without re-
9 gard to subsection (d)); and

10 “(ii) to any State not described in
11 clause (i) may not be less than the greater
12 of—

13 “(I) \$450,000; or

14 “(II) the greater of the allotment
15 received by such State for fiscal year
16 1992, or the allotment received by
17 such State for fiscal year 1993, under
18 this section (determined without re-
19 gard to subsection (d)).

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

1 apply with respect to amounts to be allotted to
2 States under paragraph (3)(A).”;

3 (F) in paragraph (5)—

4 (i) by striking “In determining” and
5 inserting “STATE SUPPORTS, SERVICES,
6 AND OTHER ACTIVITIES.—In determining”;
7 and

8 (ii) by striking, “section
9 122(b)(2)(C)” and inserting “section
10 122(c)(3)(A)”;

11 (G) in paragraph (6), by striking “In any
12 case” and inserting “INCREASE IN ALLOT-
13 MENTS.—In any case”;

14 (2) in subsection (b), by striking “Any amount”
15 and inserting “UNOBLIGATED FUNDS.—Any
16 amount”;

17 (3) in subsection (c), by striking “Whenever”
18 and inserting “COOPERATIVE EFFORTS BETWEEN
19 STATES.—Whenever”; and

20 (4) in subsection (d), by striking “The amount”
21 and inserting “REALLOTMENTS.—The amount”.

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

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

1 **“SEC. 125A. FEDERAL AND NON-FEDERAL SHARE.**

2 “(a) AGGREGATE COSTS.—The Federal share of all
3 projects in a State supported by an allotment to the State
4 under this part may not exceed 75 percent of the aggre-
5 gate necessary costs of all such projects as determined by
6 the Secretary, except that—

7 “(1) in the case of projects whose activities or
8 products target individuals with developmental dis-
9 abilities who live in urban or rural poverty areas, the
10 Federal share of all such projects may not exceed 90
11 percent of the aggregate necessary costs of such
12 projects or activities, as determined by the Sec-
13 retary; and

14 “(2) in the case of projects or activities under-
15 taken by the Council or Council staff to implement
16 State plan priority activities, the Federal share of all
17 such activities may be up to 100 percent of the ag-
18 gregate necessary costs of such activities.

19 “(b) NONDUPLICATION.—In determining the amount
20 of any State’s Federal share of the expenditures incurred
21 by such State under a State plan approved under section
22 122, the Secretary shall not consider—

23 “(1) any portion of such expenditures that are
24 financed by Federal funds provided under any provi-
25 sion of law other than section 125; and

1 “(2) the amount of any non-Federal funds re-
2 quired to be expended as a condition of receipt of
3 such Federal funds.

4 “(C) NON-FEDERAL SHARE.—

5 “(1) IN KIND CONTRIBUTIONS.—The non-Fed-
6 eral share of the cost of any project assisted by a
7 grant or an allotment under this part may be pro-
8 vided in kind.

9 “(2) CONTRIBUTIONS OF POLITICAL SUBDIVI-
10 SIONS, PUBLIC, OR PRIVATE ENTITIES.—

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

18 “(B) STATE CONTRIBUTIONS.—State con-
19 tributions, including contributions by the des-
20 ignated State agency to provide support services
21 to the Council pursuant to section 124(d)(4),
22 may be counted as part of such State’s non-
23 Federal share of allotments under this part.

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

4 **SEC. 208. PAYMENTS TO THE STATES FOR PLANNING, AD-**
5 **MINISTRATION, AND SERVICES.**

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

7 (1) by striking “SEC. 126.” and inserting “(a)
8 STATE PLAN EXPENDITURES.—”;

9 (2) in the section heading, by striking “PAY-
10 MENTS TO THE STATES FOR PLANNING, ADMINIS-
11 TRATION AND SERVICES” and inserting the follow-
12 ing:

13 **“SEC. 126. PAYMENTS TO THE STATES FOR PLANNING, AD-**
14 **MINISTRATION, AND SERVICES.”;**

15 and

16 (3) by adding at the end the following new sub-
17 section:

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

23 **SEC. 209. WITHHOLDING OF PAYMENTS FOR PLANNING, AD-**
24 **MINISTRATION, AND SERVICES.**

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

1 (1) in the matter preceding paragraph (1), by
2 striking “SEC. 127.”;

3 (2) in the section heading by striking “WITH-
4 HOLDING OF PAYMENTS FOR PLANNING, ADMINIS-
5 TRATION AND SERVICES” and inserting the follow-
6 ing:

7 **“SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING,**
8 **ADMINISTRATION, AND SERVICES.”;**

9 and

10 (3) in paragraph (1), by striking “sections” and
11 inserting “section”.

12 **SEC. 210. NONDUPLICATION.**

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

14 **SEC. 211. APPEALS BY STATES.**

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

16 (1) by striking “SEC. 129.”; and

17 (2) in the section heading, by striking “AP-
18 PEALS BY STATES” and inserting the following:

19 **“SEC. 129. APPEALS BY STATES.”.**

20 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 130 (42 U.S.C. 6030) is amended—

22 (1) by striking “fiscal year 1991” and inserting
23 “fiscal year 1994”; and

24 (2) by striking “years 1992 and 1993” and in-
25 serting “years 1995 and 1996”.

1 **SEC. 213. REVIEW, ANALYSIS, AND REPORT.**

2 (a) REVIEW AND ANALYSIS.—The Secretary of
3 Health and Human Services shall review and analyze the
4 allotment formula in effect under parts B and C of title
5 I of the Developmental Disabilities Assistance and Bill of
6 Rights Act prior to the date of enactment of this Act, in-
7 cluding the factors described in such parts, and the data
8 elements and measures used by the Secretary, to deter-
9 mine whether such formula is consistent with the purpose
10 of the Act.

11 (b) ALTERNATIVE FORMULAS.—The Secretary of
12 Health and Human Services shall identify alternative for-
13 mulas for allocating funds, consistent with the purpose of
14 this Act.

15 (c) REPORT.—Not later than October 1, 1995, the
16 Secretary of Health and Human Services shall submit a
17 report on the review conducted under subsection (a) and
18 a copy of the alternative formulas identified under sub-
19 section (b) to the Committee on Labor and Human Re-
20 sources of the Senate and to the Committee on Energy
21 and Commerce of the House of Representatives.

