

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4920

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## AN ACT

To improve service systems for individuals with developmental disabilities, 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Developmental Disabilities Assistance and Bill of Rights  
4 Act of 2000”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of  
6 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL  
DISABILITIES**

**Subtitle A—General Provisions**

- Sec. 101. Findings, purposes, and policy.
- Sec. 102. Definitions.
- Sec. 103. Records and audits.
- Sec. 104. Responsibilities of the Secretary.
- Sec. 105. Reports of the Secretary.
- Sec. 106. State control of operations.
- Sec. 107. Employment of individuals with disabilities.
- Sec. 108. Construction.
- Sec. 109. Rights of individuals with developmental disabilities.

**Subtitle B—Federal Assistance to State Councils on Developmental  
Disabilities**

- Sec. 121. Purpose.
- Sec. 122. State allotments.
- Sec. 123. Payments to the States for planning, administration, and services.
- Sec. 124. State plan.
- Sec. 125. State Councils on Developmental Disabilities and designated State agencies.
- Sec. 126. Federal and non-Federal share.
- Sec. 127. Withholding of payments for planning, administration, and services.
- Sec. 128. Appeals by States.
- Sec. 129. Authorization of appropriations.

**Subtitle C—Protection and Advocacy of Individual Rights**

- Sec. 141. Purpose.
- Sec. 142. Allotments and payments.
- Sec. 143. System required.
- Sec. 144. Administration.
- Sec. 145. Authorization of appropriations.

**Subtitle D—National Network of University Centers for Excellence in  
Developmental Disabilities Education, Research, and Service**

- Sec. 151. Grant authority.
- Sec. 152. Grant awards.

- Sec. 153. Purpose and scope of activities.
- Sec. 154. Applications.
- Sec. 155. Definition.
- Sec. 156. Authorization of appropriations.

Subtitle E—Projects of National Significance

- Sec. 161. Purpose.
- Sec. 162. Grant authority.
- Sec. 163. Authorization of appropriations.

TITLE II—FAMILY SUPPORT

- Sec. 201. Short title.
- Sec. 202. Findings, purposes, and policy.
- Sec. 203. Definitions and special rule.
- Sec. 204. Grants to States.
- Sec. 205. Application.
- Sec. 206. Designation of the lead entity.
- Sec. 207. Authorized activities.
- Sec. 208. Reporting.
- Sec. 209. Technical assistance.
- Sec. 210. Evaluation.
- Sec. 211. Projects of national significance.
- Sec. 212. Authorization of appropriations.

TITLE III—PROGRAM FOR DIRECT SUPPORT WORKERS WHO ASSIST INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

- Sec. 301. Findings.
- Sec. 302. Definitions.
- Sec. 303. Reaching up scholarship program.
- Sec. 304. Staff development curriculum authorization.
- Sec. 305. Authorization of appropriations.

TITLE IV—REPEAL

- Sec. 401. Repeal.

1 **TITLE I—PROGRAMS FOR INDI-**  
 2 **VIDUALS WITH DEVELOP-**  
 3 **MENTAL DISABILITIES**

4 **Subtitle A—General Provisions**

5 **SEC. 101. FINDINGS, PURPOSES, AND POLICY.**

6 (a) FINDINGS.—Congress finds that—

7 (1) disability is a natural part of the human ex-  
 8 perience that does not diminish the right of individ-

1 uals with developmental disabilities to live independ-  
2 ently, to exert control and choice over their own  
3 lives, and to fully participate in and contribute to  
4 their communities through full integration and inclu-  
5 sion in the economic, political, social, cultural, and  
6 educational mainstream of United States society;

7 (2) in 1999, there were between 3,200,000 and  
8 4,500,000 individuals with developmental disabilities  
9 in the United States, and recent studies indicate  
10 that individuals with developmental disabilities com-  
11 prise between 1.2 and 1.65 percent of the United  
12 States population;

13 (3) individuals whose disabilities occur during  
14 their developmental period frequently have severe  
15 disabilities that are likely to continue indefinitely;

16 (4) individuals with developmental disabilities  
17 often encounter discrimination in the provision of  
18 critical services, such as services in the areas of em-  
19 phasis (as defined in section 102);

20 (5) individuals with developmental disabilities  
21 are at greater risk than the general population of  
22 abuse, neglect, financial and sexual exploitation, and  
23 the violation of their legal and human rights;

24 (6) a substantial portion of individuals with de-  
25 velopmental disabilities and their families do not

1 have access to appropriate support and services, in-  
2 cluding access to assistive technology, from generic  
3 and specialized service systems, and remain unserved  
4 or underserved;

5 (7) individuals with developmental disabilities  
6 often require lifelong community services, individual-  
7 ized supports, and other forms of assistance, that  
8 are most effective when provided in a coordinated  
9 manner;

10 (8) there is a need to ensure that services, sup-  
11 ports, and other assistance are provided in a cul-  
12 turally competent manner, that ensures that individ-  
13 uals from racial and ethnic minority backgrounds  
14 are fully included in all activities provided under this  
15 title;

16 (9) family members, friends, and members of  
17 the community can play an important role in en-  
18 hancing the lives of individuals with developmental  
19 disabilities, especially when the family members,  
20 friends, and community members are provided with  
21 the necessary community services, individualized  
22 supports, and other forms of assistance;

23 (10) current research indicates that 88 percent  
24 of individuals with developmental disabilities live  
25 with their families or in their own households;

1           (11) many service delivery systems and commu-  
2           nities are not prepared to meet the impending needs  
3           of the 479,862 adults with developmental disabilities  
4           who are living at home with parents who are 60  
5           years old or older and who serve as the primary  
6           caregivers of the adults;

7           (12) in almost every State, individuals with de-  
8           velopmental disabilities are waiting for appropriate  
9           services in their communities, in the areas of empha-  
10          sis;

11          (13) the public needs to be made more aware  
12          of the capabilities and competencies of individuals  
13          with developmental disabilities, particularly in cases  
14          in which the individuals are provided with necessary  
15          services, supports, and other assistance;

16          (14) as increasing numbers of individuals with  
17          developmental disabilities are living, learning, work-  
18          ing, and participating in all aspects of community  
19          life, there is an increasing need for a well trained  
20          workforce that is able to provide the services, sup-  
21          ports, and other forms of direct assistance required  
22          to enable the individuals to carry out those activities;

23          (15) there needs to be greater effort to recruit  
24          individuals from minority backgrounds into profes-

1 sions serving individuals with developmental disabil-  
2 ities and their families;

3 (16) the goals of the Nation properly include a  
4 goal of providing individuals with developmental dis-  
5 abilities with the information, skills, opportunities,  
6 and support to—

7 (A) make informed choices and decisions  
8 about their lives;

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

12 (C) pursue meaningful and productive  
13 lives;

14 (D) contribute to their families, commu-  
15 nities, and States, and the Nation;

16 (E) have interdependent friendships and  
17 relationships with other persons;

18 (F) live free of abuse, neglect, financial  
19 and sexual exploitation, and violations of their  
20 legal and human rights; and

21 (G) achieve full integration and inclusion  
22 in society, in an individualized manner, con-  
23 sistent with the unique strengths, resources,  
24 priorities, concerns, abilities, and capabilities of  
25 each individual; and

1           (17) as the Nation, States, and communities  
2           maintain and expand community living options for  
3           individuals with developmental disabilities, there is a  
4           need to evaluate the access to those options by indi-  
5           viduals with developmental disabilities and the ef-  
6           fects of those options on individuals with develop-  
7           mental disabilities.

8           (b) PURPOSE.—The purpose of this title is to assure  
9           that individuals with developmental disabilities and their  
10          families participate in the design of and have access to  
11          needed community services, individualized supports, and  
12          other forms of assistance that promote self-determination,  
13          independence, productivity, and integration and inclusion  
14          in all facets of community life, through culturally com-  
15          petent programs authorized under this title, including  
16          specifically—

17               (1) State Councils on Developmental Disabil-  
18               ities in each State to engage in advocacy, capacity  
19               building, and systemic change activities that—

20                       (A) are consistent with the purpose de-  
21                       scribed in this subsection and the policy de-  
22                       scribed in subsection (c); and

23                       (B) contribute to a coordinated, consumer-  
24                       and family-centered, consumer- and family-di-  
25                       rected, comprehensive system that includes



1 needed community services, individualized sup-  
2 ports, and other forms of assistance that pro-  
3 mote self-determination for individuals with de-  
4 velopmental disabilities and their families;

5 (2) protection and advocacy systems in each  
6 State to protect the legal and human rights of indi-  
7 viduals with developmental disabilities;

8 (3) University Centers for Excellence in Devel-  
9 opmental Disabilities Education, Research, and  
10 Service—

11 (A) to provide interdisciplinary pre-service  
12 preparation and continuing education of stu-  
13 dents and fellows, which may include the prepa-  
14 ration and continuing education of leadership,  
15 direct service, clinical, or other personnel to  
16 strengthen and increase the capacity of States  
17 and communities to achieve the purpose of this  
18 title;

19 (B) to provide community services—

20 (i) that provide training and technical  
21 assistance for individuals with develop-  
22 mental disabilities, their families, profes-  
23 sionals, paraprofessionals, policymakers,  
24 students, and other members of the com-  
25 munity; and

1 (ii) that may provide services, sup-  
2 ports, and assistance for the persons de-  
3 scribed in clause (i) through demonstration  
4 and model activities;

5 (C) to conduct research, which may include  
6 basic or applied research, evaluation, and the  
7 analysis of public policy in areas that affect or  
8 could affect, either positively or negatively, indi-  
9 viduals with developmental disabilities and their  
10 families; and

11 (D) to disseminate information related to  
12 activities undertaken to address the purpose of  
13 this title, especially dissemination of informa-  
14 tion that demonstrates that the network author-  
15 ized under this subtitle is a national and inter-  
16 national resource that includes specific sub-  
17 stantive areas of expertise that may be accessed  
18 and applied in diverse settings and cir-  
19 cumstances; and

20 (4) funding for—

21 (A) national initiatives to collect necessary  
22 data on issues that are directly or indirectly rel-  
23 evant to the lives of individuals with develop-  
24 mental disabilities;

1           (B) technical assistance to entities who en-  
2           gage in or intend to engage in activities con-  
3           sistent with the purpose described in this sub-  
4           section or the policy described in subsection (c);  
5           and

6           (C) other nationally significant activities.

7           (c) POLICY.—It is the policy of the United States  
8           that all programs, projects, and activities receiving assist-  
9           ance under this title shall be carried out in a manner con-  
10          sistent with the principles that—

11           (1) individuals with developmental disabilities,  
12           including those with the most severe developmental  
13           disabilities, are capable of self-determination, inde-  
14           pendence, productivity, and integration and inclusion  
15           in all facets of community life, but often require the  
16           provision of community services, individualized sup-  
17           ports, and other forms of assistance;

18           (2) individuals with developmental disabilities  
19           and their families have competencies, capabilities,  
20           and personal goals that should be recognized, sup-  
21           ported, and encouraged, and any assistance to such  
22           individuals should be provided in an individualized  
23           manner, consistent with the unique strengths, re-  
24           sources, priorities, concerns, abilities, and capabili-  
25           ties of such individuals;

1           (3) individuals with developmental disabilities  
2           and their families are the primary decisionmakers  
3           regarding the services and supports such individuals  
4           and their families receive, including regarding choos-  
5           ing where the individuals live from available options,  
6           and play decisionmaking roles in policies and pro-  
7           grams that affect the lives of such individuals and  
8           their families;

9           (4) services, supports, and other assistance  
10          should be provided in a manner that demonstrates  
11          respect for individual dignity, personal preferences,  
12          and cultural differences;

13          (5) specific efforts must be made to ensure that  
14          individuals with developmental disabilities from ra-  
15          cial and ethnic minority backgrounds and their fami-  
16          lies enjoy increased and meaningful opportunities to  
17          access and use community services, individualized  
18          supports, and other forms of assistance available to  
19          other individuals with developmental disabilities and  
20          their families;

21          (6) recruitment efforts in disciplines related to  
22          developmental disabilities relating to pre-service  
23          training, community training, practice, administra-  
24          tion, and policymaking must focus on bringing larg-  
25          er numbers of racial and ethnic minorities into the

1 disciplines in order to provide appropriate skills,  
2 knowledge, role models, and sufficient personnel to  
3 address the growing needs of an increasingly diverse  
4 population;

5 (7) with education and support, communities  
6 can be accessible to and responsive to the needs of  
7 individuals with developmental disabilities and their  
8 families and are enriched by full and active partici-  
9 pation in community activities, and contributions, by  
10 individuals with developmental disabilities and their  
11 families;

12 (8) individuals with developmental disabilities  
13 have access to opportunities and the necessary sup-  
14 port to be included in community life, have inter-  
15 dependent relationships, live in homes and commu-  
16 nities, and make contributions to their families, com-  
17 munities, and States, and the Nation;

18 (9) efforts undertaken to maintain or expand  
19 community-based living options for individuals with  
20 disabilities should be monitored in order to deter-  
21 mine and report to appropriate individuals and enti-  
22 ties the extent of access by individuals with develop-  
23 mental disabilities to those options and the extent of  
24 compliance by entities providing those options with  
25 quality assurance standards;

1           (10) families of children with developmental dis-  
2 abilities need to have access to and use of safe and  
3 appropriate child care and before-school and after-  
4 school programs, in the most integrated settings, in  
5 order to enrich the participation of the children in  
6 community life;

7           (11) individuals with developmental disabilities  
8 need to have access to and use of public transpor-  
9 tation, in order to be independent and directly con-  
10 tribute to and participate in all facets of community  
11 life; and

12           (12) individuals with developmental disabilities  
13 need to have access to and use of recreational, lei-  
14 sure, and social opportunities in the most integrated  
15 settings, in order to enrich their participation in  
16 community life.

17 **SEC. 102. DEFINITIONS.**

18 In this title:

19           (1) AMERICAN INDIAN CONSORTIUM.—The term  
20 “American Indian Consortium” means any confed-  
21 eration of 2 or more recognized American Indian  
22 tribes, created through the official action of each  
23 participating tribe, that has a combined total resi-  
24 dent population of 150,000 enrolled tribal members

1 and a contiguous territory of Indian lands in 2 or  
2 more States.

3 (2) AREAS OF EMPHASIS.—The term “areas of  
4 emphasis” means the areas related to quality assur-  
5 ance activities, education activities and early inter-  
6 vention activities, child care-related activities, health-  
7 related activities, employment-related activities,  
8 housing-related activities, transportation-related ac-  
9 tivities, recreation-related activities, and other serv-  
10 ices available or offered to individuals in a commu-  
11 nity, including formal and informal community sup-  
12 ports, that affect their quality of life.

13 (3) ASSISTIVE TECHNOLOGY DEVICE.—The  
14 term “assistive technology device” means any item,  
15 piece of equipment, or product system, whether ac-  
16 quired commercially, modified or customized, that is  
17 used to increase, maintain, or improve functional ca-  
18 pabilities of individuals with developmental disabil-  
19 ities.

20 (4) ASSISTIVE TECHNOLOGY SERVICE.—The  
21 term “assistive technology service” means any serv-  
22 ice that directly assists an individual with a develop-  
23 mental disability in the selection, acquisition, or use  
24 of an assistive technology device. Such term  
25 includes—

1 (A) conducting an evaluation of the needs  
2 of an individual with a developmental disability,  
3 including a functional evaluation of the indi-  
4 vidual in the individual's customary environ-  
5 ment;

6 (B) purchasing, leasing, or otherwise pro-  
7 viding for the acquisition of an assistive tech-  
8 nology device by an individual with a develop-  
9 mental disability;

10 (C) selecting, designing, fitting, custom-  
11 izing, adapting, applying, maintaining, repair-  
12 ing or replacing an assistive technology device;

13 (D) coordinating and using another ther-  
14 apy, intervention, or service with an assistive  
15 technology device, such as a therapy, interven-  
16 tion, or service associated with an education or  
17 rehabilitation plan or program;

18 (E) providing training or technical assist-  
19 ance for an individual with a developmental dis-  
20 ability, or, where appropriate, a family member,  
21 guardian, advocate, or authorized representative  
22 of an individual with a developmental disability;  
23 and

24 (F) providing training or technical assist-  
25 ance for professionals (including individuals



1 providing education and rehabilitation services),  
2 employers, or other individuals who provide  
3 services to, employ, or are otherwise substan-  
4 tially involved in the major life functions of, an  
5 individual with developmental disabilities.

6 (5) CENTER.—The term “Center” means a  
7 University Center for Excellence in Developmental  
8 Disabilities Education, Research, and Service estab-  
9 lished under subtitle D.

10 (6) CHILD CARE-RELATED ACTIVITIES.—The  
11 term “child care-related activities” means advocacy,  
12 capacity building, and systemic change activities  
13 that result in families of children with developmental  
14 disabilities having access to and use of child care  
15 services, including before-school, after-school, and  
16 out-of-school services, in their communities.

17 (7) CULTURALLY COMPETENT.—The term “cul-  
18 turally competent”, used with respect to services,  
19 supports, or other assistance, means services, sup-  
20 ports, or other assistance that is conducted or pro-  
21 vided in a manner that is responsive to the beliefs,  
22 interpersonal styles, attitudes, language, and behav-  
23 iors of individuals who are receiving the services,  
24 supports, or other assistance, and in a manner that

1 has the greatest likelihood of ensuring their max-  
2 imum participation in the program involved.

3 (8) DEVELOPMENTAL DISABILITY.—

4 (A) IN GENERAL.—The term “develop-  
5 mental disability” means a severe, chronic dis-  
6 ability of an individual that—

7 (i) is attributable to a mental or phys-  
8 ical impairment or combination of mental  
9 and physical impairments;

10 (ii) is manifested before the individual  
11 attains age 22;

12 (iii) is likely to continue indefinitely;

13 (iv) results in substantial functional  
14 limitations in 3 or more of the following  
15 areas of major life activity:

16 (I) Self-care.

17 (II) Receptive and expressive lan-  
18 guage.

19 (III) Learning.

20 (IV) Mobility.

21 (V) Self-direction.

22 (VI) Capacity for independent  
23 living.

24 (VII) Economic self-sufficiency;

25 and

1 (v) reflects the individual’s need for a  
2 combination and sequence of special, inter-  
3 disciplinary, or generic services, individual-  
4 ized supports, or other forms of assistance  
5 that are of lifelong or extended duration  
6 and are individually planned and coordi-  
7 nated.

8 (B) INFANTS AND YOUNG CHILDREN.—An  
9 individual from birth to age 9, inclusive, who  
10 has a substantial developmental delay or spe-  
11 cific congenital or acquired condition, may be  
12 considered to have a developmental disability  
13 without meeting 3 or more of the criteria de-  
14 scribed in clauses (i) through (v) of subpara-  
15 graph (A) if the individual, without services and  
16 supports, has a high probability of meeting  
17 those criteria later in life.

18 (9) EARLY INTERVENTION ACTIVITIES.—The  
19 term “early intervention activities” means advocacy,  
20 capacity building, and systemic change activities pro-  
21 vided to individuals described in paragraph (8)(B)  
22 and their families to enhance—

23 (A) the development of the individuals to  
24 maximize their potential; and

1 (B) the capacity of families to meet the  
2 special needs of the individuals.

3 (10) EDUCATION ACTIVITIES.—The term “edu-  
4 cation activities” means advocacy, capacity building,  
5 and systemic change activities that result in individ-  
6 uals with developmental disabilities being able to ac-  
7 cess appropriate supports and modifications when  
8 necessary, to maximize their educational potential,  
9 to benefit from lifelong educational activities, and to  
10 be integrated and included in all facets of student  
11 life.

12 (11) EMPLOYMENT-RELATED ACTIVITIES.—The  
13 term “employment-related activities” means advo-  
14 cacy, capacity building, and systemic change activi-  
15 ties that result in individuals with developmental dis-  
16 abilities acquiring, retaining, or advancing in paid  
17 employment, including supported employment or  
18 self-employment, in integrated settings in a commu-  
19 nity.

20 (12) FAMILY SUPPORT SERVICES.—

21 (A) IN GENERAL.—The term “family sup-  
22 port services” means services, supports, and  
23 other assistance, provided to families with mem-  
24 bers who have developmental disabilities, that  
25 are designed to—

1 (i) strengthen the family’s role as pri-  
2 mary caregiver;

3 (ii) prevent inappropriate out-of-the-  
4 home placement of the members and main-  
5 tain family unity; and

6 (iii) reunite families with members  
7 who have been placed out of the home  
8 whenever possible.

9 (B) SPECIFIC SERVICES.—Such term in-  
10 cludes respite care, provision of rehabilitation  
11 technology and assistive technology, personal  
12 assistance services, parent training and coun-  
13 seling, support for families headed by aging  
14 caregivers, vehicular and home modifications,  
15 and assistance with extraordinary expenses, as-  
16 sociated with the needs of individuals with de-  
17 velopmental disabilities.

18 (13) HEALTH-RELATED ACTIVITIES.—The term  
19 “health-related activities” means advocacy, capacity  
20 building, and systemic change activities that result  
21 in individuals with developmental disabilities having  
22 access to and use of coordinated health, dental, men-  
23 tal health, and other human and social services, in-  
24 cluding prevention activities, in their communities.

1           (14) HOUSING-RELATED ACTIVITIES.—The  
2 term “housing-related activities” means advocacy,  
3 capacity building, and systemic change activities  
4 that result in individuals with developmental disabili-  
5 ties having access to and use of housing and hous-  
6 ing supports and services in their communities, in-  
7 cluding assistance related to renting, owning, or  
8 modifying an apartment or home.

9           (15) INCLUSION.—The term “inclusion”, used  
10 with respect to individuals with developmental dis-  
11 abilities, means the acceptance and encouragement  
12 of the presence and participation of individuals with  
13 developmental disabilities, by individuals without dis-  
14 abilities, in social, educational, work, and community  
15 activities, that enables individuals with develop-  
16 mental disabilities to—

17                   (A) have friendships and relationships with  
18 individuals and families of their own choice;

19                   (B) live in homes close to community re-  
20 sources, with regular contact with individuals  
21 without disabilities in their communities;

22                   (C) enjoy full access to and active partici-  
23 pation in the same community activities and  
24 types of employment as individuals without dis-  
25 abilities; and

1 (D) take full advantage of their integration  
2 into the same community resources as individ-  
3 uals without disabilities, living, learning, work-  
4 ing, and enjoying life in regular contact with in-  
5 dividuals without disabilities.

6 (16) INDIVIDUALIZED SUPPORTS.—The term  
7 “individualized supports” means supports that—

8 (A) enable an individual with a develop-  
9 mental disability to exercise self-determination,  
10 be independent, be productive, and be inte-  
11 grated and included in all facets of community  
12 life;

13 (B) are designed to—

14 (i) enable such individual to control  
15 such individual’s environment, permitting  
16 the most independent life possible;

17 (ii) prevent placement into a more re-  
18 strictive living arrangement than is nec-  
19 essary; and

20 (iii) enable such individual to live,  
21 learn, work, and enjoy life in the commu-  
22 nity; and

23 (C) include—

24 (i) early intervention services;

25 (ii) respite care;

- 1 (iii) personal assistance services;  
2 (iv) family support services;  
3 (v) supported employment services;  
4 (vi) support services for families head-  
5 ed by aging caregivers of individuals with  
6 developmental disabilities; and  
7 (vii) provision of rehabilitation tech-  
8 nology and assistive technology, and assist-  
9 ive technology services.

10 (17) INTEGRATION.—The term “integration”,  
11 used with respect to individuals with developmental  
12 disabilities, means exercising the equal right of indi-  
13 viduals with developmental disabilities to access and  
14 use the same community resources as are used by  
15 and available to other individuals.

16 (18) NOT-FOR-PROFIT.—The term “not-for-  
17 profit”, used with respect to an agency, institution,  
18 or organization, means an agency, institution, or or-  
19 ganization that is owned or operated by 1 or more  
20 corporations or associations, no part of the net earn-  
21 ings of which inures, or may lawfully inure, to the  
22 benefit of any private shareholder or individual.

23 (19) PERSONAL ASSISTANCE SERVICES.—The  
24 term “personal assistance services” means a range  
25 of services, provided by 1 or more individuals, de-



1 signed to assist an individual with a disability to  
2 perform daily activities, including activities on or off  
3 a job that such individual would typically perform if  
4 such individual did not have a disability. Such serv-  
5 ices shall be designed to increase such individual’s  
6 control in life and ability to perform everyday activi-  
7 ties, including activities on or off a job.

8 (20) PREVENTION ACTIVITIES.—The term “pre-  
9 vention activities” means activities that address the  
10 causes of developmental disabilities and the exacer-  
11 bation of functional limitation, such as activities  
12 that—

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

17 (B) increase the early identification of  
18 problems to eliminate circumstances that create  
19 or increase functional limitations; and

20 (C) mitigate against the effects of develop-  
21 mental disabilities throughout the lifespan of an  
22 individual.

23 (21) PRODUCTIVITY.—The term “productivity”  
24 means—

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

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

6 (22) PROTECTION AND ADVOCACY SYSTEM.—

7 The term “protection and advocacy system” means  
8 a protection and advocacy system established in ac-  
9 cordance with section 143.

10 (23) QUALITY ASSURANCE ACTIVITIES.—The

11 term “quality assurance activities” means advocacy,  
12 capacity building, and systemic change activities  
13 that result in improved consumer- and family-cen-  
14 tered quality assurance and that result in systems of  
15 quality assurance and consumer protection that—

16 (A) include monitoring of services, sup-  
17 ports, and assistance provided to an individual  
18 with developmental disabilities that ensures that  
19 the individual—

20 (i) will not experience abuse, neglect,  
21 sexual or financial exploitation, or violation  
22 of legal or human rights; and

23 (ii) will not be subject to the inappro-  
24 priate use of restraints or seclusion;

1 (B) include training in leadership, self-ad-  
2 vocacy, and self-determination for individuals  
3 with developmental disabilities, their families,  
4 and their guardians to ensure that those  
5 individuals—

6 (i) will not experience abuse, neglect,  
7 sexual or financial exploitation, or violation  
8 of legal or human rights; and

9 (ii) will not be subject to the inappro-  
10 priate use of restraints or seclusion; or

11 (C) include activities related to interagency  
12 coordination and systems integration that result  
13 in improved and enhanced services, supports,  
14 and other assistance that contribute to and pro-  
15 tect the self-determination, independence, pro-  
16 ductivity, and integration and inclusion in all  
17 facets of community life, of individuals with de-  
18 velopmental disabilities.

19 (24) RECREATION-RELATED ACTIVITIES.—The  
20 term “recreation-related activities” means advocacy,  
21 capacity building, and systemic change activities  
22 that result in individuals with developmental disabili-  
23 ties having access to and use of recreational, leisure,  
24 and social activities, in their communities.

1           (25) REHABILITATION TECHNOLOGY.—The  
2 term “rehabilitation technology” means the system-  
3 atic application of technologies, engineering meth-  
4 odologies, or scientific principles to meet the needs  
5 of, and address the barriers confronted by, individ-  
6 uals with developmental disabilities in areas that in-  
7 clude education, rehabilitation, employment, trans-  
8 portation, independent living, and recreation. Such  
9 term includes rehabilitation engineering, and the  
10 provision of assistive technology devices and assistive  
11 technology services.

12           (26) SECRETARY.—The term “Secretary”  
13 means the Secretary of Health and Human Services.

14           (27) SELF-DETERMINATION ACTIVITIES.—The  
15 term “self-determination activities” means activities  
16 that result in individuals with developmental disabili-  
17 ties, with appropriate assistance, having—

18                   (A) the ability and opportunity to commu-  
19 nicate and make personal decisions;

20                   (B) the ability and opportunity to commu-  
21 nicate choices and exercise control over the type  
22 and intensity of services, supports, and other  
23 assistance the individuals receive;

1 (C) the authority to control resources to  
2 obtain needed services, supports, and other as-  
3 sistance;

4 (D) opportunities to participate in, and  
5 contribute to, their communities; and

6 (E) support, including financial support, to  
7 advocate for themselves and others, to develop  
8 leadership skills, through training in self-advo-  
9 cacy, to participate in coalitions, to educate pol-  
10 icymakers, and to play a role in the develop-  
11 ment of public policies that affect individuals  
12 with developmental disabilities.

13 (28) STATE.—The term “State”, except as oth-  
14 erwise provided, includes, in addition to each of the  
15 several States of the United States, the District of  
16 Columbia, the Commonwealth of Puerto Rico, the  
17 United States Virgin Islands, Guam, American  
18 Samoa, and the Commonwealth of the Northern  
19 Mariana Islands.

20 (29) STATE COUNCIL ON DEVELOPMENTAL DIS-  
21 ABILITIES.—The term “State Council on Develop-  
22 mental Disabilities” means a Council established  
23 under section 125.

24 (30) SUPPORTED EMPLOYMENT SERVICES.—  
25 The term “supported employment services” means

1 services that enable individuals with developmental  
2 disabilities to perform competitive work in integrated  
3 work settings, in the case of individuals with devel-  
4 opmental disabilities—

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

7 (ii) for whom competitive employment has  
8 been interrupted or intermittent as a result of  
9 significant disabilities; and

10 (B) who, because of the nature and sever-  
11 ity of their disabilities, need intensive supported  
12 employment services or extended services in  
13 order to perform such work.

14 (31) TRANSPORTATION-RELATED ACTIVITIES.—

15 The term “transportation-related activities” means  
16 advocacy, capacity building, and systemic change ac-  
17 tivities that result in individuals with developmental  
18 disabilities having access to and use of transpor-  
19 tation.

20 (32) UNSERVED AND UNDERSERVED.—The

21 term “unserved and underserved” includes popu-  
22 lations such as individuals from racial and ethnic  
23 minority backgrounds, disadvantaged individuals, in-  
24 dividuals with limited English proficiency, individ-  
25 uals from underserved geographic areas (rural or

1 urban), and specific groups of individuals within the  
2 population of individuals with developmental disabili-  
3 ties, including individuals who require assistive tech-  
4 nology in order to participate in and contribute to  
5 community life.

6 **SEC. 103. RECORDS AND AUDITS.**

7 (a) RECORDS.—Each recipient of assistance under  
8 this title shall keep such records as the Secretary shall  
9 prescribe, including—

10 (1) records that fully disclose—

11 (A) the amount and disposition by such re-  
12 cipient of the assistance;

13 (B) the total cost of the project or under-  
14 taking in connection with which such assistance  
15 is given or used; and

16 (C) the amount of that portion of the cost  
17 of the project or undertaking that is supplied  
18 by other sources; and

19 (2) such other records as will facilitate an effec-  
20 tive audit.

21 (b) ACCESS.—The Secretary and the Comptroller  
22 General of the United States, or any of their duly author-  
23 ized representatives, shall have access for the purpose of  
24 audit and examination to any books, documents, papers,

1 and records of the recipients of assistance under this title  
2 that are pertinent to such assistance.

3 **SEC. 104. RESPONSIBILITIES OF THE SECRETARY.**

4 (a) PROGRAM ACCOUNTABILITY.—

5 (1) IN GENERAL.—In order to monitor entities  
6 that received funds under this Act to carry out ac-  
7 tivities under subtitles B, C, and D and determine  
8 the extent to which the entities have been responsive  
9 to the purpose of this title and have taken actions  
10 consistent with the policy described in section  
11 101(c), the Secretary shall develop and implement  
12 an accountability process as described in this sub-  
13 section, with respect to activities conducted after Oc-  
14 tober 1, 2001.

15 (2) AREAS OF EMPHASIS.—The Secretary shall  
16 develop a process for identifying and reporting (pur-  
17 suant to section 105) on progress achieved through  
18 advocacy, capacity building, and systemic change ac-  
19 tivities, undertaken by the entities described in para-  
20 graph (1), that resulted in individuals with develop-  
21 mental disabilities and their families participating in  
22 the design of and having access to needed commu-  
23 nity services, individualized supports, and other  
24 forms of assistance that promote self-determination,  
25 independence, productivity, and integration and in-



1       clusion in all facets of community life. Specifically,  
2       the Secretary shall develop a process for identifying  
3       and reporting on progress achieved, through advoca-  
4       cy, capacity building, and systemic change activi-  
5       ties, by the entities in the areas of emphasis.

6               (3) INDICATORS OF PROGRESS.—

7               (A) IN GENERAL.—In identifying progress  
8       made by the entities described in paragraph (1)  
9       in the areas of emphasis, the Secretary, in con-  
10      sultation with the Commissioner of the Admin-  
11      istration on Developmental Disabilities and the  
12      entities, shall develop indicators for each area  
13      of emphasis.

14              (B) PROPOSED INDICATORS.—Not later  
15      than 180 days after the date of enactment of  
16      this Act, the Secretary shall develop and pub-  
17      lish in the Federal Register for public comment  
18      proposed indicators of progress for monitoring  
19      how entities described in paragraph (1) have  
20      addressed the areas of emphasis described in  
21      paragraph (2) in a manner that is responsive to  
22      the purpose of this title and consistent with the  
23      policy described in section 101(c).

24              (C) FINAL INDICATORS.—Not later than  
25      October 1, 2001, the Secretary shall revise the

1 proposed indicators of progress, to the extent  
2 necessary based on public comment, and pub-  
3 lish final indicators of progress in the Federal  
4 Register.