1 **TITLE III—PROTECTION AND AD-**
 2 **VOCACY OF INDIVIDUAL**
 3 **RIGHTS**

4 **SEC. 301. PART HEADING.**

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

7 **“PART C—PROTECTION AND ADVOCACY OF**
 8 **INDIVIDUAL RIGHTS”.**

9 **SEC. 302. PURPOSE.**

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

11 (1) by striking “SEC. 141.”;

12 (2) in the section heading, by striking “PUR-
 13 POSE” and inserting the following:

14 **“SEC. 141. PURPOSE.”;**

15 (3) by striking “system” and inserting “Protec-
 16 tion and Advocacy system (hereafter referred to in
 17 this part as the ‘system’)”; and

18 (4) by striking “persons” and inserting “indi-
 19 viduals”.

20 **SEC. 303. SYSTEM REQUIRED.**

21 (a) **SECTION HEADING.**—Section 142 (42 U.S.C.
 22 6042) is amended—

23 (1) by striking “SEC. 142.”; and

24 (2) in the section heading, by striking “SYSTEM
 25 REQUIRED” and inserting the following:

1 **“SEC. 142. SYSTEM REQUIRED.”.**

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

4 (1) in subsection (a)—

5 (A) by striking “In order” and inserting
6 “SYSTEM REQUIRED.—In order”;

7 (B) in paragraph (1), by striking “per-
8 sons” and inserting “individuals”;

9 (C) in paragraph (2)—

10 (i) by striking “persons” each place
11 such term appears and inserting “individ-
12 uals”;

13 (ii) in subparagraph (A), by striking
14 “minority” and inserting “underserved
15 geographical areas and ethnic and racial
16 minority”;

17 (iii) by striking subparagraph (C);

18 (iv) in subparagraph (E), by striking
19 “Planning Council” and inserting “Devel-
20 opmental Disabilities Council authorized
21 under part B”;

22 (v) in subparagraph (F), by striking
23 “and” at the end thereof; and

24 (vi) in subparagraph (G)—

1 (I) in clause (i), by striking “per-
2 son” each place such term appears
3 and inserting “individual”;

4 (II) in the matter preceding
5 subclause (I) of clause (ii), by striking
6 “person” and inserting “individual”;

7 (III) in clause (ii)(I), by striking
8 “by reason of the mental or physical
9 condition of such person” and insert-
10 ing “by reason of such individual’s
11 mental or physical condition”;

12 (IV) in clause (ii)(III), by strik-
13 ing “person” and inserting “individ-
14 ual”;

15 (V) in clause (iii), by realigning
16 the margins of subclauses (I), (II),
17 and (III) so as to align with the mar-
18 gins of subclauses (I), (II), and (III)
19 of clause (ii);

20 (VI) in clause (iii), by striking
21 “(iii) any” and inserting the following:
22 “(iii) any”; and

23 (VII) in clause (iii)(III), by strik-
24 ing “person” and inserting “individ-
25 ual”;

1 (D) by redesignating subparagraphs (D),
2 (E), (F), and (G) as subparagraphs (E), (F),
3 (G), and (I), respectively;

4 (E) by inserting after subparagraph (B)
5 the following new subparagraphs:

6 “(C) on an annual basis, develop a state-
7 ment of objectives and priorities for the sys-
8 tem’s activities; and

9 “(D) on an annual basis, provide to the
10 public, including individuals with developmental
11 disabilities attributable to either physical im-
12 pairment, mental impairment, or a combination
13 of physical or mental impairments, and their
14 representatives, as appropriate, non-State agen-
15 cy representatives of the State Developmental
16 Disabilities Council, and the university affili-
17 ated program (if applicable within a State), an
18 opportunity to comment on—

19 “(i) the objectives and priorities es-
20 tablished by the system and the rationale
21 for the establishment of such objectives;
22 and

23 “(ii) the activities of the system, in-
24 cluding the coordination with the advocacy
25 programs under the Rehabilitation Act of

1 1973, the Older Americans Act of 1965,
2 and the Protection and Advocacy for Men-
3 tally Ill Individuals Act of 1986, and with
4 other related programs, including the Par-
5 ent Training and Information Centers,
6 education ombudsman programs and
7 assistive technology projects;”;

8 (F) by inserting after subparagraph (G),
9 as so redesignated in subparagraph (D), the fol-
10 lowing new subparagraph:

11 “(H) have access at reasonable times and
12 locations to any resident who is an individual
13 with a developmental disability in a facility that
14 is providing services, supports, and other assist-
15 ance to such a resident;”;

16 (G) by adding at the end the following new
17 subparagraphs:

18 “(J) hire and maintain sufficient numbers
19 and types of staff, qualified by training and ex-
20 perience, to carry out such system’s function
21 except that such State shall not apply hiring
22 freezes, reductions in force, or other policies
23 that negatively affect the provision of staff sup-
24 port to the system, or restrict travel to training

1 and technical assistance activities funded under
2 this Act;

3 “(K) have the authority to educate policy-
4 makers; and

5 “(L) provide assurances to the Secretary
6 that funds allotted to the State under this sec-
7 tion will be used to supplement and increase the
8 level of funds that would otherwise be made
9 available for the purposes for which Federal
10 funds are provided and not to supplant such
11 non-Federal funds;”

12 (H) by striking paragraphs (3) and (5);

13 (I) in paragraph (4)—

14 (i) by striking “the State” and all
15 that follows through “provided with” and
16 inserting “the State must provide to the
17 system”;

18 (ii) by striking “1902(a)(31)(B)” and
19 inserting “1902(a)(31)”; and

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

22 (J) by adding at the end the following new
23 paragraph:

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

4 “(A) notice has been given of the intention
5 to make such redesignation to the agency that
6 is serving as the system including the good
7 cause for such redesignation and the agency
8 has been given an opportunity to respond to the
9 assertion that good cause has been shown;

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

14 “(C) the system has the opportunity to ap-
15 peal to the Secretary that the redesignation was
16 not for good cause.”;

17 (2) in subsection (b)—

18 (A) by striking “(b)(1) To” and inserting
19 the following:

20 “(b) ALLOTMENTS.—

21 “(1) IN GENERAL.—To”;

22 (B) in paragraph (1)—

23 (i) by realigning the margins of sub-
24 paragraphs (A) and (B) so as to align with

1 subparagraphs (A) through (C) of sub-
2 section (a)(4);

3 (ii) in subparagraph (A), to read as
4 follows:

5 “(A) the total amount appropriated under
6 section 143 for a fiscal year is at least
7 \$20,000,000—

8 “(i) the allotment of each of American
9 Samoa, Guam, the United States Virgin
10 Islands, the Commonwealth of the North-
11 ern Mariana Islands, and the Republic of
12 Palau (until the Compact of Free Associa-
13 tion with Palau takes effect) for such fiscal
14 year may not be less than the greater of—