5 (D) SPECIFIC MEASURES.—At a minimum,  
6 the indicators of progress shall be used to de-  
7 scribe and measure—

8 (i) the satisfaction of individuals with  
9 developmental disabilities with the advo-  
10 cacy, capacity building, and systemic  
11 change activities provided under subtitles  
12 B, C, and D;

13 (ii) the extent to which the advocacy,  
14 capacity building, and systemic change ac-  
15 tivities provided through subtitles B, C,  
16 and D result in improvements in—

17 (I) the ability of individuals with  
18 developmental disabilities to make  
19 choices and exert control over the  
20 type, intensity, and timing of services,  
21 supports, and assistance that the indi-  
22 viduals have used;

23 (II) the ability of individuals with  
24 developmental disabilities to partici-  
25 pate in the full range of community

1 life with persons of the individuals'  
2 choice; and

3 (III) the ability of individuals  
4 with developmental disabilities to ac-  
5 cess services, supports, and assistance  
6 in a manner that ensures that such an  
7 individual is free from abuse, neglect,  
8 sexual and financial exploitation, vio-  
9 lation of legal and human rights, and  
10 the inappropriate use of restraints  
11 and seclusion; and

12 (iii) the extent to which the entities  
13 described in paragraph (1) collaborate with  
14 each other to achieve the purpose of this  
15 title and the policy described in section  
16 101(c).

17 (4) TIME LINE FOR COMPLIANCE WITH INDICA-  
18 TORS OF PROGRESS.—The Secretary shall require  
19 entities described in paragraph (1) to meet the indi-  
20 cators of progress described in paragraph (3). For  
21 fiscal year 2002 and each year thereafter, the Sec-  
22 retary shall apply the indicators in monitoring enti-  
23 ties described in paragraph (1), with respect to ac-  
24 tivities conducted after October 1, 2001.

1 (b) TIME LINE FOR REGULATIONS.—Except as oth-  
2 erwise expressly provided in this title, the Secretary, not  
3 later than 1 year after the date of enactment of this Act,  
4 shall promulgate such regulations as may be required for  
5 the implementation of this title.

6 (c) INTERAGENCY COMMITTEE.—

7 (1) IN GENERAL.—The Secretary shall main-  
8 tain the interagency committee authorized in section  
9 108 of the Developmental Disabilities Assistance  
10 and Bill of Rights Act (42 U.S.C. 6007) as in effect  
11 on the day before the date of enactment of this Act,  
12 except as otherwise provided in this subsection.

13 (2) COMPOSITION.—The interagency committee  
14 shall be composed of representatives of—

15 (A) the Administration on Developmental  
16 Disabilities, the Administration on Children,  
17 Youth, and Families, the Administration on  
18 Aging, and the Health Resources and Services  
19 Administration, of the Department of Health  
20 and Human Services; and

21 (B) such other Federal departments and  
22 agencies as the Secretary of Health and Human  
23 Services considers to be appropriate.

24 (3) DUTIES.—Such interagency committee shall  
25 meet regularly to coordinate and plan activities con-

1       ducted by Federal departments and agencies for in-  
2       dividuals with developmental disabilities.

3           (4) MEETINGS.—Each meeting of the inter-  
4       agency committee (except for any meetings of any  
5       subcommittees of the committee) shall be open to  
6       the public. Notice of each meeting, and a statement  
7       of the agenda for the meeting, shall be published in  
8       the Federal Register not later than 14 days before  
9       the date on which the meeting is to occur.

10 **SEC. 105. REPORTS OF THE SECRETARY.**

11       At least once every 2 years, the Secretary, using in-  
12       formation submitted in the reports and information re-  
13       quired under subtitles B, C, D, and E, shall prepare and  
14       submit to the President, Congress, and the National  
15       Council on Disability, a report that describes the goals and  
16       outcomes of programs supported under subtitles B, C, D,  
17       and E. In preparing the report, the Secretary shall  
18       provide—

19           (1) meaningful examples of how the councils,  
20       protection and advocacy systems, centers, and enti-  
21       ties funded under subtitles B, C, D, and E,  
22       respectively—

23           (A) have undertaken coordinated activities  
24       with each other;

1           (B) have enhanced the ability of individ-  
2           uals with developmental disabilities and their  
3           families to participate in the design of and have  
4           access to needed community services, individ-  
5           ualized supports, and other forms of assistance  
6           that promote self-determination, independence,  
7           productivity, and integration and inclusion in  
8           all facets of community life;

9           (C) have brought about advocaey, capacity  
10          building, and systemic change activities (includ-  
11          ing policy reform), and other actions on behalf  
12          of individuals with developmental disabilities  
13          and their families, including individuals who are  
14          traditionally unserved or underserved, particu-  
15          larly individuals who are members of ethnic and  
16          racial minority groups and individuals from un-  
17          derserved geographic areas; and

18          (D) have brought about advocaey, capacity  
19          building, and systemic change activities that af-  
20          fect individuals with disabilities other than indi-  
21          viduals with developmental disabilities;

22          (2) information on the extent to which pro-  
23          grams authorized under this title have addressed—

24                 (A) protecting individuals with develop-  
25                 mental disabilities from abuse, neglect, sexual

1 and financial exploitation, and violations of  
2 legal and human rights, so that those individ-  
3 uals are at no greater risk of harm than other  
4 persons in the general population; and

5 (B) reports of deaths of and serious inju-  
6 ries to individuals with developmental disabil-  
7 ities; and

8 (3) a summary of any incidents of noncompli-  
9 ance of the programs authorized under this title  
10 with the provisions of this title, and corrections  
11 made or actions taken to obtain compliance.

12 **SEC. 106. STATE CONTROL OF OPERATIONS.**

13 Except as otherwise specifically provided, nothing in  
14 this title shall be construed as conferring on any Federal  
15 officer or employee the right to exercise any supervision  
16 or control over the administration, personnel, mainte-  
17 nance, or operation of any programs, services, and sup-  
18 ports for individuals with developmental disabilities with  
19 respect to which any funds have been or may be expended  
20 under this title.

21 **SEC. 107. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**  
22 **ITIES.**

23 As a condition of providing assistance under this title,  
24 the Secretary shall require that each recipient of such as-  
25 sistance take affirmative action to employ and advance in

1 employment qualified individuals with disabilities on the  
2 same terms and conditions required with respect to the  
3 employment of such individuals under the provisions of  
4 title V of the Rehabilitation Act of 1973 (29 U.S.C. 791  
5 et seq.) and the Americans with Disabilities Act of 1990  
6 (42 U.S.C. 12101 et seq.), that govern employment.

7 **SEC. 108. CONSTRUCTION.**

8       Nothing in this title shall be construed to preclude  
9 an entity funded under this title from engaging in advo-  
10 cacy, capacity building, and systemic change activities for  
11 individuals with developmental disabilities that may also  
12 have a positive impact on individuals with other disabil-  
13 ities.

14 **SEC. 109. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL**  
15 **DISABILITIES.**

16       (a) IN GENERAL.—Congress makes the following  
17 findings respecting the rights of individuals with develop-  
18 mental disabilities:

19           (1) Individuals with developmental disabilities  
20       have a right to appropriate treatment, services, and  
21       habilitation for such disabilities, consistent with sec-  
22       tion 101(c).

23           (2) The treatment, services, and habitation for  
24       an individual with developmental disabilities should  
25       be designed to maximize the potential of the indi-



1       vidual and should be provided in the setting that is  
2       least restrictive of the individual’s personal liberty.

3               (3) The Federal Government and the States  
4       both have an obligation to ensure that public funds  
5       are provided only to institutional programs, residen-  
6       tial programs, and other community programs, in-  
7       cluding educational programs in which individuals  
8       with developmental disabilities participate, that—

9               (A) provide treatment, services, and habili-  
10       tation that are appropriate to the needs of such  
11       individuals; and

12              (B) meet minimum standards relating to—

13              (i) provision of care that is free of  
14       abuse, neglect, sexual and financial exploi-  
15       tation, and violations of legal and human  
16       rights and that subjects individuals with  
17       developmental disabilities to no greater  
18       risk of harm than others in the general  
19       population;

20              (ii) provision to such individuals of  
21       appropriate and sufficient medical and  
22       dental services;

23              (iii) prohibition of the use of physical  
24       restraint and seclusion for such an indi-  
25       vidual unless absolutely necessary to en-

1           sure the immediate physical safety of the  
2           individual or others, and prohibition of the  
3           use of such restraint and seclusion as a  
4           punishment or as a substitute for a habili-  
5           tation program;

6                   (iv) prohibition of the excessive use of  
7           chemical restraints on such individuals and  
8           the use of such restraints as punishment  
9           or as a substitute for a habilitation pro-  
10          gram or in quantities that interfere with  
11          services, treatment, or habilitation for such  
12          individuals; and

13                   (v) provision for close relatives or  
14          guardians of such individuals to visit the  
15          individuals without prior notice.

16           (4) All programs for individuals with develop-  
17          mental disabilities should meet standards—

18                   (A) that are designed to assure the most  
19          favorable possible outcome for those served; and

20                   (B)(i) in the case of residential programs  
21          serving individuals in need of comprehensive  
22          health-related, habilitative, assistive technology  
23          or rehabilitative services, that are at least  
24          equivalent to those standards applicable to in-  
25          termediate care facilities for the mentally re-

1           tarded, promulgated in regulations of the Sec-  
2           retary on June 3, 1988, as appropriate, taking  
3           into account the size of the institutions and the  
4           service delivery arrangements of the facilities of  
5           the programs;

6           (ii) in the case of other residential pro-  
7           grams for individuals with developmental dis-  
8           abilities, that assure that—

9                   (I) care is appropriate to the needs of  
10                   the individuals being served by such pro-  
11                   grams;

12                   (II) the individuals admitted to facili-  
13                   ties of such programs are individuals  
14                   whose needs can be met through services  
15                   provided by such facilities; and

16                   (III) the facilities of such programs  
17                   provide for the humane care of the resi-  
18                   dents of the facilities, are sanitary, and  
19                   protect their rights; and

20           (iii) in the case of nonresidential programs,  
21           that assure that the care provided by such pro-  
22           grams is appropriate to the individuals served  
23           by the programs.

24           (b) CLARIFICATION.—The rights of individuals with  
25           developmental disabilities described in findings made in

1 this section shall be considered to be in addition to any  
2 constitutional or other rights otherwise afforded to all in-  
3 dividuals.

4 **Subtitle B—Federal Assistance to**  
5 **State Councils on Develop-**  
6 **mental Disabilities**

7 **SEC. 121. PURPOSE.**

8 The purpose of this subtitle is to provide for allot-  
9 ments to support State Councils on Developmental Dis-  
10 abilities (referred to individually in this subtitle as a  
11 “Council”) in each State to—

12 (1) engage in advocacy, capacity building, and  
13 systemic change activities that are consistent with  
14 the purpose described in section 101(b) and the pol-  
15 icy described in section 101(c); and

16 (2) contribute to a coordinated, consumer- and  
17 family-centered, consumer- and family-directed, com-  
18 prehensive system of community services, individual-  
19 ized supports, and other forms of assistance that en-  
20 able individuals with developmental disabilities to ex-  
21 ercise self-determination, be independent, be produc-  
22 tive, and be integrated and included in all facets of  
23 community life.

24 **SEC. 122. STATE ALLOTMENTS.**

25 (a) ALLOTMENTS.—

1 (1) IN GENERAL.—

2 (A) AUTHORITY.—For each fiscal year, the  
3 Secretary shall, in accordance with regulations  
4 and this paragraph, allot the sums appropriated  
5 for such year under section 129 among the  
6 States on the basis of—

7 (i) the population;

8 (ii) the extent of need for services for  
9 individuals with developmental disabilities;  
10 and

11 (iii) the financial need,  
12 of the respective States.

13 (B) USE OF FUNDS.—Sums allotted to the  
14 States under this section shall be used to pay  
15 for the Federal share of the cost of carrying out  
16 projects in accordance with State plans ap-  
17 proved under section 124 for the provision  
18 under such plans of services for individuals with  
19 developmental disabilities.

20 (2) ADJUSTMENTS.—The Secretary may make  
21 adjustments in the amounts of State allotments  
22 based on clauses (i), (ii), and (iii) of paragraph  
23 (1)(A) not more often than annually. The Secretary  
24 shall notify each State of any adjustment made  
25 under this paragraph and the percentage of the total

1 sums appropriated under section 129 that the ad-  
2 justed allotment represents not later than 6 months  
3 before the beginning of the fiscal year in which such  
4 adjustment is to take effect.

5 (3) MINIMUM ALLOTMENT FOR APPROPRIA-  
6 TIONS LESS THAN OR EQUAL TO \$70,000,000.—

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

10 (i) to each of American Samoa,  
11 Guam, the United States Virgin Islands, or  
12 the Commonwealth of the Northern Mar-  
13 iana Islands may not be less than  
14 \$210,000; and

15 (ii) to any State not described in  
16 clause (i) may not be less than \$400,000.

17 (B) REDUCTION OF ALLOTMENT.—Not-  
18 withstanding subparagraph (A), if the aggre-  
19 gate of the amounts to be allotted to the States  
20 pursuant to subparagraph (A) for any fiscal  
21 year exceeds the total amount appropriated  
22 under section 129 for such fiscal year, the  
23 amount to be allotted to each State for such fis-  
24 cal year shall be proportionately reduced.

1           (4) MINIMUM ALLOTMENT FOR APPROPRIA-  
2           TIONS IN EXCESS OF \$70,000,000.—

3           (A) IN GENERAL.—In any case in which  
4           the total amount appropriated under section  
5           129 for a fiscal year is more than \$70,000,000,  
6           the allotment under this section for such fiscal  
7           year—

8                   (i) to each of American Samoa,  
9                   Guam, the United States Virgin Islands, or  
10                  the Commonwealth of the Northern Mar-  
11                  iana Islands may not be less than  
12                  \$220,000; and

13                  (ii) to any State not described in  
14                  clause (i) may not be less than \$450,000.

15           (B) REDUCTION OF ALLOTMENT.—The re-  
16           quirements of paragraph (3)(B) shall apply  
17           with respect to amounts to be allotted to States  
18           under subparagraph (A), in the same manner  
19           and to the same extent as such requirements  
20           apply with respect to amounts to be allotted to  
21           States under paragraph (3)(A).

22           (5) STATE SUPPORTS, SERVICES, AND OTHER  
23           ACTIVITIES.—In determining, for purposes of para-  
24           graph (1)(A)(ii), the extent of need in any State for  
25           services for individuals with developmental disabil-

1 ities, the Secretary shall take into account the scope  
2 and extent of the services, supports, and assistance  
3 described, pursuant to section 124(c)(3)(A), in the  
4 State plan of the State.

5 (6) INCREASE IN ALLOTMENTS.—In any year in  
6 which the total amount appropriated under section  
7 129 for a fiscal year exceeds the total amount appro-  
8 priated under such section (or a corresponding pro-  
9 vision) for the preceding fiscal year by a percentage  
10 greater than the most recent percentage change in  
11 the Consumer Price Index published by the Sec-  
12 retary of Labor under section 100(c)(1) of the Reha-  
13 bilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the  
14 percentage change indicates an increase), the Sec-  
15 retary shall increase each of the minimum allot-  
16 ments described in paragraphs (3) and (4). The Sec-  
17 retary shall increase each minimum allotment by an  
18 amount that bears the same ratio to the amount of  
19 such minimum allotment (including any increases in  
20 such minimum allotment under this paragraph (or a  
21 corresponding provision) for prior fiscal years) as  
22 the amount that is equal to the difference between—

23 (A) the total amount appropriated under  
24 section 129 for the fiscal year for which the in-



1           crease in the minimum allotment is being made;  
2           minus

3                   (B) the total amount appropriated under  
4           section 129 (or a corresponding provision) for  
5           the immediately preceding fiscal year,

6           bears to the total amount appropriated under section  
7           129 (or a corresponding provision) for such pre-  
8           ceding fiscal year.

9           (b) UNOBLIGATED FUNDS.—Any amount paid to a  
10          State for a fiscal year and remaining unobligated at the  
11          end of such year shall remain available to such State for  
12          the next fiscal year for the purposes for which such  
13          amount was paid.

14          (c) OBLIGATION OF FUNDS.—For the purposes of  
15          this subtitle, State Interagency Agreements are considered  
16          valid obligations for the purpose of obligating Federal  
17          funds allotted to the State under this subtitle.

18          (d) COOPERATIVE EFFORTS BETWEEN STATES.—If  
19          a State plan approved in accordance with section 124 pro-  
20          vides for cooperative or joint effort between or among  
21          States or agencies, public or private, in more than 1 State,  
22          portions of funds allotted to 1 or more States described  
23          in this subsection may be combined in accordance with the  
24          agreements between the States or agencies involved.

25          (e) REALLOTMENTS.—

1           (1) IN GENERAL.—If the Secretary determines  
2           that an amount of an allotment to a State for a pe-  
3           riod (of a fiscal year or longer) will not be required  
4           by the State during the period for the purpose for  
5           which the allotment was made, the Secretary may  
6           reallot the amount.

7           (2) TIMING.—The Secretary may make such a  
8           reallotment from time to time, on such date as the  
9           Secretary may fix, but not earlier than 30 days after  
10          the Secretary has published notice of the intention  
11          of the Secretary to make the reallotment in the Fed-  
12          eral Register.

13          (3) AMOUNTS.—The Secretary shall reallot the  
14          amount to other States with respect to which the  
15          Secretary has not made that determination. The  
16          Secretary shall reallot the amount in proportion to  
17          the original allotments of the other States for such  
18          fiscal year, but shall reduce such proportionate  
19          amount for any of the other States to the extent the  
20          proportionate amount exceeds the sum that the Sec-  
21          retary estimates the State needs and will be able to  
22          use during such period.

23          (4) REALLOTMENT OF REDUCTIONS.—The Sec-  
24          retary shall similarly reallot the total of the reduc-

1 tions among the States whose proportionate  
2 amounts were not so reduced.

3 (5) TREATMENT.—Any amount reallocated to a  
4 State under this subsection for a fiscal year shall be  
5 deemed to be a part of the allotment of the State  
6 under subsection (a) for such fiscal year.

7 **SEC. 123. PAYMENTS TO THE STATES FOR PLANNING, AD-**  
8 **MINISTRATION, AND SERVICES.**

9 (a) STATE PLAN EXPENDITURES.—From each  
10 State's allotments for a fiscal year under section 122, the  
11 Secretary shall pay to the State the Federal share of the  
12 cost, other than the cost for construction, incurred during  
13 such year for activities carried out under the State plan  
14 approved under section 124. The Secretary shall make  
15 such payments from time to time in advance on the basis  
16 of estimates by the Secretary of the sums the State will  
17 expend for the cost under the State plan. The Secretary  
18 shall make such adjustments as may be necessary to the  
19 payments on account of previously made underpayments  
20 or overpayments under this section.

21 (b) DESIGNATED STATE AGENCY EXPENDITURES.—  
22 The Secretary may make payments to a State for the por-  
23 tion described in section 124(c)(5)(B)(vi) in advance or  
24 by way of reimbursement, and in such installments as the  
25 Secretary may determine.

1 **SEC. 124. STATE PLAN.**

2 (a) IN GENERAL.—Any State desiring to receive as-  
3 sistance under this subtitle shall submit to the Secretary,  
4 and obtain approval of, a 5-year strategic State plan under  
5 this section.

6 (b) PLANNING CYCLE.—The plan described in sub-  
7 section (a) shall be updated as appropriate during the 5-  
8 year period.

9 (c) STATE PLAN REQUIREMENTS.—In order to be  
10 approved by the Secretary under this section, a State plan  
11 shall meet each of the following requirements:

12 (1) STATE COUNCIL.—The plan shall provide  
13 for the establishment and maintenance of a Council  
14 in accordance with section 125 and describe the  
15 membership of such Council.

16 (2) DESIGNATED STATE AGENCY.—The plan  
17 shall identify the agency or office within the State  
18 designated to support the Council in accordance with  
19 this section and section 125(d) (referred to in this  
20 subtitle as a “designated State agency”).

21 (3) COMPREHENSIVE REVIEW AND ANALYSIS.—  
22 The plan shall describe the results of a comprehen-  
23 sive review and analysis of the extent to which serv-  
24 ices, supports, and other assistance are available to  
25 individuals with developmental disabilities and their  
26 families, and the extent of unmet needs for services,

1 supports, and other assistance for those individuals  
2 and their families, in the State. The results of the  
3 comprehensive review and analysis shall include—

4 (A) a description of the services, supports,  
5 and other assistance being provided to individ-  
6 uals with developmental disabilities and their  
7 families under other federally assisted State  
8 programs, plans, and policies under which the  
9 State operates and in which individuals with de-  
10 velopmental disabilities are or may be eligible to  
11 participate, including particularly programs re-  
12 lating to the areas of emphasis, including—

13 (i) medical assistance, maternal and  
14 child health care, services for children with  
15 special health care needs, children’s mental  
16 health services, comprehensive health and  
17 mental health services, and institutional  
18 care options;

19 (ii) job training, job placement, work-  
20 site accommodation, and vocational reha-  
21 bilitation, and other work assistance pro-  
22 grams; and

23 (iii) social, child welfare, aging, inde-  
24 pendent living, and rehabilitation and as-

1           sistive technology services, and such other  
2           services as the Secretary may specify;

3           (B) a description of the extent to which  
4           agencies operating such other federally assisted  
5           State programs, including activities authorized  
6           under section 101 or 102 of the Assistive Tech-  
7           nology Act of 1998 (29 U.S.C. 3011, 3012),  
8           pursue interagency initiatives to improve and  
9           enhance community services, individualized sup-  
10          ports, and other forms of assistance for individ-  
11          uals with developmental disabilities;

12          (C) an analysis of the extent to which com-  
13          munity services and opportunities related to the  
14          areas of emphasis directly benefit individuals  
15          with developmental disabilities, especially with  
16          regard to their ability to access and use services  
17          provided in their communities, to participate in  
18          opportunities, activities, and events offered in  
19          their communities, and to contribute to commu-  
20          nity life, identifying particularly—

21                 (i) the degree of support for individ-  
22                 uals with developmental disabilities that  
23                 are attributable to either physical impair-  
24                 ment, mental impairment, or a combina-  
25                 tion of physical and mental impairments;

1 (ii) criteria for eligibility for services,  
2 including specialized services and special  
3 adaptation of generic services provided by  
4 agencies within the State, that may ex-  
5 clude individuals with developmental dis-  
6 abilities from receiving services described  
7 in this clause;

8 (iii) the barriers that impede full par-  
9 ticipation of members of unserved and un-  
10 derserved groups of individuals with devel-  
11 opmental disabilities and their families;

12 (iv) the availability of assistive tech-  
13 nology, assistive technology services, or re-  
14 habilitation technology, or information  
15 about assistive technology, assistive tech-  
16 nology services, or rehabilitation tech-  
17 nology to individuals with developmental  
18 disabilities;

19 (v) the numbers of individuals with  
20 developmental disabilities on waiting lists  
21 for services described in this subparagraph;

22 (vi) a description of the adequacy of  
23 current resources and projected availability  
24 of future resources to fund services de-  
25 scribed in this subparagraph;

1 (vii) a description of the adequacy of  
2 health care and other services, supports,  
3 and assistance that individuals with devel-  
4 opmental disabilities who are in facilities  
5 receive (based in part on each independent  
6 review (pursuant to section 1902(a)(30)(C)  
7 of the Social Security Act (42 U.S.C.  
8 1396a(a)(30)(C))) of an Intermediate Care  
9 Facility (Mental Retardation) within the  
10 State, which the State shall provide to the  
11 Council not later than 30 days after the  
12 availability of the review); and

13 (viii) to the extent that information is  
14 available, a description of the adequacy of  
15 health care and other services, supports,  
16 and assistance that individuals with devel-  
17 opmental disabilities who are served  
18 through home and community-based waiv-  
19 ers (authorized under section 1915(c) of  
20 the Social Security Act (42 U.S.C.  
21 1396n(c))) receive;

22 (D) a description of how entities funded  
23 under subtitles C and D, through interagency  
24 agreements or other mechanisms, collaborated  
25 with the entity funded under this subtitle in the



1 State, each other, and other entities to con-  
2 tribute to the achievement of the purpose of  
3 this subtitle; and

4 (E) the rationale for the goals related to  
5 advocacy, capacity building, and systemic  
6 change to be undertaken by the Council to con-  
7 tribute to the achievement of the purpose of  
8 this subtitle.

9 (4) PLAN GOALS.—The plan shall focus on  
10 Council efforts to bring about the purpose of this  
11 subtitle, by—

12 (A) specifying 5-year goals, as developed  
13 through data driven strategic planning, for ad-  
14 vocacy, capacity building, and systemic change  
15 related to the areas of emphasis, to be under-  
16 taken by the Council, that—

17 (i) are derived from the unmet needs  
18 of individuals with developmental disabil-  
19 ities and their families identified under  
20 paragraph (3); and

21 (ii) include a goal, for each year of the  
22 grant, to—

23 (I) establish or strengthen a pro-  
24 gram for the direct funding of a State

1 self-advocacy organization led by indi-  
2 viduals with developmental disabilities;

3 (II) support opportunities for in-  
4 dividuals with developmental disabili-  
5 ties who are considered leaders to  
6 provide leadership training to individ-  
7 uals with developmental disabilities  
8 who may become leaders; and

9 (III) support and expand partici-  
10 pation of individuals with develop-  
11 mental disabilities in cross-disability  
12 and culturally diverse leadership coalitions; and

14 (B) for each year of the grant,  
15 describing—

16 (i) the goals to be achieved through  
17 the grant, which, beginning in fiscal year  
18 2002, shall be consistent with applicable  
19 indicators of progress described in section  
20 104(a)(3);

21 (ii) the strategies to be used in achiev-  
22 ing each goal; and

23 (iii) the method to be used to deter-  
24 mine if each goal has been achieved.

25 (5) ASSURANCES.—

1           (A) IN GENERAL.—The plan shall contain  
2 or be supported by assurances and information  
3 described in subparagraphs (B) through (N)  
4 that are satisfactory to the Secretary.

5           (B) USE OF FUNDS.—With respect to the  
6 funds paid to the State under section 122, the  
7 plan shall provide assurances that—

8                   (i) not less than 70 percent of such  
9 funds will be expended for activities related  
10 to the goals described in paragraph (4);

11                   (ii) such funds will contribute to the  
12 achievement of the purpose of this subtitle  
13 in various political subdivisions of the  
14 State;

15                   (iii) such funds will be used to supple-  
16 ment, and not supplant, the non-Federal  
17 funds that would otherwise be made avail-  
18 able for the purposes for which the funds  
19 paid under section 122 are provided;

20                   (iv) such funds will be used to com-  
21 plement and augment rather than dupli-  
22 cate or replace services for individuals with  
23 developmental disabilities and their fami-  
24 lies who are eligible for Federal assistance  
25 under other State programs;

1           (v) part of such funds will be made  
2 available by the State to public or private  
3 entities;

4           (vi) at the request of any State, a por-  
5 tion of such funds provided to such State  
6 under this subtitle for any fiscal year shall  
7 be available to pay up to  $\frac{1}{2}$  (or the entire  
8 amount if the Council is the designated  
9 State agency) of the expenditures found to  
10 be necessary by the Secretary for the prop-  
11 er and efficient exercise of the functions of  
12 the designated State agency, except that  
13 not more than 5 percent of such funds pro-  
14 vided to such State for any fiscal year, or  
15 \$50,000, whichever is less, shall be made  
16 available for total expenditures for such  
17 purpose by the designated State agency;  
18 and

19           (vii) not more than 20 percent of such  
20 funds will be allocated to the designated  
21 State agency for service demonstrations by  
22 such agency that—

23                   (I) contribute to the achievement  
24 of the purpose of this subtitle; and

1 (II) are explicitly authorized by  
2 the Council.

3 (C) STATE FINANCIAL PARTICIPATION.—  
4 The plan shall provide assurances that there  
5 will be reasonable State financial participation  
6 in the cost of carrying out the plan.

7 (D) CONFLICT OF INTEREST.—The plan  
8 shall provide an assurance that no member of  
9 such Council will cast a vote on any matter that  
10 would provide direct financial benefit to the  
11 member or otherwise give the appearance of a  
12 conflict of interest.

13 (E) URBAN AND RURAL POVERTY  
14 AREAS.—The plan shall provide assurances that  
15 special financial and technical assistance will be  
16 given to organizations that provide community  
17 services, individualized supports, and other  
18 forms of assistance to individuals with develop-  
19 mental disabilities who live in areas designated  
20 as urban or rural poverty areas.

21 (F) PROGRAM ACCESSIBILITY STAND-  
22 ARDS.—The plan shall provide assurances that  
23 programs, projects, and activities funded under  
24 the plan, and the buildings in which such pro-  
25 grams, projects, and activities are operated, will

1 meet standards prescribed by the Secretary in  
2 regulations and all applicable Federal and State  
3 accessibility standards, including accessibility  
4 requirements of the Americans with Disabilities  
5 Act of 1990 (42 U.S.C. 12101 et seq.), section  
6 508 of the Rehabilitation Act of 1973 (29  
7 U.S.C. 794d), and the Fair Housing Act (42  
8 U.S.C. 3601 et seq.).

9 (G) INDIVIDUALIZED SERVICES.—The plan  
10 shall provide assurances that any direct services  
11 provided to individuals with developmental dis-  
12 abilities and funded under the plan will be pro-  
13 vided in an individualized manner, consistent  
14 with the unique strengths, resources, priorities,  
15 concerns, abilities, and capabilities of such indi-  
16 vidual.

17 (H) HUMAN RIGHTS.—The plan shall pro-  
18 vide assurances that the human rights of the  
19 individuals with developmental disabilities (es-  
20 pecially individuals without familial protection)  
21 who are receiving services under programs as-  
22 sisted under this subtitle will be protected con-  
23 sistent with section 109 (relating to rights of  
24 individuals with developmental disabilities).

1           (I) MINORITY PARTICIPATION.—The plan  
2 shall provide assurances that the State has  
3 taken affirmative steps to assure that participa-  
4 tion in programs funded under this subtitle is  
5 geographically representative of the State, and  
6 reflects the diversity of the State with respect  
7 to race and ethnicity.

8           (J) EMPLOYEE PROTECTIONS.—The plan  
9 shall provide assurances that fair and equitable  
10 arrangements (as determined by the Secretary  
11 after consultation with the Secretary of Labor)  
12 will be provided to protect the interests of em-  
13 ployees affected by actions taken under the plan  
14 to provide community living activities, including  
15 arrangements designed to preserve employee  
16 rights and benefits and provide training and re-  
17 training of such employees where necessary,  
18 and arrangements under which maximum ef-  
19 forts will be made to guarantee the employment  
20 of such employees.

21           (K) STAFF ASSIGNMENTS.—The plan shall  
22 provide assurances that the staff and other per-  
23 sonnel of the Council, while working for the  
24 Council, will be responsible solely for assisting  
25 the Council in carrying out the duties of the

1 Council under this subtitle and will not be as-  
2 signed duties by the designated State agency, or  
3 any other agency, office, or entity of the State.

4 (L) NONINTERFERENCE.—The plan shall  
5 provide assurances that the designated State  
6 agency, and any other agency, office, or entity  
7 of the State, will not interfere with the advo-  
8 cacy, capacity building, and systemic change ac-  
9 tivities, budget, personnel, State plan develop-  
10 ment, or plan implementation of the Council,  
11 except that the designated State agency shall  
12 have the authority necessary to carry out the  
13 responsibilities described in section 125(d)(3).

14 (M) STATE QUALITY ASSURANCE.—The  
15 plan shall provide assurances that the Council  
16 will participate in the planning, design or rede-  
17 sign, and monitoring of State quality assurance  
18 systems that affect individuals with develop-  
19 mental disabilities.

20 (N) OTHER ASSURANCES.—The plan shall  
21 contain such additional information and assur-  
22 ances as the Secretary may find necessary to  
23 carry out the provisions (including the purpose)  
24 of this subtitle.



1 (d) PUBLIC INPUT AND REVIEW, SUBMISSION, AND  
2 APPROVAL.—

3 (1) PUBLIC INPUT AND REVIEW.—The plan  
4 shall be based on public input. The Council shall  
5 make the plan available for public review and com-  
6 ment, after providing appropriate and sufficient no-  
7 tice in accessible formats of the opportunity for such  
8 review and comment. The Council shall revise the  
9 plan to take into account and respond to significant  
10 comments.

11 (2) CONSULTATION WITH THE DESIGNATED  
12 STATE AGENCY.—Before the plan is submitted to  
13 the Secretary, the Council shall consult with the des-  
14 ignated State agency to ensure that the State plan  
15 is consistent with State law and to obtain appro-  
16 priate State plan assurances.

17 (3) PLAN APPROVAL.—The Secretary shall ap-  
18 prove any State plan and, as appropriate, amend-  
19 ments of such plan that comply with the provisions  
20 of subsections (a), (b), and (c) and this subsection.  
21 The Secretary may take final action to disapprove a  
22 State plan after providing reasonable notice and an  
23 opportunity for a hearing to the State.

1 **SEC. 125. STATE COUNCILS ON DEVELOPMENTAL DISABIL-**  
2 **ITIES AND DESIGNATED STATE AGENCIES.**

3 (a) IN GENERAL.—Each State that receives assist-  
4 ance under this subtitle shall establish and maintain a  
5 Council to undertake advocacy, capacity building, and sys-  
6 temic change activities (consistent with subsections (b)  
7 and (c) of section 101) that contribute to a coordinated,  
8 consumer- and family-centered, consumer- and family-di-  
9 rected, comprehensive system of community services, indi-  
10 vidualized supports, and other forms of assistance that  
11 contribute to the achievement of the purpose of this sub-  
12 title. The Council shall have the authority to fulfill the  
13 responsibilities described in subsection (c).

14 (b) COUNCIL MEMBERSHIP.—

15 (1) COUNCIL APPOINTMENTS.—

16 (A) IN GENERAL.—The members of the  
17 Council of a State shall be appointed by the  
18 Governor of the State from among the residents  
19 of that State.