15 “(I) \$107,000; or

16 “(II) the greater of the allotment
17 received by such State for fiscal year
18 1992, or the allotment received by
19 such State for fiscal year 1993, under
20 this section (determined without re-
21 gard to subsection (d)); and

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

25 “(I) \$200,000; or

1 “(II) the greater of the allot-
2 ments received by such State for fiscal
3 year 1992, or the allotment received
4 by such State for fiscal year 1993,
5 under this section (determined with-
6 out regard to subsection (d)).”; and
7 (iii) in subparagraph (B), to read as

8 follows:

9 “(B) the total amount appropriated under
10 section 143 for a fiscal year is less than
11 \$20,000,000—

12 “(i) the allotment of each of American
13 Samoa, Guam, the United States Virgin
14 Islands, the Commonwealth of the North-
15 ern Mariana Islands, and the Republic of
16 Palau (until the Compact of Free Associa-
17 tion with Palau takes effect) for such fiscal
18 year may not be less than the greater of—

19 “(I) \$80,000; or

20 “(II) the greater of the allotment
21 received by such State for fiscal year
22 1992, or the allotment received by
23 such State for fiscal year 1993, under
24 this section (determined without re-
25 gard to subsection (d)); and

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

4 “(I) \$150,000; or

5 “(II) the greater of the allotment
6 received by such State for fiscal year
7 1992, or the allotment received by
8 such State for fiscal year 1993, under
9 this section (determined without re-
10 gard to subsection (d)).”;

11 (C) by realigning the margins of subpara-
12 graphs (A) and (B) of paragraph (2) so as to
13 align with subparagraphs (A) through (C) of
14 subsection (a)(4);

15 (D) by realigning the margins of para-
16 graphs (2) through (4) so as to align with para-
17 graph (4) of subsection (a);

18 (E) in paragraph (2), by striking “In any
19 case” and inserting “INCREASE IN ALLOT-
20 MENTS.—In any case”;

21 (F) in paragraph (3), by striking “A
22 State” and inserting “MONITORING THE AD-
23 MINISTRATION OF THE SYSTEM.—A State”;

1 (G) in paragraph (4), by striking “Not-
2 withstanding” and inserting “REDUCTION OF
3 ALLOTMENT.—Notwithstanding”; and

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

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

10 “(A) use not more than 2 percent of the
11 amounts appropriated to provide technical as-
12 sistance (consistent with requests by such sys-
13 tems for such assistance in the year that appro-
14 priations reach \$24,500,000) to eligible systems
15 with respect to activities carried out under this
16 title; and

17 “(B) provide grants in accordance with
18 paragraph (1)(A)(i) to American Indian Con-
19 sortiums to provide protection and advocacy
20 services.”;

21 (3) in subsection (c), by striking “Any amount”
22 and inserting “UNOBLIGATED FUNDS.—Any
23 amount”;

24 (4) in subsection (d)—

1 (A) in the matter preceding paragraph (1),
2 by striking “In States” and inserting “GOV-
3 ERNING BOARD.—In States”;

4 (B) in paragraph (1), by inserting before
5 the semicolon “and include individuals with de-
6 velopmental disabilities who are eligible for
7 services, or have received or are receiving serv-
8 ices, or parents, family members, guardians, ad-
9 vocates, or authorized representatives of such
10 individuals”; and

11 (C) by adding at the end the following new
12 paragraph:

13 “(4) in States in which the system is organized
14 as a public system without a multimember governing
15 or advisory board, the system shall establish an advi-
16 sory council that shall—

17 “(A) advise the system on policies and pri-
18 orities to be carried out in protecting and advo-
19 cating the rights of individuals with devel-
20 opmental disabilities; and

21 “(B) consist of a majority of individuals
22 with developmental disabilities who are eligible
23 for services, or have received or are receiving
24 services, or parents, family members, guardians,

1 advocates, or authorized representatives of such
 2 individuals.”;

3 (5) in subsection (e) by striking “As used” and
 4 inserting “RECORDS.—As used”;

5 (6) in subsection (f)—

6 (A) by striking “If the” and inserting “AC-
 7 CESS TO RECORDS.—If the”; and

8 (B) in the matter preceding paragraph (1)
 9 by striking “persons” and inserting “individ-
 10 uals”;

11 (7) in subsection (g)—

12 (A) by striking “(g)(1) Nothing” and in-
 13 serting the following:

14 “(g) LEGAL ACTION.—

15 “(1) IN GENERAL.—Nothing”;

16 (B) in paragraph (1), by striking “per-
 17 sons” and inserting “individuals”; and

18 (C) in paragraph (2), by striking “(2)
 19 Amounts” and inserting the following:

20 “(2) USE OF AMOUNTS FROM JUDGMENT.—
 21 Amounts”;

22 (8) in subsection (h), by striking “Notwith-
 23 standing” and inserting “PAYMENT TO SYS-
 24 TEMS.—Notwithstanding”;

1 (9) by redesignating subsections (b) through (h)
2 as subsections (c) through (i), respectively;

3 (10) by inserting after subsection (a) the follow-
4 ing new subsection:

5 “(b) AMERICAN INDIAN CONSORTIUM.—Upon appli-
6 cation to the Secretary, an American Indian consortium,
7 as defined in section 102, established to provide protection
8 and advocacy services under this part, shall receive fund-
9 ing pursuant to subsection (c)(5). Such consortium shall
10 coordinate activities with existing systems.”; and

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

13 “(j) DISCLOSURE OF INFORMATION.—For purposes
14 of any periodic audit, report, or evaluation required under
15 this Act, the Secretary shall not require a program to dis-
16 close the identity of, or any other personally identifiable
17 information related to, any individual requesting assist-
18 ance under such program.

19 “(k) PUBLIC NOTICE OF FEDERAL ONSITE RE-
20 VIEW.—The Secretary shall provide advance public notice
21 of any Federal programmatic and administrative review
22 and solicit public comment on the system funded under
23 this part through such notice. The findings of the public
24 comment solicitation notice shall be included in the onsite
25 visit report.”.

1 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

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

3 (1) by striking “SEC. 143.”;

4 (2) in the section heading, by striking “AU-
5 THORIZATION OF APPROPRIATIONS” and inserting
6 the following:

7 **“SEC. 143. AUTHORIZATION OF APPROPRIATIONS.”;**

8 (3) by striking “\$24,200,000 for fiscal year
9 1991” and inserting “\$29,000,000 for fiscal year
10 1994”; and

11 (4) by striking “fiscal years 1992 and 1993”
12 and inserting “fiscal years 1995 and 1996”.