20 (B) RECOMMENDATIONS.—The Governor  
21 shall select members of the Council, at the dis-  
22 cretion of the Governor, after soliciting rec-  
23 ommendations from organizations representing  
24 a broad range of individuals with developmental  
25 disabilities and individuals interested in individ-  
26 uals with developmental disabilities, including

1 the non-State agency members of the Council.  
2 The Council may, at the initiative of the Coun-  
3 cil, or on the request of the Governor, coordi-  
4 nate Council and public input to the Governor  
5 regarding all recommendations.

6 (C) REPRESENTATION.—The membership  
7 of the Council shall be geographically represent-  
8 ative of the State and reflect the diversity of  
9 the State with respect to race and 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 regarding membership  
16 requirements of the Council, and shall notify the  
17 Governor when vacancies on the Council remain un-  
18 filled for a significant period of time.

19 (3) REPRESENTATION OF INDIVIDUALS WITH  
20 DEVELOPMENTAL DISABILITIES.—Not less than 60  
21 percent of the membership of each Council shall con-  
22 sist of individuals who are—

23 (A)(i) individuals with developmental dis-  
24 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 subtitle, and who are not managing employees  
10 (as defined in section 1126(b) of the Social Se-  
11 curity Act (42 U.S.C. 1320a-5(b)) of any other  
12 entity that receives funds or provides services  
13 under this subtitle.

14 (4) REPRESENTATION OF AGENCIES AND ORGA-  
15 NIZATIONS.—

16 (A) IN GENERAL.—Each Council shall  
17 include—

18 (i) representatives of relevant State  
19 entities, including—

20 (I) State entities that administer  
21 funds provided under Federal laws re-  
22 lated to individuals with disabilities,  
23 including the Rehabilitation Act of  
24 1973 (29 U.S.C. 701 et seq.), the In-  
25 dividuals with Disabilities Education

1 Act (20 U.S.C. 1400 et seq.), the  
2 Older Americans Act of 1965 (42  
3 U.S.C. 3001 et seq.), and titles V and  
4 XIX of the Social Security Act (42  
5 U.S.C. 701 et seq. and 1396 et seq.);

6 (II) Centers in the State; and

7 (III) the State protection and ad-  
8 vocacy system; and

9 (ii) representatives, at all times,  
10 of local and nongovernmental agen-  
11 cies, and private nonprofit groups  
12 concerned with services for individuals  
13 with developmental disabilities in the  
14 State in which such agencies and  
15 groups are located.

16 (B) AUTHORITY AND LIMITATIONS.—The  
17 representatives described in subparagraph (A)  
18 shall—

19 (i) have sufficient authority to engage  
20 in policy planning and implementation on  
21 behalf of the department, agency, or pro-  
22 gram such representatives represent; and

23 (ii) recuse themselves from any dis-  
24 cussion of grants or contracts for which  
25 such representatives' departments, agen-

1                   cies, or programs are grantees, contrac-  
2                   tors, or applicants and comply with the  
3                   conflict of interest assurance requirement  
4                   under section 124(c)(5)(D).

5                   (5) COMPOSITION OF MEMBERSHIP WITH DE-  
6                   VELOPMENTAL DISABILITIES.—Of the members of  
7                   the Council described in paragraph (3)—

8                   (A)  $\frac{1}{3}$  shall be individuals with develop-  
9                   mental disabilities described in paragraph  
10                  (3)(A)(i);

11                  (B)  $\frac{1}{3}$  shall be parents or guardians of  
12                  children with developmental disabilities de-  
13                  scribed in paragraph (3)(A)(ii), or immediate  
14                  relatives or guardians of adults with develop-  
15                  mental disabilities described in paragraph  
16                  (3)(A)(iii); and

17                  (C)  $\frac{1}{3}$  shall be a combination of individ-  
18                  uals described in paragraph (3)(A).

19                  (6) INSTITUTIONALIZED INDIVIDUALS.—

20                  (A) IN GENERAL.—Of the members of the  
21                  Council described in paragraph (5), at least 1  
22                  shall be an immediate relative or guardian of an  
23                  individual with a developmental disability who  
24                  resides or previously resided in an institution or  
25                  shall be an individual with a developmental dis-

1 ability who resides or previously resided in an  
2 institution.

3 (B) LIMITATION.—Subparagraph (A) shall  
4 not apply with respect to a State if such an in-  
5 dividual does not reside in that State.

6 (c) COUNCIL RESPONSIBILITIES.—

7 (1) IN GENERAL.—A Council, through Council  
8 members, staff, consultants, contractors, or sub-  
9 grantees, shall have the responsibilities described in  
10 paragraphs (2) through (10).

11 (2) ADVOCACY, CAPACITY BUILDING, AND SYS-  
12 TEMIC CHANGE ACTIVITIES.—The Council shall  
13 serve as an advocate for individuals with develop-  
14 mental disabilities and conduct or support programs,  
15 projects, and activities that carry out the purpose of  
16 this subtitle.

17 (3) EXAMINATION OF GOALS.—At the end of  
18 each grant year, each Council shall—

19 (A) determine the extent to which each  
20 goal of the Council was achieved for that year;

21 (B) determine to the extent that each goal  
22 was not achieved, the factors that impeded the  
23 achievement;

1 (C) determine needs that require amend-  
2 ment of the 5-year strategic State plan required  
3 under section 124;

4 (D) separately determine the information  
5 on the self-advocacy goal described in section  
6 124(c)(4)(A)(ii); and

7 (E) determine customer satisfaction with  
8 Council supported or conducted activities.

9 (4) STATE PLAN DEVELOPMENT.—The Council  
10 shall develop the State plan and submit the State  
11 plan to the Secretary after consultation with the des-  
12 ignated State agency under the State plan. Such  
13 consultation shall be solely for the purposes of ob-  
14 taining State assurances and ensuring consistency of  
15 the plan with State law.

16 (5) STATE PLAN IMPLEMENTATION.—

17 (A) IN GENERAL.—The Council shall im-  
18 plement the State plan by conducting and sup-  
19 porting advocacy, capacity building, and sys-  
20 temic change activities such as those described  
21 in subparagraphs (B) through (L).

22 (B) OUTREACH.—The Council may sup-  
23 port and conduct outreach activities to identify  
24 individuals with developmental disabilities and  
25 their families who otherwise might not come to



1 the attention of the Council and assist and en-  
2 able the individuals and families to obtain serv-  
3 ices, individualized supports, and other forms of  
4 assistance, including access to special adapta-  
5 tion of generic community services or special-  
6 ized services.

7 (C) TRAINING.—The Council may support  
8 and conduct training for persons who are indi-  
9 viduals with developmental disabilities, their  
10 families, and personnel (including professionals,  
11 paraprofessionals, students, volunteers, and  
12 other community members) to enable such per-  
13 sons to obtain access to, or to provide, commu-  
14 nity services, individualized supports, and other  
15 forms of assistance, including special adapta-  
16 tion of generic community services or special-  
17 ized services for individuals with developmental  
18 disabilities and their families. To the extent  
19 that the Council supports or conducts training  
20 activities under this subparagraph, such activi-  
21 ties shall contribute to the achievement of the  
22 purpose of this subtitle.

23 (D) TECHNICAL ASSISTANCE.—The Coun-  
24 cil may support and conduct technical assist-  
25 ance activities to assist public and private enti-

1           ties to contribute to the achievement of the pur-  
2           pose of this subtitle.

3           (E) SUPPORTING AND EDUCATING COMMU-  
4           NITIES.—The Council may support and conduct  
5           activities to assist neighborhoods and commu-  
6           nities to respond positively to individuals with  
7           developmental disabilities and their families—

8                   (i) by encouraging local networks to  
9                   provide informal and formal supports;

10                   (ii) through education; and

11                   (iii) by enabling neighborhoods and  
12                   communities to offer such individuals and  
13                   their families access to and use of services,  
14                   resources, and opportunities.

15           (F) INTERAGENCY COLLABORATION AND  
16           COORDINATION.—The Council may support and  
17           conduct activities to promote interagency col-  
18           laboration and coordination to better serve, sup-  
19           port, assist, or advocate for individuals with de-  
20           velopmental disabilities and their families.

21           (G) COORDINATION WITH RELATED COUN-  
22           CILS, COMMITTEES, AND PROGRAMS.—The  
23           Council may support and conduct activities to  
24           enhance coordination of services with—

1 (i) other councils, entities, or commit-  
2 tees, authorized by Federal or State law,  
3 concerning individuals with disabilities  
4 (such as the State interagency coordi-  
5 nating council established under subtitle C  
6 of the Individuals with Disabilities Edu-  
7 cation Act (20 U.S.C. 1431 et seq.), the  
8 State Rehabilitation Council and the State-  
9 wide Independent Living Council estab-  
10 lished under the Rehabilitation Act of  
11 1973 (29 U.S.C. 701 et seq.), the State  
12 mental health planning council established  
13 under subtitle B of title XIX of the Public  
14 Health Service Act (42 U.S.C. 300x-1 et  
15 seq.), and the activities authorized under  
16 section 101 or 102 of the Assistive Tech-  
17 nology Act of 1998 (29 U.S.C. 3011,  
18 3012), and entities carrying out other  
19 similar councils, entities, or committees);

20 (ii) parent training and information  
21 centers under part D of the Individuals  
22 with Disabilities Education Act (20 U.S.C.  
23 1451 et seq.) and other entities carrying  
24 out federally funded projects that assist  
25 parents of children with disabilities; and

1 (iii) other groups interested in advo-  
2 cacy, capacity building, and systemic  
3 change activities to benefit individuals with  
4 disabilities.

5 (H) BARRIER ELIMINATION, SYSTEMS DE-  
6 SIGN AND REDESIGN.—The Council may sup-  
7 port and conduct activities to eliminate barriers  
8 to assess and use of community services by in-  
9 dividuals with developmental disabilities, en-  
10 hance systems design and redesign, and en-  
11 hance citizen participation to address issues  
12 identified in the State plan.

13 (I) COALITION DEVELOPMENT AND CIT-  
14 IZEN PARTICIPATION.—The Council may sup-  
15 port and conduct activities to educate the public  
16 about the capabilities, preferences, and needs of  
17 individuals with developmental disabilities and  
18 their families and to develop and support coali-  
19 tions that support the policy agenda of the  
20 Council, including training in self-advocacy,  
21 education of policymakers, and citizen leader-  
22 ship skills.

23 (J) INFORMING POLICYMAKERS.—The  
24 Council may support and conduct activities to  
25 provide information to policymakers by sup-

1           porting and conducting studies and analyses,  
2           gathering information, and developing and dis-  
3           seminating model policies and procedures, infor-  
4           mation, approaches, strategies, findings, conclu-  
5           sions, and recommendations. The Council may  
6           provide the information directly to Federal,  
7           State, and local policymakers, including Con-  
8           gress, the Federal executive branch, the Gov-  
9           ernors, State legislatures, and State agencies,  
10          in order to increase the ability of such policy-  
11          makers to offer opportunities and to enhance or  
12          adapt generic services to meet the needs of, or  
13          provide specialized services to, individuals with  
14          developmental disabilities and their families.

15                   (K)   DEMONSTRATION   OF   NEW   AP-  
16                   PROACHES TO SERVICES AND SUPPORTS.—

17                   (i)   IN GENERAL.—The Council may  
18                   support and conduct, on a time-limited  
19                   basis, activities to demonstrate new ap-  
20                   proaches to serving individuals with devel-  
21                   opmental disabilities that are a part of an  
22                   overall strategy for systemic change. The  
23                   strategy may involve the education of pol-  
24                   icymakers and the public about how to de-  
25                   liver effectively, to individuals with devel-

1           opmental disabilities and their families,  
2           services, supports, and assistance that con-  
3           tribute to the achievement of the purpose  
4           of this subtitle.

5           (ii) SOURCES OF FUNDING.—The  
6           Council may carry out this subparagraph  
7           by supporting and conducting demonstra-  
8           tion activities through sources of funding  
9           other than funding provided under this  
10          subtitle, and by assisting entities con-  
11          ducting demonstration activities to develop  
12          strategies for securing funding from other  
13          sources.

14          (L) OTHER ACTIVITIES.—The Council may  
15          support and conduct other advocacy, capacity  
16          building, and systemic change activities to pro-  
17          mote the development of a coordinated,  
18          consumer- and family-centered, consumer- and  
19          family-directed, comprehensive system of com-  
20          munity services, individualized supports, and  
21          other forms of assistance that contribute to the  
22          achievement of the purpose of this subtitle.

23          (6) REVIEW OF DESIGNATED STATE AGENCY.—

24          The Council shall periodically review the designated  
25          State agency and activities carried out under this

1 subtitle by the designated State agency and make  
2 any recommendations for change to the Governor.

3 (7) REPORTS.—Beginning in fiscal year 2002,  
4 the Council shall annually prepare and transmit to  
5 the Secretary a report. Each report shall be in a  
6 form prescribed by the Secretary by regulation  
7 under section 104(b). Each report shall contain in-  
8 formation about the progress made by the Council in  
9 achieving the goals of the Council (as specified in  
10 section 124(c)(4)), including—

11 (A) a description of the extent to which the  
12 goals were achieved;

13 (B) a description of the strategies that  
14 contributed to achieving the goals;

15 (C) to the extent to which the goals were  
16 not achieved, a description of factors that im-  
17 peded the achievement;

18 (D) separate information on the self-advo-  
19 cacy goal described in section 124(c)(4)(A)(ii);

20 (E)(i) as appropriate, an update on the re-  
21 sults of the comprehensive review and analysis  
22 described in section 124(c)(3); and

23 (ii) information on consumer satisfaction  
24 with Council supported or conducted activities;

1 (F)(i) a description of the adequacy of  
2 health care and other services, supports, and  
3 assistance that individuals with developmental  
4 disabilities in Intermediate Care Facilities  
5 (Mental Retardation) receive; and

6 (ii) a description of the adequacy of health  
7 care and other services, supports, and assist-  
8 ance that individuals with developmental dis-  
9 abilities served through home and community-  
10 based waivers (authorized under section  
11 1915(c) of the Social Security Act (42 U.S.C.  
12 1396n(c)) receive;

13 (G) an accounting of the manner in which  
14 funds paid to the State under this subtitle for  
15 a fiscal year were expended;

16 (H) a description of—

17 (i) resources made available to carry  
18 out activities to assist individuals with de-  
19 velopmental disabilities that are directly at-  
20 tributable to Council actions; and

21 (ii) resources made available for such  
22 activities that are undertaken by the Coun-  
23 cil in collaboration with other entities; and

24 (I) a description of the method by which  
25 the Council will widely disseminate the annual



1 report to affected constituencies and the general  
2 public and will assure that the report is avail-  
3 able in accessible formats.

4 (8) BUDGET.—Each Council shall prepare, ap-  
5 prove, and implement a budget using amounts paid  
6 to the State under this subtitle to fund and imple-  
7 ment all programs, projects, and activities carried  
8 out under this subtitle, including—

9 (A)(i) conducting such hearings and fo-  
10 rums as the Council may determine to be nec-  
11 essary to carry out the duties of the Council;  
12 and

13 (ii) as determined in Council policy—

14 (I) reimbursing members of the Coun-  
15 cil for reasonable and necessary expenses  
16 (including expenses for child care and per-  
17 sonal assistance services) for attending  
18 Council meetings and performing Council  
19 duties;

20 (II) paying a stipend to a member of  
21 the Council, if such member is not em-  
22 ployed or must forfeit wages from other  
23 employment, to attend Council meetings  
24 and perform other Council duties;

1 (III) supporting Council member and  
2 staff travel to authorized training and  
3 technical assistance activities including in-  
4 service training and leadership develop-  
5 ment activities; and

6 (IV) carrying out appropriate subcon-  
7 tracting activities;

8 (B) hiring and maintaining such numbers  
9 and types of staff (qualified by training and ex-  
10 perience) and obtaining the services of such  
11 professional, consulting, technical, and clerical  
12 staff (qualified by training and experience),  
13 consistent with State law, as the Council deter-  
14 mines to be necessary to carry out the functions  
15 of the Council under this subtitle, except that  
16 such State shall not apply hiring freezes, reduc-  
17 tions in force, prohibitions on travel, or other  
18 policies to the staff of the Council, to the extent  
19 that such policies would impact the staff or  
20 functions funded with Federal funds, or would  
21 prevent the Council from carrying out the func-  
22 tions of the Council under this subtitle; and

23 (C) directing the expenditure of funds for  
24 grants, contracts, interagency agreements that  
25 are binding contracts, and other activities au-

1           thorized by the State plan approved under sec-  
2           tion 124.

3           (9) STAFF HIRING AND SUPERVISION.—The  
4           Council shall, consistent with State law, recruit and  
5           hire a Director of the Council, should the position of  
6           Director become vacant, and supervise and annually  
7           evaluate the Director. The Director shall hire, super-  
8           vise, and annually evaluate the staff of the Council.  
9           Council recruitment, hiring, and dismissal of staff  
10          shall be conducted in a manner consistent with Fed-  
11          eral and State nondiscrimination laws. Dismissal of  
12          personnel shall be conducted in a manner consistent  
13          with State law and personnel policies.