13 **TITLE IV—UNIVERSITY**
14 **AFFILIATED PROGRAMS**

15 **SEC. 401. PART HEADING.**

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

18 **“PART D—UNIVERSITY AFFILIATED PROGRAMS”.**

19 **SEC. 402. PURPOSE.**

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

22 **“SEC. 151. PURPOSE AND SCOPE OF ACTIVITIES.**

23 “The purpose of this part is to provide for grants
24 to university affiliated programs that are interdisciplinary
25 programs operated by universities, or by public or non-
26 profit entities associated with a college or university, to

1 provide a leadership role in the promotion of independ-
2 ence, productivity, and integration and inclusion into the
3 community of individuals with developmental disabilities
4 through the provision of the following activities:

5 “(1) Interdisciplinary preservice preparation of
6 students and fellows, including the preparation of
7 leadership personnel.

8 “(2) Community service activities that shall in-
9 clude community training and technical assistance
10 for or with individuals with developmental disabili-
11 ties, family members of individuals with devel-
12 opmental disabilities, professionals, paraprofes-
13 sionals, students, and volunteers. Such activities
14 may include state-of-the-art direct services including
15 family support, individual support, personal assist-
16 ance services, educational, vocational, clinical,
17 health, prevention, or other direct services.

18 “(3) Dissemination of information and research
19 findings, which may include the empirical validation
20 of activities relevant to the purposes described in
21 paragraphs (1) and (2) and contributions to the de-
22 velopment of new knowledge in the field of devel-
23 opmental disabilities.”.

1 **SEC. 403. GRANT AUTHORITY.**

2 (a) SECTION HEADING.—Section 152 (42 U.S.C.
3 6062) is amended—

4 (1) by striking “SEC. 152.”; and

5 (2) in the section heading, by striking “GRANT
6 AUTHORITY” and inserting the following:

7 **“SEC. 152. GRANT AUTHORITY.”.**

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

10 (1) in subsection (a)—

11 (A) by striking “From appropriations” and
12 inserting “ADMINISTRATION AND OPER-
13 ATION.—From appropriations”; and

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

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

18 **“(b) TRAINING PROJECTS.—**

19 **“(1) IN GENERAL.—**From amounts appro-
20 priated under section 156(a), the Secretary shall
21 make grants to university affiliated programs receiv-
22 ing grants under subsection (a) to support training
23 projects to train personnel to address the needs of
24 individuals with developmental disabilities in areas
25 of emerging national significance, as described in
26 paragraph (3). Grants awarded under this sub-

1 section shall be awarded on a competitive basis and
2 may be awarded for a period not to exceed 5 years.

3 “(2) ELIGIBILITY LIMITATIONS.—A university
4 affiliated program shall not be eligible to receive
5 funds for training projects under this subsection un-
6 less—

7 “(A) such program has operated for at
8 least 1 year; or

9 “(B) the Secretary determines that such
10 program has demonstrated the capacity to de-
11 velop an effective training project during the
12 first year such program is operated.

13 “(3) AREAS OF FOCUS.—Training projects
14 under this subsection shall train personnel to ad-
15 dress the needs of individuals with developmental
16 disabilities in the areas of emerging national signifi-
17 cance described in subparagraphs (A) through (G).

18 “(A) EARLY INTERVENTION.—Grants
19 under this subsection for training projects with
20 respect to early intervention services shall be
21 for the purpose of assisting university affiliated
22 programs in providing training to family mem-
23 bers of children with developmental disabilities
24 and personnel from all disciplines involved with
25 interdisciplinary intervention to infants, tod-

1 dlers, and preschool age children with devel-
2 opmental disabilities. Such training projects
3 shall include instruction on family-centered,
4 community-based, coordinated care for infants,
5 toddlers, and preschool age children with devel-
6 opmental disabilities and their families.

7 “(B) AGING.—Grants under this sub-
8 section for training projects with respect to
9 aging and developmental disabilities shall be for
10 the purpose of supporting the planning, design,
11 and implementation of coordinated interdiscipli-
12 nary training programs between existing aging
13 or gerontological programs and university affili-
14 ated programs in order to prepare professional
15 staff to provide services for aging individuals
16 with developmental disabilities and their fami-
17 lies.

18 “(C) COMMUNITY SERVICES.—Grants
19 under this subsection for training projects with
20 respect to community services shall be for the
21 purpose of providing training that enhances di-
22 rect supports and services for individuals with
23 developmental disabilities, including training to
24 community members, families, individuals with
25 developmental disabilities, and community-

1 based direct service providers. The Secretary
2 shall ensure that all grants under this subpara-
3 graph are made only to university affiliated pro-
4 grams that involve community-level direct sup-
5 port services in the preparation of the applica-
6 tion for such grant and that assure that any
7 training under the university affiliated program
8 will be coordinated with local community serv-
9 ices and support systems and with State, local,
10 and regional governmental or private agencies
11 responsible for the planning or delivery of serv-
12 ices to individuals with developmental disabil-
13 ities.

14 “(D) POSITIVE BEHAVIORAL SUPPORTS.—

15 Grants awarded under this subsection for train-
16 ing projects with respect to positive behavioral
17 supports shall be for the purpose of assisting
18 university affiliated programs in providing
19 training to family members of individuals with
20 developmental disabilities and personnel in
21 methods of developing individual supports that
22 maximize opportunities for independence, pro-
23 ductivity, and integration and inclusion into the
24 community for individuals with developmental

1 disabilities and severe behavior problems. Such
2 training projects shall provide training to—

3 “(i) address ethical and legal prin-
4 ciples and standards, including the role of
5 personal values in designing assessments
6 and interventions;

7 “(ii) address appropriate assessment
8 approaches that examine the range of fac-
9 tors that contribute to problem behavior;

10 “(iii) address the development of a
11 comprehensive plan that considers the
12 needs and preferences of an individual with
13 a developmental disability;

14 “(iv) address the competence in the
15 types of skills training, environmental
16 modification, and incentive procedures that
17 encourage alternative behaviors;

18 “(v) familiarize training participants
19 with crisis intervention approaches and the
20 separate role of such approaches as short-
21 term emergency procedures;

22 “(vi) familiarize training participants
23 with medical interventions and how to
24 evaluate the effect of such interventions on
25 behavior; and

1 “(vii) address techniques for evaluat-
2 ing the outcomes of interventions.

3 “(E) ASSISTIVE TECHNOLOGY SERVICES.—
4 Grants under this subsection for training
5 projects with respect to assistive technology
6 services shall be for the purpose of assisting
7 university affiliated programs in providing
8 training to personnel who provide, or will pro-
9 vide, assistive technology services and devices to
10 individuals with developmental disabilities and
11 their families. Such projects may provide train-
12 ing and technical assistance to improve access
13 to assistive technology services for individuals
14 with developmental disabilities and may include
15 stipends and tuition assistance for training
16 project participants. Such projects shall be co-
17 ordinated with State technology coordinating
18 councils wherever such councils exist.

19 “(F) AMERICANS WITH DISABILITIES
20 ACT.—Grants under this subsection for training
21 projects with respect to the provisions of the
22 Americans with Disabilities Act of 1990 shall
23 be for the purpose of assisting university affili-
24 ated programs in providing training to person-
25 nel who provide, or will provide, services to indi-

1 viduals with developmental disabilities, and to
2 others concerned with individuals with devel-
3 opmental disabilities.

4 “(G) OTHER AREAS.—Grants under this
5 subsection for training projects with respect to
6 programs in other areas of national significance
7 shall be for the purpose of training personnel in
8 an area of special concern to the university af-
9 filiated program, and shall be developed in con-
10 sultation with the State Developmental Disabil-
11 ities Council.

12 “(4) COURSES, TRAINEESHIPS AND FELLOW-
13 SHIPS.—Grants under this subsection may be used
14 by university affiliated programs to—

15 “(A) assist in paying the costs of courses
16 of training or study for personnel to provide
17 services for individuals with developmental dis-
18 abilities and their families; and

19 “(B) establish fellowships or traineeships
20 providing such stipends and allowances as may
21 be determined by the Secretary.

22 “(5) PROHIBITED ACTIVITIES.—Grants award-
23 ed under this subsection shall not be used for ad-
24 ministrative expenses for the university affiliated
25 program under subsection (a).

1 “(6) CRITERIA.—Grants awarded under this
2 subsection shall meet the criteria described in sub-
3 paragraphs (A) and (B).

4 “(A) APPLICATION.—An application that
5 is submitted for a grant under this subsection
6 shall present evidence that training projects as-
7 sisted by funds awarded under this section
8 are—

9 “(i) competency and value based;

10 “(ii) designed to facilitate independ-
11 ence, productivity, and integration and in-
12 clusion for individuals with developmental
13 disabilities; and

14 “(iii) evaluated utilizing state-of-the-
15 art evaluation techniques in the pro-
16 grammatic areas selected.

17 “(B) GENERAL PROJECT REQUIRE-
18 MENTS.—Training projects under this sub-
19 section shall—

20 “(i) represent state-of-the-art tech-
21 niques in areas of critical shortage of per-
22 sonnel that are identified through consulta-
23 tion with the consumer advisory committee
24 described in section 153(d) and the State
25 Developmental Disabilities Council;

1 “(ii) be conducted in consultation with
2 the consumer advisory committee described
3 in section 153(d) and the State Devel-
4 opmental Disabilities Council;

5 “(iii) be integrated into the appro-
6 priate university affiliated program and
7 university curriculum;

8 “(iv) be integrated with relevant State
9 agencies in order to achieve an impact on
10 statewide personnel and service needs;

11 “(v) to the extent practical, be con-
12 ducted in environments where services are
13 actually delivered;

14 “(vi) to the extent possible, be inter-
15 disciplinary in nature; and

16 “(vii) to the extent possible, address
17 the unique needs of individuals with devel-
18 opmental disabilities from ethnic, cultural,
19 and linguistic minority backgrounds.”;

20 (3) in subsection (c)—

21 (A) by striking “From amounts appro-
22 priated under section 154(b)” and inserting
23 “SUPPLEMENTAL AWARDS.—From amounts
24 appropriated under section 156(a)”;

25 (B) in paragraph (1)—

1 (i) by striking “service-related train-
2 ing to persons” and inserting “inter-
3 disciplinary training, community training
4 and technical assistance, community serv-
5 ices, or dissemination of information to in-
6 dividuals”;

7 (ii) by striking “integration into the
8 community of persons with developmental
9 disabilities” and inserting “integration and
10 inclusion into the community of individuals
11 with developmental disabilities and not oth-
12 erwise specified in subsection (b)”;

13 (iii) by striking “persons” each place
14 such term appears and inserting “individ-
15 uals”;

16 (C) in paragraph (2)—

17 (i) by striking “(A) the” and inserting
18 “the”;

19 (ii) by striking “persons” and insert-
20 ing “individuals”;

21 (iii) by striking “(B) the” and insert-
22 ing “the”; and

23 (iv) by striking “parents” and insert-
24 ing “family members”;

25 (4) by striking subsection (d);

1 (5) in subsection (e)—

2 (A) by striking “(e) From amounts appro-
3 priated under section 154(a)” and inserting
4 “(d) FEASIBILITY STUDIES.—From amounts
5 appropriated under section 156(a)”; and

6 (B) by striking “or a satellite center” each
7 place such term appears; and

8 (6) by striking subsections (f) and (g).

9 **SEC. 404. APPLICATIONS.**

10 (a) SECTION HEADING.—Section 153 (42 U.S.C.
11 6063) is amended—

12 (1) by striking “SEC. 153.”; and

13 (2) in the section heading, by striking “APPLI-
14 CATIONS” and inserting the following:

15 **“SEC. 153. APPLICATIONS.”.**

16 (b) APPLICATIONS.—Section 153 (42 U.S.C. 6063)
17 is amended—

18 (1) in subsection (a)—

19 (A) by striking “Not later than six” and
20 inserting: “STANDARDS.—Not later than 12”;

21 (B) by striking “Act of 1984” and insert-
22 ing “Assistance and Bill of Rights Act Amend-
23 ments of 1993”;

24 (C) by striking “persons” and inserting
25 “individuals”; and

1 (D) by striking “section 102(18)” and in-
2 serting “section 151”;

3 (2) in subsection (b)—

4 (A) in the matter preceding paragraph (1),
5 by striking “No grants” and all that follows
6 through “Such an application” and inserting
7 “ASSURANCES.—The application under sub-
8 section (a)”;

9 (B) in paragraph (1), by striking “grant
10 will” and all that follows through “level of such
11 funds;” and inserting the following: “grant
12 will—

13 “(A) not result in any decrease in the use
14 of State, local, and other non-Federal funds for
15 services for individuals with developmental dis-
16 abilities and for training of individuals to pro-
17 vide such services, which funds would (except
18 for such grant) be made available to the appli-
19 cant; and

20 “(B) be used to supplement and, to the ex-
21 tent practicable, increase the level of such
22 funds;”;