14          (10) STAFF ASSIGNMENTS.—The staff of the  
15          Council, while working for the Council, shall be re-  
16          sponsible solely for assisting the Council in carrying  
17          out the duties of the Council under this subtitle and  
18          shall not be assigned duties by the designated State  
19          agency or any other agency or entity of the State.

20          (11) CONSTRUCTION.—Nothing in this title  
21          shall be construed to authorize a Council to direct,  
22          control, or exercise any policymaking authority or  
23          administrative authority over any program assisted  
24          under the Rehabilitation Act of 1973 (29 U.S.C.

1 701 et seq.) or the Individuals with Disabilities Edu-  
2 cation Act (20 U.S.C. 1400 et seq.).

3 (d) DESIGNATED STATE AGENCY.—

4 (1) IN GENERAL.—Each State that receives as-  
5 sistance under this subtitle shall designate a State  
6 agency that shall, on behalf of the State, provide  
7 support to the Council. After the date of enactment  
8 of the Developmental Disabilities Assistance and Bill  
9 of Rights Act Amendments of 1994 (Public Law  
10 103–230), any designation of a State agency under  
11 this paragraph shall be made in accordance with the  
12 requirements of this subsection.

13 (2) DESIGNATION.—

14 (A) TYPE OF AGENCY.—Except as pro-  
15 vided in this subsection, the designated State  
16 agency shall be—

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

20 (ii) a State agency that does not pro-  
21 vide or pay for services for individuals with  
22 developmental disabilities; or

23 (iii) a State office, including the im-  
24 mediate office of the Governor of the State  
25 or a State planning office.

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

3 (i) DESIGNATION BEFORE ENACT-  
4 MENT.—If a State agency that provides or  
5 pays for services for individuals with devel-  
6 opmental disabilities was a designated  
7 State agency for purposes of part B of the  
8 Developmental Disabilities Assistance and  
9 Bill of Rights Act on the date of enact-  
10 ment of the Developmental Disabilities As-  
11 sistance and Bill of Rights Act Amend-  
12 ments of 1994, and the Governor of the  
13 State (or the legislature, where appropriate  
14 and in accordance with State law) deter-  
15 mines prior to June 30, 1994, not to  
16 change the designation of such agency,  
17 such agency may continue to be a des-  
18 ignated State agency for purposes of this  
19 subtitle.

20 (ii) CRITERIA FOR CONTINUED DES-  
21 IGNATION.—The determination, at the dis-  
22 cretion of the Governor (or the legislature,  
23 as the case may be), shall be made after—

24 (I) the Governor has considered  
25 the comments and recommendations

1 of the general public and a majority  
2 of the non-State agency members of  
3 the Council with respect to the des-  
4 ignation of such State agency; and

5 (II) the Governor (or the legisla-  
6 ture, as the case may be) has made an  
7 independent assessment that the des-  
8 ignation of such agency will not inter-  
9 fere with the budget, personnel, prior-  
10 ities, or other action of the Council,  
11 and the ability of the Council to serve  
12 as an independent advocate for indi-  
13 viduals with developmental disabilities.

14 (C) REVIEW OF DESIGNATION.—The  
15 Council may request a review of and change in  
16 the designation of the designated State agency  
17 by the Governor (or the legislature, as the case  
18 may be). The Council shall provide documenta-  
19 tion concerning the reason the Council desires  
20 a change to be made and make a recommenda-  
21 tion to the Governor (or the legislature, as the  
22 case may be) regarding a preferred designated  
23 State agency.

24 (D) APPEAL OF DESIGNATION.—After the  
25 review is completed under subparagraph (C), a

1 majority of the non-State agency members of  
2 the Council may appeal to the Secretary for a  
3 review of and change in the designation of the  
4 designated State agency if the ability of the  
5 Council to serve as an independent advocate is  
6 not assured because of the actions or inactions  
7 of the designated State agency.

8 (3) RESPONSIBILITIES.—

9 (A) IN GENERAL.—The designated State  
10 agency shall, on behalf of the State, have the  
11 responsibilities described in subparagraphs (B)  
12 through (G).

13 (B) SUPPORT SERVICES.—The designated  
14 State agency shall provide required assurances  
15 and support services as requested by and nego-  
16 tiated with the Council.

17 (C) FISCAL RESPONSIBILITIES.—The des-  
18 igned State agency shall—

19 (i) receive, account for, and disburse  
20 funds under this subtitle based on the  
21 State plan required in section 124; and

22 (ii) provide for such fiscal control and  
23 fund accounting procedures as may be nec-  
24 essary to assure the proper disbursement

1 of, and accounting for, funds paid to the  
2 State under this subtitle.

3 (D) RECORDS, ACCESS, AND FINANCIAL  
4 REPORTS.—The designated State agency shall  
5 keep and provide access to such records as the  
6 Secretary and the Council may determine to be  
7 necessary. The designated State agency, if  
8 other than the Council, shall provide timely fi-  
9 nancial reports at the request of the Council re-  
10 garding the status of expenditures, obligations,  
11 and liquidation by the agency or the Council,  
12 and the use of the Federal and non-Federal  
13 shares described in section 126, by the agency  
14 or the Council.

15 (E) NON-FEDERAL SHARE.—The des-  
16 ignated State agency, if other than the Council,  
17 shall provide the required non-Federal share de-  
18 scribed in section 126(c).

19 (F) ASSURANCES.—The designated State  
20 agency shall assist the Council in obtaining the  
21 appropriate State plan assurances and in ensur-  
22 ing that the plan is consistent with State law.

23 (G) MEMORANDUM OF UNDERSTANDING.—  
24 On the request of the Council, the designated  
25 State agency shall enter into a memorandum of



1           understanding with the Council delineating the  
2           roles and responsibilities of the designated  
3           State agency.

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

6           (A) CONDITION FOR FEDERAL FUNDING.—

7           (i) IN GENERAL.—The Secretary shall  
8           provide amounts to a State under section  
9           124(c)(5)(B)(vi) for a fiscal year only if  
10          the State expends an amount from State  
11          sources for carrying out the responsibilities  
12          of the designated State agency under para-  
13          graph (3) for the fiscal year that is not  
14          less than the total amount the State ex-  
15          pended from such sources for carrying out  
16          similar responsibilities for the previous fis-  
17          cal year.

18          (ii) EXCEPTION.—Clause (i) shall not  
19          apply in a year in which the Council is the  
20          designated State agency.

21          (B) SUPPORT SERVICES PROVIDED BY  
22          OTHER AGENCIES.—With the agreement of the  
23          designated State agency, the Council may use  
24          or contract with agencies other than the des-

1           ignated State agency to perform the functions  
2           of the designated State agency.

3 **SEC. 126. FEDERAL AND NON-FEDERAL SHARE.**

4           (a) AGGREGATE COST.—

5           (1) IN GENERAL.—Except as provided in para-  
6           graphs (2) and (3), the Federal share of the cost of  
7           all projects in a State supported by an allotment to  
8           the State under this subtitle may not be more than  
9           75 percent of the aggregate necessary cost of such  
10          projects, as determined by the Secretary.

11          (2) URBAN OR RURAL POVERTY AREAS.—In the  
12          case of projects whose activities or products target  
13          individuals with developmental disabilities who live  
14          in urban or rural poverty areas, as determined by  
15          the Secretary, the Federal share of the cost of all  
16          such projects may not be more than 90 percent of  
17          the aggregate necessary cost of such projects, as de-  
18          termined by the Secretary.

19          (3) STATE PLAN ACTIVITIES.—In the case of  
20          projects undertaken by the Council or Council staff  
21          to implement State plan activities, the Federal share  
22          of the cost of all such projects may be not more than  
23          100 percent of the aggregate necessary cost of such  
24          activities.

1 (b) NONDUPLICATION.—In determining the amount  
2 of any State’s Federal share of the cost of such projects  
3 incurred by such State under a State plan approved under  
4 section 124, the Secretary shall not consider—

5 (1) any portion of such cost that is financed by  
6 Federal funds provided under any provision of law  
7 other than section 122; and

8 (2) the amount of any non-Federal funds re-  
9 quired to be expended as a condition of receipt of  
10 the Federal funds described in paragraph (1).

11 (c) NON-FEDERAL SHARE.—

12 (1) IN-KIND CONTRIBUTIONS.—The non-Fed-  
13 eral share of the cost of any project supported by an  
14 allotment under this subtitle may be provided in  
15 cash or in kind, fairly evaluated, including plant,  
16 equipment, or services.

17 (2) CONTRIBUTIONS OF POLITICAL SUBDIVI-  
18 SIONS AND PUBLIC OR PRIVATE ENTITIES.—

19 (A) IN GENERAL.—Contributions to  
20 projects by a political subdivision of a State or  
21 by a public or private entity under an agree-  
22 ment with the State shall, subject to such limi-  
23 tations and conditions as the Secretary may by  
24 regulation prescribe under section 104(b), be  
25 considered to be contributions by such State, in

1 the case of a project supported under this sub-  
2 title.

3 (B) STATE CONTRIBUTIONS.—State con-  
4 tributions, including contributions by the des-  
5 ignated State agency to provide support services  
6 to the Council pursuant to section 125(d)(4),  
7 may be counted as part of such State’s non-  
8 Federal share of the cost of projects supported  
9 under this subtitle.

10 (3) VARIATIONS OF THE NON-FEDERAL  
11 SHARE.—The non-Federal share required of each re-  
12 cipient of a grant from a Council under this subtitle  
13 may vary.

14 **SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING, AD-**  
15 **MINISTRATION, AND SERVICES.**

16 Whenever the Secretary, after providing reasonable  
17 notice and an opportunity for a hearing to the Council  
18 and the designated State agency, finds that—

19 (1) the Council or agency has failed to comply  
20 substantially with any of the provisions required by  
21 section 124 to be included in the State plan, particu-  
22 larly provisions required by paragraphs (4)(A) and  
23 (5)(B)(vii) of section 124(c), or with any of the pro-  
24 visions required by section 125(b)(3); or

1           (2) the Council or agency has failed to comply  
2           substantially with any regulations of the Secretary  
3           that are applicable to this subtitle,  
4 the Secretary shall notify such Council and agency that  
5 the Secretary will not make further payments to the State  
6 under section 122 (or, in the discretion of the Secretary,  
7 that further payments to the State under section 122 for  
8 activities for which there is such failure), until the Sec-  
9 retary is satisfied that there will no longer be such failure.  
10 Until the Secretary is so satisfied, the Secretary shall  
11 make no further payments to the State under section 122,  
12 or shall limit further payments under section 122 to such  
13 State to activities for which there is no such failure.

14 **SEC. 128. APPEALS BY STATES.**

15           (a) APPEAL.—If any State is dissatisfied with the  
16 Secretary’s action under section 124(d)(3) or 127, such  
17 State may appeal to the United States court of appeals  
18 for the circuit in which such State is located, by filing a  
19 petition with such court not later than 60 days after such  
20 action.

21           (b) FILING.—The clerk of the court shall transmit  
22 promptly a copy of the petition to the Secretary, or any  
23 officer designated by the Secretary for that purpose. The  
24 Secretary shall file promptly with the court the record of  
25 the proceedings on which the Secretary based the action,

1 as provided in section 2112 of title 28, United States  
2 Code.

3 (c) JURISDICTION.—Upon the filing of the petition,  
4 the court shall have jurisdiction to affirm the action of  
5 the Secretary or to set the action aside, in whole or in  
6 part, temporarily or permanently. Until the filing of the  
7 record, the Secretary may modify or set aside the order  
8 of the Secretary relating to the action.

9 (d) FINDINGS AND REMAND.—The findings of the  
10 Secretary about the facts, if supported by substantial evi-  
11 dence, shall be conclusive, but the court, for good cause  
12 shown, may remand the case involved to the Secretary for  
13 further proceedings to take further evidence. On remand,  
14 the Secretary may make new or modified findings of fact  
15 and may modify the previous action of the Secretary, and  
16 shall file with the court the record of the further pro-  
17 ceedings. Such new or modified findings of fact shall like-  
18 wise be conclusive if supported by substantial evidence.

19 (e) FINALITY.—The judgment of the court affirming  
20 or setting aside, in whole or in part, any action of the  
21 Secretary shall be final, subject to review by the Supreme  
22 Court of the United States upon certiorari or certification  
23 as provided in section 1254 of title 28, United States  
24 Code.

1 (f) EFFECT.—The commencement of proceedings  
2 under this section shall not, unless so specifically ordered  
3 by a court, operate as a stay of the Secretary’s action.

4 **SEC. 129. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) FUNDING FOR STATE ALLOTMENTS.—Except as  
6 described in subsection (b), there are authorized to be ap-  
7 propriated for allotments under section 122 \$76,000,000  
8 for fiscal year 2001 and such sums as may be necessary  
9 for each of fiscal years 2002 through 2007.

10 (b) RESERVATION FOR TECHNICAL ASSISTANCE.—

11 (1) LOWER APPROPRIATION YEARS.—For any  
12 fiscal year for which the amount appropriated under  
13 subsection (a) is less than \$76,000,000, the Sec-  
14 retary shall reserve funds in accordance with section  
15 163(c) to provide technical assistance to entities  
16 funded under this subtitle.

17 (2) HIGHER APPROPRIATION YEARS.—For any  
18 fiscal year for which the amount appropriated under  
19 subsection (a) is not less than \$76,000,000, the Sec-  
20 retary shall reserve not less than \$300,000 and not  
21 more than 1 percent of the amount appropriated  
22 under subsection (a) to provide technical assistance  
23 to entities funded under this subtitle.

1           **Subtitle C—Protection and**  
2           **Advocacy of Individual Rights**

3 **SEC. 141. PURPOSE.**

4           The purpose of this subtitle is to provide for allot-  
5 ments to support a protection and advocacy system (re-  
6 ferred to in this subtitle as a “system”) in each State to  
7 protect the legal and human rights of individuals with de-  
8 velopmental disabilities in accordance with this subtitle.

9 **SEC. 142. ALLOTMENTS AND PAYMENTS.**

10           (a) ALLOTMENTS.—

11                 (1) IN GENERAL.—To assist States in meeting  
12 the requirements of section 143(a), the Secretary  
13 shall allot to the States the amounts appropriated  
14 under section 145 and not reserved under paragraph  
15 (6). Allotments and reallootments of such sums shall  
16 be made on the same basis as the allotments and re-  
17 allotments are made under subsections (a)(1)(A) and  
18 (e) of section 122, except as provided in paragraph  
19 (2).

20                 (2) MINIMUM ALLOTMENTS.—In any case in  
21 which—

22                         (A) the total amount appropriated under  
23 section 145 for a fiscal year is not less than  
24 \$20,000,000, the allotment under paragraph  
25 (1) for such fiscal year—



1 (i) to each of American Samoa,  
2 Guam, the United States Virgin Islands,  
3 and the Commonwealth of the Northern  
4 Mariana Islands may not be less than  
5 \$107,000; and

6 (ii) to any State not described in  
7 clause (i) may not be less than \$200,000;  
8 or

9 (B) the total amount appropriated under  
10 section 145 for a fiscal year is less than  
11 \$20,000,000, the allotment under paragraph  
12 (1) for such fiscal year—

13 (i) to each of American Samoa,  
14 Guam, the United States Virgin Islands,  
15 and the Commonwealth of the Northern  
16 Mariana Islands may not be less than  
17 \$80,000; and

18 (ii) to any State not described in  
19 clause (i) may not be less than \$150,000.

20 (3) REDUCTION OF ALLOTMENT.—Notwith-  
21 standing paragraphs (1) and (2), if the aggregate of  
22 the amounts to be allotted to the States pursuant to  
23 such paragraphs for any fiscal year exceeds the total  
24 amount appropriated for such allotments under sec-  
25 tion 145 for such fiscal year, the amount to be allot-

1       ted to each State for such fiscal year shall be pro-  
2       portionately reduced.

3           (4) INCREASE IN ALLOTMENTS.—In any year in  
4       which the total amount appropriated under section  
5       145 for a fiscal year exceeds the total amount appro-  
6       priated under such section (or a corresponding pro-  
7       vision) for the preceding fiscal year by a percentage  
8       greater than the most recent percentage change in  
9       the Consumer Price Index published by the Sec-  
10      retary of Labor under section 100(c)(1) of the Reha-  
11      bilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the  
12      percentage change indicates an increase), the Sec-  
13      retary shall increase each of the minimum allot-  
14      ments described in subparagraphs (A) and (B) of  
15      paragraph (2). The Secretary shall increase each  
16      minimum allotment by an amount that bears the  
17      same ratio to the amount of such minimum allot-  
18      ment (including any increases in such minimum al-  
19      lotment under this paragraph (or a corresponding  
20      provision) for prior fiscal years) as the amount that  
21      is equal to the difference between—

22           (A) the total amount appropriated under  
23           section 145 for the fiscal year for which the in-  
24           crease in the minimum allotment is being made;  
25           minus

1           (B) the total amount appropriated under  
2           section 145 (or a corresponding provision) for  
3           the immediately preceding fiscal year,  
4           bears to the total amount appropriated under section  
5           145 (or a corresponding provision) for such pre-  
6           ceding fiscal year.