23 (C) in paragraph (2), by striking “sub-
24 section (a)” each place such term appears and
25 inserting “subsection (b)”;

1 (D) in paragraph (3)—

2 (i) by striking “persons” each place
3 such term appears and inserting “individ-
4 uals”;

5 (ii) by striking “treatment, services,
6 or habilitation” and inserting “services”;
7 and

8 (iii) by striking “the developmentally
9 disabled” and inserting “individuals with
10 developmental disabilities”; and

11 (E) in paragraph (5)—

12 (i) by striking “Planning” and insert-
13 ing “Developmental Disabilities”; and

14 (ii) by striking “or the satellite center
15 is or will be located”;

16 (3) by striking subsections (c) and (d);

17 (4) by redesignating subsections (a), (b), and
18 (e) as subsections (b), (c), and (f), respectively;

19 (5) by inserting after the section heading the
20 following new subsection:

21 “(a) IN GENERAL.—No grants may be made under
22 section 152(a) unless an application therefor is submitted
23 to, and approved by, the Secretary. Such an application
24 shall be submitted in such form and manner, and contain
25 such information, as the Secretary may require.”;

1 (6) by inserting after subsection (c), as so re-
2 designated by paragraph (4), the following new sub-
3 sections:

4 “(d) CONSUMER ADVISORY COMMITTEE.—The Sec-
5 retary shall only make grants under section 152(a) to uni-
6 versity affiliated programs that establish a consumer advi-
7 sory committee comprised of individuals with developmen-
8 tal disabilities, family members of individuals with devel-
9 opmental disabilities, representatives of State protection
10 and advocacy systems, State developmental disabilities
11 councils (including State service agency directors), local
12 agencies, and private nonprofit groups concerned with pro-
13 viding services for individuals with developmental disabil-
14 ities, which may include representatives from parent train-
15 ing and information centers.

16 “(e) FEDERAL SHARE.—

17 “(1) IN GENERAL.—The Federal share of any
18 project to be provided through grants under this
19 part may not exceed 75 percent of the necessary cost
20 of such project, as determined by the Secretary, ex-
21 cept that if the project activities or products target
22 individuals with developmental disabilities who live
23 in an urban or rural poverty area, the Federal share
24 may not exceed 90 percent of the project’s necessary
25 costs as so determined by the Secretary.

1 “(2) PROJECT EXPENDITURES.—For the pur-
 2 pose of determining the Federal share with respect
 3 to any project, expenditures on that project by a po-
 4 litical subdivision of the State or by a public or pri-
 5 vate entity shall, subject to such limitations and con-
 6 ditions as the Secretary may by regulation prescribe,
 7 be considered to be expenditures made by a univer-
 8 sity affiliated program under this part.”;

9 (7) in subsection (f), as so redesignated by
 10 paragraph (4)—

11 (A) by striking “(f)(1) The Secretary” and
 12 inserting the following:

13 “(f) PEER REVIEW.—

14 “(1) IN GENERAL.—The Secretary”;

15 (B) in paragraph (1), by striking “Such
 16 peer review” and all that follows through
 17 “152(b)(1)(D)”;

18 (C) in paragraph (2)—

19 (i) by striking “(2) Regulations” and
 20 inserting the following:

21 “(2) REGULATIONS.—Regulations”; and

22 (ii) by striking “experience or train-
 23 ing” and inserting “experience and train-
 24 ing”;

25 (D) in paragraph (3), to read as follows:

1 “(3) APPROVAL.—

2 “(A) IN GENERAL.—The Secretary may
3 approve an application under this part only if
4 such application has been recommended by a
5 peer review group that has conducted the peer
6 review required under paragraph (1).

7 “(B) APPLICABILITY.—This paragraph
8 shall apply to the approval of grant applications
9 received for fiscal year 1990 and succeeding fis-
10 cal years.”;

11 (E) in paragraph (4)—

12 (i) by striking “(4) The Secretary”
13 and inserting the following:

14 “(4) ESTABLISHMENT OF PEER REVIEW
15 GROUPS.—The Secretary”; and

16 (ii) by realigning the margins of sub-
17 paragraphs (A) and (B) so as to align with
18 the margin of subparagraph (A) of para-
19 graph (3); and

20 (F) in paragraph (5), by striking “(5) The
21 Secretary” and inserting the following:

22 “(5) WAIVERS OF APPROVAL.—The Secretary”;
23 and

24 (8) by adding at the end the following new sub-
25 section:

1 “(g) REVIEW BY OTHER FEDERAL AGENCIES.—The
2 Secretary shall establish such a process for the review of
3 applications for grants under section 152(a) as will en-
4 sure, to the maximum extent feasible, that each Federal
5 agency that provides funds for the direct support of the
6 applicant’s program reviews the application.”.

7 **SEC. 405. GRANT AWARDS.**

8 Section 154 (42 U.S.C. 6064) is amended to read as
9 follows:

10 **“SEC. 154. PRIORITY FOR GRANT AWARDS.**

11 “(a) IN GENERAL.—In awarding and distributing
12 grant funds under this part, the Secretary, subject to the
13 availability of appropriations, shall award and distribute
14 grant funds in accordance with the following order of
15 priorities:

16 “(1) EXISTING STATE UNIVERSITY AFFILIATED
17 PROGRAMS.—First priority shall be given, with re-
18 spect to the provision of grant awards under section
19 152(a) in the amount of \$200,000, to an existing
20 State university affiliated program that meets the
21 requirements under section 153.

22 “(2) UNSERVED STATES.—Second priority shall
23 be given, with respect to the provision of grant
24 awards under section 152(a) in the amount of
25 \$200,000, to a university or public or nonprofit en-

1 tity associated with a college or university that de-
2 sires to establish a university affiliated program in
3 a State that is unserved by a university affiliated
4 program as of the date of enactment of the Devel-
5 opmental Assistance and Bill of Rights Act Amend-
6 ments of 1993.

7 “(3) TRAINING PROJECTS IN ALL UNIVERSITY
8 AFFILIATED PROGRAMS.—Third priority shall be
9 given, with respect to the provision of grant awards,
10 to each university affiliated program that receives
11 funding under section 152(a) and that meets the eli-
12 gibility limitations under section 152(b) to the estab-
13 lishment of training projects under section 152(b) in
14 the amount of \$90,000 in each such program.

15 “(4) INCREASED FUNDING FOR TRAINING
16 PROJECTS.—Fourth priority shall be given, with re-
17 spect to the provision of grant awards, to the provi-
18 sion of an increase in the amount of a training
19 project grant award under section 152(b) to
20 \$100,000.