7           (5) MONITORING THE ADMINISTRATION OF THE  
8           SYSTEM.—In a State in which the system is housed  
9           in a State agency, the State may use not more than  
10          5 percent of any allotment under this subsection for  
11          the costs of monitoring the administration of the  
12          system required under section 143(a).

13          (6) TECHNICAL ASSISTANCE AND AMERICAN IN-  
14          DIAN CONSORTIUM.—In any case in which the total  
15          amount appropriated under section 145 for a fiscal  
16          year is more than \$24,500,000, the Secretary  
17          shall—

18                 (A) use not more than 2 percent of the  
19                 amount appropriated to provide technical assist-  
20                 ance to eligible systems with respect to activi-  
21                 ties carried out under this subtitle (consistent  
22                 with requests by such systems for such assist-  
23                 ance for the year); and

24                 (B) provide a grant in accordance with sec-  
25                 tion 143(b), and in an amount described in

1 paragraph (2)(A)(i), to an American Indian  
2 consortium to provide protection and advocacy  
3 services.

4 (b) PAYMENT TO SYSTEMS.—Notwithstanding any  
5 other provision of law, the Secretary shall pay directly to  
6 any system in a State that complies with the provisions  
7 of this subtitle the amount of the allotment made for the  
8 State under this section, unless the system specifies other-  
9 wise.

10 (c) UNOBLIGATED FUNDS.—Any amount paid to a  
11 system under this subtitle for a fiscal year and remaining  
12 unobligated at the end of such year shall remain available  
13 to such system for the next fiscal year, for the purposes  
14 for which such amount was paid.

15 **SEC. 143. SYSTEM REQUIRED.**

16 (a) SYSTEM REQUIRED.—In order for a State to re-  
17 ceive an allotment under subtitle B or this subtitle—

18 (1) the State shall have in effect a system to  
19 protect and advocate the rights of individuals with  
20 developmental disabilities;

21 (2) such system shall—

22 (A) have the authority to—

23 (i) pursue legal, administrative, and  
24 other appropriate remedies or approaches  
25 to ensure the protection of, and advocacy

1 for, the rights of such individuals within  
2 the State who are or who may be eligible  
3 for treatment, services, or habilitation, or  
4 who are being considered for a change in  
5 living arrangements, with particular atten-  
6 tion to members of ethnic and racial mi-  
7 nority groups; and

8 (ii) provide information on and refer-  
9 ral to programs and services addressing  
10 the needs of individuals with developmental  
11 disabilities;

12 (B) have the authority to investigate inci-  
13 dents of abuse and neglect of individuals with  
14 developmental disabilities if the incidents are  
15 reported to the system or if there is probable  
16 cause to believe that the incidents occurred;

17 (C) on an annual basis, develop, submit to  
18 the Secretary, and take action with regard to  
19 goals (each of which is related to 1 or more  
20 areas of emphasis) and priorities, developed  
21 through data driven strategic planning, for the  
22 system's activities;

23 (D) on an annual basis, provide to the  
24 public, including individuals with developmental  
25 disabilities attributable to either physical im-

1           pairment, mental impairment, or a combination  
2           of physical and mental impairment, and their  
3           representatives, and as appropriate, non-State  
4           agency representatives of the State Councils on  
5           Developmental Disabilities, and Centers, in the  
6           State, an opportunity to comment on—

7                   (i) the goals and priorities established  
8                   by the system and the rationale for the es-  
9                   tablishment of such goals; and

10                   (ii) the activities of the system, in-  
11                   cluding the coordination of services with  
12                   the entities carrying out advocacy pro-  
13                   grams under the Rehabilitation Act of  
14                   1973 (29 U.S.C. 701 et seq.), the Older  
15                   Americans Act of 1965 (42 U.S.C. 3001 et  
16                   seq.), and the Protection and Advocacy for  
17                   Mentally Ill Individuals Act of 1986 (42  
18                   U.S.C. 10801 et seq.), and with entities  
19                   carrying out other related programs, in-  
20                   cluding the parent training and informa-  
21                   tion centers funded under the Individuals  
22                   with Disabilities Education Act (20 U.S.C.  
23                   1400 et seq.), and activities authorized  
24                   under section 101 or 102 of the Assistive

1 Technology Act of 1998 (29 U.S.C. 3011,  
2 3012);

3 (E) establish a grievance procedure for cli-  
4 ents or prospective clients of the system to en-  
5 sure that individuals with developmental disabil-  
6 ities have full access to services of the system;

7 (F) not be administered by the State  
8 Council on Developmental Disabilities;

9 (G) be independent of any agency that pro-  
10 vides treatment, services, or habilitation to indi-  
11 viduals with developmental disabilities;

12 (H) have access at reasonable times to any  
13 individual with a developmental disability in a  
14 location in which services, supports, and other  
15 assistance are provided to such an individual, in  
16 order to carry out the purpose of this subtitle;

17 (I) have access to all records of—

18 (i) any individual with a develop-  
19 mental disability who is a client of the sys-  
20 tem if such individual, or the legal guard-  
21 ian, conservator, or other legal representa-  
22 tive of such individual, has authorized the  
23 system to have such access;

24 (ii) any individual with a develop-  
25 mental disability, in a situation in which—

1 (I) the individual, by reason of  
2 such individual's mental or physical  
3 condition, is unable to authorize the  
4 system to have such access;

5 (II) the individual does not have  
6 a legal guardian, conservator, or other  
7 legal representative, or the legal  
8 guardian of the individual is the  
9 State; and

10 (III) a complaint has been re-  
11 ceived by the system about the indi-  
12 vidual with regard to the status or  
13 treatment of the individual or, as a  
14 result of monitoring or other activi-  
15 ties, there is probable cause to believe  
16 that such individual has been subject  
17 to abuse or neglect; and

18 (iii) any individual with a develop-  
19 mental disability, in a situation in which—

20 (I) the individual has a legal  
21 guardian, conservator, or other legal  
22 representative;

23 (II) a complaint has been re-  
24 ceived by the system about the indi-  
25 vidual with regard to the status or



1 treatment of the individual or, as a  
2 result of monitoring or other activi-  
3 ties, there is probable cause to believe  
4 that such individual has been subject  
5 to abuse or neglect;

6 (III) such representative has  
7 been contacted by such system, upon  
8 receipt of the name and address of  
9 such representative;

10 (IV) such system has offered as-  
11 sistance to such representative to re-  
12 solve the situation; and

13 (V) such representative has failed  
14 or refused to act on behalf of the indi-  
15 vidual;

16 (J)(i) have access to the records of individ-  
17 uals described in subparagraphs (B) and (I),  
18 and other records that are relevant to con-  
19 ducting an investigation, under the cir-  
20 cumstances described in those subparagraphs,  
21 not later than 3 business days after the system  
22 makes a written request for the records in-  
23 volved; and

24 (ii) have immediate access, not later than  
25 24 hours after the system makes such a re-

1 quest, to the records without consent from an-  
2 other party, in a situation in which services,  
3 supports, and other assistance are provided to  
4 an individual with a developmental disability—

5 (I) if the system determines there is  
6 probable cause to believe that the health or  
7 safety of the individual is in serious and  
8 immediate jeopardy; or

9 (II) in any case of death of an indi-  
10 vidual with a developmental disability;

11 (K) hire and maintain sufficient numbers  
12 and types of staff (qualified by training and ex-  
13 perience) to carry out such system's functions,  
14 except that the State involved shall not apply  
15 hiring freezes, reductions in force, prohibitions  
16 on travel, or other policies to the staff of the  
17 system, to the extent that such policies would  
18 impact the staff or functions of the system  
19 funded with Federal funds or would prevent the  
20 system from carrying out the functions of the  
21 system under this subtitle;

22 (L) have the authority to educate policy-  
23 makers; and

24 (M) provide assurances to the Secretary  
25 that funds allotted to the State under section

1           142 will be used to supplement, and not sup-  
2           plant, the non-Federal funds that would other-  
3           wise be made available for the purposes for  
4           which the allotted funds are provided;

5           (3) to the extent that information is available,  
6           the State shall provide to the system—

7                   (A) a copy of each independent review,  
8                   pursuant to section 1902(a)(30)(C) of the So-  
9                   cial Security Act (42 U.S.C. 1396a(a)(30)(C)),  
10                  of an Intermediate Care Facility (Mental Retar-  
11                  dation) within the State, not later than 30 days  
12                  after the availability of such a review; and

13                  (B) information about the adequacy of  
14                  health care and other services, supports, and  
15                  assistance that individuals with developmental  
16                  disabilities who are served through home and  
17                  community-based waivers (authorized under  
18                  section 1915(e) of the Social Security Act (42  
19                  U.S.C. 1396n(e))) receive; and

20           (4) the agency implementing the system shall  
21           not be redesignated unless—

22                   (A) there is good cause for the redesigna-  
23                   tion;

24                   (B) the State has given the agency notice  
25                   of the intention to make such redesignation, in-

1 including notice regarding the good cause for  
2 such redesignation, and given the agency an op-  
3 portunity to respond to the assertion that good  
4 cause has been shown;

5 (C) the State has given timely notice and  
6 an opportunity for public comment in an acces-  
7 sible format to individuals with developmental  
8 disabilities or their representatives; and

9 (D) the system has an opportunity to ap-  
10 peal the redesignation to the Secretary, on the  
11 basis that the redesignation was not for good  
12 cause.

13 (b) AMERICAN INDIAN CONSORTIUM.—Upon applica-  
14 tion to the Secretary, an American Indian consortium es-  
15 tablished to provide protection and advocacy services  
16 under this subtitle, shall receive funding pursuant to sec-  
17 tion 142(a)(6) to provide the services. Such consortium  
18 shall be considered to be a system for purposes of this  
19 subtitle and shall coordinate the services with other sys-  
20 tems serving the same geographic area. The tribal council  
21 that designates the consortium shall carry out the respon-  
22 sibilities and exercise the authorities specified for a State  
23 in this subtitle, with regard to the consortium.

24 (c) RECORD.—In this section, the term “record”  
25 includes—

1           (1) a report prepared or received by any staff  
2           at any location at which services, supports, or other  
3           assistance is provided to individuals with develop-  
4           mental disabilities;

5           (2) a report prepared by an agency or staff per-  
6           son charged with investigating reports of incidents  
7           of abuse or neglect, injury, or death occurring at  
8           such location, that describes such incidents and the  
9           steps taken to investigate such incidents; and

10          (3) a discharge planning record.

11 **SEC. 144. ADMINISTRATION.**

12          (a) **GOVERNING BOARD.**—In a State in which the  
13          system described in section 143 is organized as a private  
14          nonprofit entity with a multimember governing board, or  
15          a public system with a multimember governing board, such  
16          governing board shall be selected according to the policies  
17          and procedures of the system, except that—

18                (1)(A) the governing board shall be composed  
19                of members who broadly represent or are knowledge-  
20                able about the needs of the individuals served by the  
21                system;

22                (B) a majority of the members of the board  
23                shall be—

24                       (i) individuals with disabilities, including  
25                       individuals with developmental disabilities, who

1 are eligible for services, or have received or are  
2 receiving services through the system; or

3 (ii) parents, family members, guardians,  
4 advocates, or authorized representatives of indi-  
5 viduals referred to in clause (i); and

6 (C) the board may include a representative of  
7 the State Council on Developmental Disabilities, the  
8 Centers in the State, and the self-advocacy organiza-  
9 tion described in section 124(c)(4)(A)(ii)(I);

10 (2) not more than  $\frac{1}{3}$  of the members of the  
11 governing board may be appointed by the chief execu-  
12 tive officer of the State involved, in the case of any  
13 State in which such officer has the authority to ap-  
14 point members of the board;

15 (3) the membership of the governing board  
16 shall be subject to term limits set by the system to  
17 ensure rotating membership;

18 (4) any vacancy in the board shall be filled not  
19 later than 60 days after the date on which the va-  
20 cancy occurs; and

21 (5) in a State in which the system is organized  
22 as a public system without a multimember governing  
23 or advisory board, the system shall establish an advi-  
24 sory council—

1 (A) that shall advise the system on policies  
2 and priorities to be carried out in protecting  
3 and advocating the rights of individuals with  
4 developmental disabilities; and

5 (B) on which a majority of the members  
6 shall be—

7 (i) individuals with developmental dis-  
8 abilities who are eligible for services, or  
9 have received or are receiving services,  
10 through the system; or

11 (ii) parents, family members, guard-  
12 ians, advocates, or authorized representa-  
13 tives of individuals referred to in clause (i).

14 (b) LEGAL ACTION.—

15 (1) IN GENERAL.—Nothing in this title shall  
16 preclude a system from bringing a suit on behalf of  
17 individuals with developmental disabilities against a  
18 State, or an agency or instrumentality of a State.

19 (2) USE OF AMOUNTS FROM JUDGMENT.—An  
20 amount received pursuant to a suit described in  
21 paragraph (1) through a court judgment may only  
22 be used by the system to further the purpose of this  
23 subtitle and shall not be used to augment payments  
24 to legal contractors or to award personal bonuses.

1           (3) LIMITATION.—The system shall use assist-  
2           ance provided under this subtitle in a manner con-  
3           sistent with section 5 of the Assisted Suicide Fund-  
4           ing Restriction Act of 1997 (42 U.S.C. 14404).

5           (c) DISCLOSURE OF INFORMATION.—For purposes of  
6           any periodic audit, report, or evaluation required under  
7           this subtitle, the Secretary shall not require an entity car-  
8           rying out a program to disclose the identity of, or any  
9           other personally identifiable information related to, any in-  
10          dividual requesting assistance under such program.

11          (d) PUBLIC NOTICE OF FEDERAL ONSITE RE-  
12          VIEW.—The Secretary shall provide advance public notice  
13          of any Federal programmatic or administrative onsite re-  
14          view of a system conducted under this subtitle and solicit  
15          public comment on the system through such notice. The  
16          Secretary shall prepare an onsite visit report containing  
17          the results of such review, which shall be distributed to  
18          the Governor of the State and to other interested public  
19          and private parties. The comments received in response  
20          to the public comment solicitation notice shall be included  
21          in the onsite visit report.

22          (e) REPORTS.—Beginning in fiscal year 2002, each  
23          system established in a State pursuant to this subtitle  
24          shall annually prepare and transmit to the Secretary a re-  
25          port that describes the activities, accomplishments, and



1 expenditures of the system during the preceding fiscal  
2 year, including a description of the system's goals, the ex-  
3 tent to which the goals were achieved, barriers to their  
4 achievement, the process used to obtain public input, the  
5 nature of such input, and how such input was used.

6 **SEC. 145. AUTHORIZATION OF APPROPRIATIONS.**

7 For allotments under section 142, there are author-  
8 ized to be appropriated \$32,000,000 for fiscal year 2001  
9 and such sums as may be necessary for each of fiscal years  
10 2002 through 2007.

11 **Subtitle D—National Network of**  
12 **University Centers for Excel-**  
13 **lence in Developmental Disabil-**  
14 **ities Education, Research, and**  
15 **Service**

16 **SEC. 151. GRANT AUTHORITY.**

17 (a) NATIONAL NETWORK.—From appropriations au-  
18 thorized under section 156(a)(1), the Secretary shall make  
19 5-year grants to entities in each State designated as Uni-  
20 versity Centers for Excellence in Developmental Disabil-  
21 ities Education, Research, and Service to carry out activi-  
22 ties described in section 153(a).

23 (b) NATIONAL TRAINING INITIATIVES.—From appro-  
24 priations authorized under section 156(a)(1) and reserved  
25 under section 156(a)(2), the Secretary shall make grants

1 to Centers to carry out activities described in section  
2 153(b).

3 (c) TECHNICAL ASSISTANCE.—From appropriations  
4 authorized under section 156(a)(1) and reserved under  
5 section 156(a)(3) (or from funds reserved under section  
6 163, as appropriate), the Secretary shall enter into 1 or  
7 more cooperative agreements or contracts for the purpose  
8 of providing technical assistance described in section  
9 153(c).

10 **SEC. 152. GRANT AWARDS.**

11 (a) EXISTING CENTERS.—

12 (1) IN GENERAL.—In awarding and distributing  
13 grant funds under section 151(a) for a fiscal year,  
14 the Secretary, subject to the availability of appro-  
15 priations and the condition specified in subsection  
16 (d), shall award and distribute grant funds in equal  
17 amounts of \$500,000 (adjusted in accordance with  
18 subsection (b)), to each Center that existed during  
19 the preceding fiscal year and that meets the require-  
20 ments of this subtitle, prior to making grants under  
21 subsection (c) or (d).