21 “(5) INCREASED FUNDING FOR UNIVERSITY AF-
22 FILIATED PROGRAMS.—Fifth priority shall be given,
23 with respect to the provision of grant awards, to the
24 provision of an increase in the amount of a univer-

1 sity affiliated program grant award under section
2 152(a) to \$250,000.

3 “(6) ADDITIONAL TRAINING.—Sixth priority
4 shall be given, with respect to the provision of grant
5 awards, to an existing university affiliated program
6 in a State that is served by such program under sec-
7 tion 152(a) to provide additional training under sub-
8 section (b) or (c) of section 152 within such State
9 or other geographic regions, or to a university or
10 public or nonprofit entity associated with a college
11 or university that desires to establish another uni-
12 versity affiliated program within such State under
13 section 152(a). All applications submitted to the
14 Secretary for such grant awards shall document
15 plans for coordinating activities with an existing uni-
16 versity affiliated program in the State (if applicable)
17 and in consultation with the State Developmental
18 Disabilities Council.

19 “(b) ADDITIONAL PROGRAMS.—For purposes of
20 making grants under subsection (a)(6), the Secretary shall
21 consider applications for grants for university affiliated
22 programs—

23 “(1) for States that are currently underserved
24 by a university affiliated program; and

1 “(2) that are in addition to the total number of
2 university affiliated programs receiving grants under
3 this subsection for the preceding fiscal year.

4 “(c) SINGLE APPLICATION.—When every State is
5 served by a university affiliated program under section
6 152(a) in the amount of \$200,000 and every such pro-
7 gram has been awarded a training grant under section
8 152(b) in the amount of \$90,000, the Secretary may ac-
9 cept applications under such sections in a single applica-
10 tion.”.

11 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS AND DEFINITION.**
12

13 Part D of title I (42 U.S.C. 151 et seq.) is amended
14 by adding at the end the following new sections:

15 **“SEC. 155. DEFINITION.**

16 “For purposes of this part, the term ‘State’ means
17 each of the several States of the United States, the Dis-
18 trict of Columbia, the Commonwealth of Puerto Rico, and
19 the United States Virgin Islands.

20 **“SEC. 156. AUTHORIZATION OF APPROPRIATIONS.**

21 “(a) IN GENERAL.—For the purpose of making
22 grants under subsections (a), (b), (c), and (d) of section
23 152, there are authorized to be appropriated \$21,000,000
24 for fiscal year 1994, and such sums as may be necessary
25 for each of the fiscal years 1995 and 1996.

1 “(b) LIMITATION.—With respect to peer review or
2 other activities directly related to peer review, the Sec-
3 retary may not use—

4 “(1) for fiscal year 1994, more than \$300,000
5 of the funds made available under subsection (a) for
6 such review or such other activities;

7 “(2) for any succeeding fiscal year, more than
8 the amount of the funds made available under para-
9 graph (1) adjusted to take into account the increase
10 in the Consumer Price Index for such fiscal year for
11 such review or such other activities.”.

12 **TITLE V—PROJECTS OF**
13 **NATIONAL SIGNIFICANCE**

14 **SEC. 501. PART HEADING.**

15 The heading of part E of title I of the Act is amended
16 to read as follows:

17 **“PART E—PROJECTS OF NATIONAL**
18 **SIGNIFICANCE”.**

19 **SEC. 502. PURPOSE.**

20 Section 161 (42 U.S.C. 6081) is amended to read as
21 follows:

22 **“SEC. 161. PURPOSE.**

23 “The purpose of this part is to provide for grants
24 and contracts for projects of national significance that
25 support the development of national and State policy to

1 enhance the independence, productivity, and integration
2 and inclusion of individuals with developmental disabilities
3 through—

4 “(1) data collection and analysis;

5 “(2) technical assistance to enhance the quality
6 of State Developmental Disabilities Councils, protec-
7 tion and advocacy systems, and university affiliated
8 programs; and

9 “(3) other projects of sufficient size and scope
10 that hold promise to expand or improve opportuni-
11 ties for individuals with developmental disabilities,
12 including—

13 “(A) technical assistance for the develop-
14 ment of information and referral systems;

15 “(B) educating policymakers;

16 “(C) Federal interagency initiatives;

17 “(D) the enhancement of minority partici-
18 pation in public and private sector initiatives in
19 developmental disabilities; and

20 “(E) special pilots and evaluation studies
21 to explore the expansion of programs under
22 part B to individuals with severe disabilities
23 other than developmental disabilities.”.

1 **SEC. 503. GRANT AUTHORITY.**

2 (a) SECTION HEADING.—Section 162 (42 U.S.C.
3 6082) is amended—

4 (1) by striking “SEC. 162.”; and

5 (2) in the section heading, by striking “GRANT
6 AUTHORITY” and inserting the following:

7 **“SEC. 162. GRANT AUTHORITY.”.**

8 (b) AUTHORITY.—Section 162 (42 U.S.C. 6082) is
9 amended—

10 (1) in subsection (a), to read as follows:

11 “(a) IN GENERAL.—The Secretary—

12 “(1) shall make grants to and enter into con-
13 tracts with public or nonprofit private entities for
14 projects of national significance relating to individ-
15 uals with developmental disabilities to—

16 “(A) support ongoing data collection on ex-
17 penditures, residential services and employment,
18 and develop an ongoing data collection system,
19 including data collection on the accomplish-
20 ments of State Developmental Disabilities
21 Councils, protection and advocacy systems, and
22 university affiliated programs; and

23 “(B) provide technical assistance (includ-
24 ing research, training, and evaluation) that ex-
25 pands or improves the effectiveness of State
26 Developmental Disabilities Councils under part

1 B, protection and advocacy systems under part
2 C, and university affiliated programs under
3 part D, including the evaluation and assessment
4 of the quality of services provided to individuals
5 with developmental disabilities and other activi-
6 ties performed by programs under parts B, C,
7 and D; and

8 “(2) may make grants to and enter into con-
9 tracts with public or nonprofit private entities for
10 projects of national significance relating to individ-
11 uals with developmental disabilities to conduct other
12 nationally significant initiatives of sufficient size and
13 scope that hold promise of expanding or otherwise
14 improving opportunities for individuals with devel-
15 opmental disabilities, including—

16 “(A) conducting research and providing
17 technical assistance to assist States to develop
18 statewide, comprehensive information and refer-
19 ral and service coordination systems for individ-
20 uals with developmental disabilities and their
21 families and improve supportive living and qual-
22 ity of life opportunities that enhance recreation,
23 leisure, and fitness;

1 “(B) educating policymakers, including the
2 training of self-advocates and family members
3 of individuals with developmental disabilities;

4 “(C) pursuing Federal interagency initia-
5 tives that enhance the ability of Federal agen-
6 cies to address the needs of individuals with de-
7 velopmental disabilities and their families; and

8 “(D) expanding or otherwise improving op-
9 portunities for individuals with developmental
10 disabilities who are traditionally unserved or
11 underserved (including individuals of ethnic and
12 racial minority groups, and individuals from un-
13 derserved geographical areas) including projects
14 to encourage members of such groups to par-
15 ticipate in the Developmental Disabilities Pro-
16 grams authorized under parts B, C, and D, and
17 increase the involvement of students and profes-
18 sionals of such groups in the provision of serv-
19 ices to, supports to, and advocacy for, individ-
20 uals with developmental disabilities.”;

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

22 “(b) APPLICATION AND OTHER GRANT REQUIRE-
23 MENTS.—No grant may be made under subsection (a) un-
24 less—

1 “(1) an application has been submitted to the
2 Secretary in such form, in such manner, and con-
3 taining such information as the Secretary shall by
4 regulation prescribe and such application has been
5 approved by the Secretary;

6 “(2) each State in which the applicant’s project
7 will be conducted has a State plan approved under
8 section 122;

9 “(3) the application provides assurances that
10 the human rights of all individuals with developmen-
11 tal disabilities (especially those individuals without
12 familial protection) who are receiving services under
13 projects assisted under this part will be protected
14 consistent with section 110 (relating to the rights of
15 individuals with developmental disabilities); and

16 “(4) the Secretary provides to the State Devel-
17 opmental Disabilities Council in such State an op-
18 portunity to review the application for such project
19 and to submit its comments on the application.”;

20 (3) in subsection (c), by striking “Not later”
21 and inserting “PRIORITIES FOR GRANTS.—Not
22 later”;

23 (4) in subsection (d)—

1 (A) by striking “Payments under” and in-
2 serting “GRANT PAYMENTS.—Payments
3 under”; and

4 (B) by inserting before the period in the
5 second sentence “, except as otherwise provided
6 under section 163”;

7 (5) by redesignating subsections (b), (c), and
8 (d) as subsections (c), (d), and (e), respectively;

9 (6) by inserting after subsection (a) the follow-
10 ing new subsection:

11 “(b) INVESTIGATIONS.—

12 “(1) IN GENERAL.—Not later than October 1,
13 1993, there shall be a special initiative to support
14 grants to investigate the expansion of part B activi-
15 ties to individuals with severe disabilities other than
16 developmental disabilities. Such investigations shall
17 be implemented through the following activities:

18 “(A) A national study of State Devel-
19 opmental Disabilities Councils that are cur-
20 rently mandated under State law or Executive
21 order to focus on individuals with disabilities
22 other than developmental disabilities. Such
23 study shall be completed not later than June
24 30, 1995.

1 “(B) Pilot initiatives by not more than five
2 additional State Developmental Disabilities
3 Councils, in consultation with and with the sup-
4 port of the protection and advocacy system and
5 the university affiliated program in such State,
6 to study the implications of such expansion in
7 States in which such Councils are located and
8 to delineate barriers, opportunities, and critical
9 issues. Such initiatives shall be completed not
10 later than January 1996.

11 “(C) A national study of the process and
12 outcomes of the pilot studies conducted under
13 subparagraph (B). Such study shall be com-
14 pleted not later than May 30, 1996.

15 “(2) APPLICATION.—No grant may be made
16 under this subsection unless an applicant submits to
17 the Secretary an application, and meets the addi-
18 tional application requirements, under subsection
19 (c).”; and

20 (7) by adding at the end thereof the following
21 new subsection:

22 “(f) LIST OF RECIPIENTS.—Not later than Septem-
23 ber 1 of each fiscal year, the Secretary shall publish in
24 the Federal Register a list of the recipients of grants and
25 contracts in each of the areas authorized in subsections

1 (a) and (b), including a brief description of the project,
 2 and the amount of funds granted to each such project.
 3 The amounts for such grants and contracts shall total the
 4 amount appropriated under this part for such fiscal
 5 year.”.

6 **SEC. 504. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—Section 163(a) (42 U.S.C.
 8 6083(a)) is amended—

9 (1) by striking “\$3,650,000” and inserting
 10 “\$4,000,000”;

11 (2) by striking “fiscal year 1991” and inserting
 12 “fiscal year 1994”; and

13 (3) by striking “fiscal years 1992 and 1993”
 14 and inserting “fiscal years 1995 and 1996”.

15 (b) LIMITATIONS.—Section 163(b) (42 U.S.C.
 16 6083(b)) is amended to read as follows:

17 “(b) LIMITATIONS.—

18 “(1) PROJECTS OF NATIONAL SIGNIFICANCE.—

19 At least 8 percent, but in no event less than
 20 \$300,000, of the amounts appropriated pursuant to
 21 subsection (a) shall be used to carry out the provi-
 22 sions of section 162(a)(1)(B).

23 “(2) INVESTIGATIONS.—

24 “(A) IN GENERAL.—The additional au-
 25 thority to fund projects under section 162(b)

1 shall not be construed as requiring the Sec-
2 retary to supplant funding for other priorities
3 described in this part.

4 “(B) TIME LINE FOR FUNDING.—If
5 amounts are available to carry out subpara-
6 graphs (A), (B), and (C) of section 162(b)(1),
7 the Administration shall provide funding to
8 carry out such paragraphs not later than May
9 1 of the fiscal year in which such funds become
10 available.

11 “(3) PROGRAMMATIC REVIEWS OR OTHER AD-
12 MINISTRATIVE ACTIVITIES.—The Secretary may not
13 use the funds made available under subsection (a)
14 for programmatic reviews as prescribed by regula-
15 tion or other administrative activities under parts B,
16 C, and D.

17 “(4) TECHNICAL ASSISTANCE FOR PROTECTION
18 AND ADVOCACY SYSTEMS.—If technical assistance to
19 improve the effectiveness of protection and advocacy
20 systems under part C is provided under section
21 142(c)(5)—

22 “(A) no funding for the provision of such
23 technical assistance to protection and advocacy
24 systems shall be provided under this part; and

1 “(B) the amount set aside for technical as-
2 sistance under section 162(a)(1)(B) shall be
3 proportionally reduced.”.

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S 1284 RS—3

S 1284 RS—4

S 1284 RS—5

S 1284 RS—6

S 1284 RS—7

S 1284 RS—8

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