22 (2) REDUCTION OF AWARD.—Notwithstanding  
23 paragraph (1), if the aggregate of the funds to be  
24 awarded to the Centers pursuant to paragraph (1)  
25 for any fiscal year exceeds the total amount appro-

1        priated under section 156 for such fiscal year, the  
2        amount to be awarded to each Center for such fiscal  
3        year shall be proportionately reduced.

4        (b) ADJUSTMENTS.—Subject to the availability of ap-  
5        propriations, for any fiscal year following a year in which  
6        each Center described in subsection (a) received a grant  
7        award of not less than \$500,000 under subsection (a) (ad-  
8        justed in accordance with this subsection), the Secretary  
9        shall adjust the awards to take into account the most re-  
10       cent percentage change in the Consumer Price Index pub-  
11       lished by the Secretary of Labor under section 100(c)(1)  
12       of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1))  
13       (if the percentage change indicates an increase), prior to  
14       making grants under subsection (c) or (d).

15       (c) NATIONAL TRAINING INITIATIVES ON CRITICAL  
16       AND EMERGING NEEDS.—Subject to the availability of ap-  
17       propriations, for any fiscal year in which each Center de-  
18       scribed in subsection (a) receives a grant award of not less  
19       than \$500,000, under subsection (a) (adjusted in accord-  
20       ance with subsection (b)), after making the grant awards,  
21       the Secretary shall make grants under section 151(b) to  
22       Centers to pay for the Federal share of the cost of training  
23       initiatives related to the unmet needs of individuals with  
24       developmental disabilities and their families, as described  
25       in section 153(b).

1 (d) ADDITIONAL GRANTS.—For any fiscal year in  
2 which each Center described in subsection (a) receives a  
3 grant award of not less than \$500,000 under subsection  
4 (a) (adjusted in accordance with subsection (b)), after  
5 making the grant awards, the Secretary may make grants  
6 under section 151(a) for activities described in section  
7 153(a) to additional Centers, or additional grants to Cen-  
8 ters, for States or populations that are unserved or under-  
9 served by Centers due to such factors as—

10 (1) population;

11 (2) a high concentration of rural or urban  
12 areas; or

13 (3) a high concentration of unserved or under-  
14 served populations.

15 **SEC. 153. PURPOSE AND SCOPE OF ACTIVITIES.**

16 (a) NATIONAL NETWORK OF UNIVERSITY CENTERS  
17 FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES  
18 EDUCATION, RESEARCH, AND SERVICE.—

19 (1) IN GENERAL.—In order to provide leader-  
20 ship in, advise Federal, State, and community pol-  
21 icymakers about, and promote opportunities for indi-  
22 viduals with developmental disabilities to exercise  
23 self-determination, be independent, be productive,  
24 and be integrated and included in all facets of com-  
25 munity life, the Secretary shall award grants to eli-

1       gible entities designated as Centers in each State to  
2       pay for the Federal share of the cost of the adminis-  
3       tration and operation of the Centers. The Centers  
4       shall be interdisciplinary education, research, and  
5       public service units of universities (as defined by the  
6       Secretary) or public or not-for-profit entities associ-  
7       ated with universities that engage in core functions,  
8       described in paragraph (2), addressing, directly or  
9       indirectly, 1 or more of the areas of emphasis.

10           (2) CORE FUNCTIONS.—The core functions re-  
11       ferred to in paragraph (1) shall include the fol-  
12       lowing:

13           (A) Provision of interdisciplinary pre-serv-  
14       vice preparation and continuing education of stu-  
15       dents and fellows, which may include the prepa-  
16       ration and continuing education of leadership,  
17       direct service, clinical, or other personnel to  
18       strengthen and increase the capacity of States  
19       and communities to achieve the purpose of this  
20       title.

21           (B) Provision of community services—

22           (i) that provide training or technical  
23       assistance for individuals with develop-  
24       mental disabilities, their families, profes-  
25       sionals, paraprofessionals, policymakers,

1 students, and other members of the com-  
2 munity; and

3 (ii) that may provide services, sup-  
4 ports, and assistance for the persons de-  
5 scribed in clause (i) through demonstration  
6 and model activities.

7 (C) Conduct of research, which may in-  
8 clude basic or applied research, evaluation, and  
9 the analysis of public policy in areas that affect  
10 or could affect, either positively or negatively,  
11 individuals with developmental disabilities and  
12 their families.

13 (D) Dissemination of information related  
14 to activities undertaken to address the purpose  
15 of this title, especially dissemination of informa-  
16 tion that demonstrates that the network author-  
17 ized under this subtitle is a national and inter-  
18 national resource that includes specific sub-  
19 stantive areas of expertise that may be accessed  
20 and applied in diverse settings and cir-  
21 cumstances.

22 (b) NATIONAL TRAINING INITIATIVES ON CRITICAL  
23 AND EMERGING NEEDS.—

24 (1) SUPPLEMENTAL GRANTS.—After consulta-  
25 tion with relevant, informed sources, including indi-

1 individuals with developmental disabilities and their  
2 families, the Secretary shall award, under section  
3 151(b), supplemental grants to Centers to pay for  
4 the Federal share of the cost of training initiatives  
5 related to the unmet needs of individuals with devel-  
6 opmental disabilities and their families. The Sec-  
7 retary shall make the grants on a competitive basis,  
8 and for periods of not more than 5 years.

9 (2) ESTABLISHMENT OF CONSULTATION PROC-  
10 ESS BY THE SECRETARY.—Not later than 1 year  
11 after the date of enactment of this Act, the Sec-  
12 retary shall establish a consultation process that, on  
13 an ongoing basis, allows the Secretary to identify  
14 and address, through supplemental grants author-  
15 ized under paragraph (1), training initiatives related  
16 to the unmet needs of individuals with developmental  
17 disabilities and their families.

18 (c) TECHNICAL ASSISTANCE.—In order to strengthen  
19 and support the national network of Centers, the Sec-  
20 retary may enter into 1 or more cooperative agreements  
21 or contracts to—

22 (1) assist in national and international dissemi-  
23 nation of specific information from multiple Centers  
24 and, in appropriate cases, other entities whose work

1 affects the lives of individuals with developmental  
2 disabilities;

3 (2) compile, analyze, and disseminate state-of-  
4 the-art training, research, and demonstration results  
5 policies, and practices from multiple Centers and, in  
6 appropriate cases, other entities whose work affects  
7 the lives of persons with developmental disabilities;

8 (3) convene experts from multiple Centers to  
9 discuss and make recommendations with regard to  
10 national emerging needs of individuals with develop-  
11 mental disabilities;

12 (4)(A) develop portals that link users with every  
13 Center's website; and

14 (B) facilitate electronic information sharing  
15 using state-of-the-art Internet technologies such as  
16 real-time online discussions, multipoint video confer-  
17 encing, and web-based audio/video broadcasts, on  
18 emerging topics that impact individuals with disabil-  
19 ities and their families;

20 (5) serve as a research-based resource for Fed-  
21 eral and State policymakers on information con-  
22 cerning and issues impacting individuals with devel-  
23 opmental disabilities and entities that assist or serve  
24 those individuals; or



1           (6) undertake any other functions that the Sec-  
2           retary determines to be appropriate;  
3 to promote the viability and use of the resources and ex-  
4 pertise of the Centers nationally and internationally.

5 **SEC. 154. APPLICATIONS.**

6           (a) APPLICATIONS FOR CORE CENTER GRANTS.—

7           (1) IN GENERAL.—To be eligible to receive a  
8           grant under section 151(a) for a Center, an entity  
9           shall submit to the Secretary, and obtain approval  
10          of, an application at such time, in such manner, and  
11          containing such information, as the Secretary may  
12          require.

13          (2) APPLICATION CONTENTS.—Each application  
14          described in paragraph (1) shall describe a 5-year  
15          plan, including a projected goal related to 1 or more  
16          areas of emphasis for each of the core functions de-  
17          scribed in section 153(a).

18          (3) ASSURANCES.—The application shall be ap-  
19          proved by the Secretary only if the application con-  
20          tains or is supported by reasonable assurances that  
21          the entity designated as the Center will—

22                  (A) meet regulatory standards as estab-  
23                  lished by the Secretary for Centers;

24                  (B) address the projected goals, and carry  
25                  out goal-related activities, based on data driven

1 strategic planning and in a manner consistent  
2 with the objectives of this subtitle, that—

3 (i) are developed in collaboration with  
4 the consumer advisory committee estab-  
5 lished pursuant to subparagraph (E);

6 (ii) are consistent with, and to the ex-  
7 tent feasible complement and further, the  
8 Council goals contained in the State plan  
9 submitted under section 124 and the sys-  
10 tem goals established under section 143;  
11 and

12 (iii) will be reviewed and revised annu-  
13 ally as necessary to address emerging  
14 trends and needs;

15 (C) use the funds made available through  
16 the grant to supplement, and not supplant, the  
17 funds that would otherwise be made available  
18 for activities described in section 153(a);

19 (D) protect, consistent with the policy  
20 specified in section 101(c) (relating to rights of  
21 individuals with developmental disabilities), the  
22 legal and human rights of all individuals with  
23 developmental disabilities (especially those indi-  
24 viduals under State guardianship) who are in-

1           involved in activities carried out under programs  
2           assisted under this subtitle;

3           (E) establish a consumer advisory  
4           committee—

5           (i) of which a majority of the mem-  
6           bers shall be individuals with develop-  
7           mental disabilities and family members of  
8           such individuals;

9           (ii) that is comprised of—

10           (I) individuals with develop-  
11           mental disabilities and related disabil-  
12           ities;

13           (II) family members of individ-  
14           uals with developmental disabilities;

15           (III) a representative of the State  
16           protection and advocacy system;

17           (IV) a representative of the State  
18           Council on Developmental Disabilities;

19           (V) a representative of a self-ad-  
20           vocacy organization described in sec-  
21           tion 124(c)(4)(A)(ii)(I); and

22           (VI) representatives of organiza-  
23           tions that may include parent training  
24           and information centers assisted  
25           under section 682 or 683 of the Indi-

1           viduals with Disabilities Education  
2           Act (20 U.S.C. 1482, 1483), entities  
3           carrying out activities authorized  
4           under section 101 or 102 of the As-  
5           sistive Technology Act of 1998 (29  
6           U.S.C. 3011, 3012), relevant State  
7           agencies, and other community groups  
8           concerned with the welfare of individ-  
9           uals with developmental disabilities  
10          and their families;

11           (iii) that reflects the racial and ethnic  
12          diversity of the State; and

13           (iv) that shall—

14           (I) consult with the Director of  
15           the Center regarding the development  
16           of the 5-year plan, and shall partici-  
17           pate in an annual review of, and com-  
18           ment on, the progress of the Center in  
19           meeting the projected goals contained  
20           in the plan, and shall make rec-  
21           ommendations to the Director of the  
22           Center regarding any proposed revi-  
23           sions of the plan that might be nec-  
24           essary; and

1 (II) meet as often as necessary to  
2 carry out the role of the committee,  
3 but at a minimum twice during each  
4 grant year;

5 (F) to the extent possible, utilize the infra-  
6 structure and resources obtained through funds  
7 made available under the grant to leverage ad-  
8 ditional public and private funds to successfully  
9 achieve the projected goals developed in the 5-  
10 year plan;

11 (G)(i) have a director with appropriate  
12 academic credentials, demonstrated leadership,  
13 expertise regarding developmental disabilities,  
14 significant experience in managing grants and  
15 contracts, and the ability to leverage public and  
16 private funds; and

17 (ii) allocate adequate staff time to carry  
18 out activities related to each of the core func-  
19 tions described in section 153(a); and

20 (H) educate, and disseminate information  
21 related to the purpose of this title to, the legis-  
22 lature of the State in which the Center is lo-  
23 cated, and to Members of Congress from such  
24 State.

1           (b) SUPPLEMENTAL GRANT APPLICATIONS PER-  
2 TAINING TO NATIONAL TRAINING INITIATIVES IN CRIT-  
3 ICAL AND EMERGING NEEDS.—To be eligible to receive  
4 a supplemental grant under section 151(b), a Center may  
5 submit a supplemental application to the Secretary at such  
6 time, in such manner, and containing such information as  
7 the Secretary may require, pursuant to the terms and con-  
8 ditions set by the Secretary consistent with section 153(b).

9           (c) PEER REVIEW.—

10           (1) IN GENERAL.—The Secretary shall require  
11 that all applications submitted under this subtitle be  
12 subject to technical and qualitative review by peer  
13 review groups established under paragraph (2). The  
14 Secretary may approve an application under this  
15 subtitle only if such application has been rec-  
16 ommended by a peer review group that has con-  
17 ducted the peer review required under this para-  
18 graph. In conducting the review, the group may con-  
19 duct onsite visits or inspections of related activities  
20 as necessary.

21           (2) ESTABLISHMENT OF PEER REVIEW  
22 GROUPS.—

23           (A) IN GENERAL.—The Secretary, acting  
24 through the Commissioner of the Administra-

1           tion on Developmental Disabilities, may,  
2           notwithstanding—

3                   (i) the provisions of title 5, United  
4                   States Code, concerning appointments to  
5                   the competitive service; and

6                   (ii) the provisions of chapter 51, and  
7                   subchapter III of chapter 53 of title 5,  
8                   United States Code, concerning classifica-  
9                   tion and General Schedule pay rates;

10           establish such peer review groups and appoint  
11           and set the rates of pay of members of such  
12           groups.

13                   (B) COMPOSITION.—Each peer review  
14                   group shall include such individuals with dis-  
15                   abilities and parents, guardians, or advocates of  
16                   or for individuals with developmental disabil-  
17                   ities, as are necessary to carry out this sub-  
18                   section.

19                   (3) WAIVERS OF APPROVAL.—The Secretary  
20                   may waive the provisions of paragraph (1) with re-  
21                   spect to review and approval of an application if the  
22                   Secretary determines that exceptional circumstances  
23                   warrant such a waiver.

24                   (d) FEDERAL SHARE.—

1           (1) IN GENERAL.—The Federal share of the  
2           cost of administration or operation of a Center, or  
3           the cost of carrying out a training initiative, sup-  
4           ported by a grant made under this subtitle may not  
5           be more than 75 percent of the necessary cost of  
6           such project, as determined by the Secretary.

7           (2) URBAN OR RURAL POVERTY AREAS.—In the  
8           case of a project whose activities or products target  
9           individuals with developmental disabilities who live  
10          in an urban or rural poverty area, as determined by  
11          the Secretary, the Federal share of the cost of the  
12          project may not be more than 90 percent of the nec-  
13          essary costs of the project, as determined by the  
14          Secretary.

15          (3) GRANT EXPENDITURES.—For the purpose  
16          of determining the Federal share with respect to the  
17          project, expenditures on that project by a political  
18          subdivision of a State or by a public or private entity  
19          shall, subject to such limitations and conditions as  
20          the Secretary may by regulation prescribe under sec-  
21          tion 104(b), be considered to be expenditures made  
22          by a Center under this subtitle.

23          (e) ANNUAL REPORT.—Each Center shall annually  
24          prepare and transmit to the Secretary a report  
25          containing—



1 (1) information on progress made in achieving  
2 the projected goals of the Center for the previous  
3 year, including—

4 (A) the extent to which the goals were  
5 achieved;

6 (B) a description of the strategies that  
7 contributed to achieving the goals;

8 (C) to the extent to which the goals were  
9 not achieved, a description of factors that im-  
10 peded the achievement; and

11 (D) an accounting of the manner in which  
12 funds paid to the Center under this subtitle for  
13 a fiscal year were expended;

14 (2) information on proposed revisions to the  
15 goals; and

16 (3) a description of successful efforts to lever-  
17 age funds, other than funds made available under  
18 this subtitle, to pursue goals consistent with this  
19 subtitle.

20 **SEC. 155. DEFINITION.**

21 In this subtitle, the term “State” means each of the  
22 several States of the United States, the District of Colum-  
23 bia, the Commonwealth of Puerto Rico, the United States  
24 Virgin Islands, and Guam.

1 **SEC. 156. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) AUTHORIZATION AND RESERVATIONS.—

3 (1) AUTHORIZATION.—There are authorized to  
4 be appropriated to carry out this subtitle (other than  
5 section 153(c)(4)) \$30,000,000 for fiscal year 2001  
6 and such sums as may be necessary for each of fis-  
7 cal years 2002 through 2007.

8 (2) RESERVATION FOR TRAINING INITIA-  
9 TIVES.—From any amount appropriated for a fiscal  
10 year under paragraph (1) and remaining after each  
11 Center described in section 152(a) has received a  
12 grant award of not less than \$500,000, as described  
13 in section 152, the Secretary shall reserve funds for  
14 the training initiatives authorized under section  
15 153(b).

16 (3) RESERVATION FOR TECHNICAL ASSIST-  
17 ANCE.—

18 (A) YEARS BEFORE APPROPRIATION TRIG-  
19 GER.—For any covered year, the Secretary  
20 shall reserve funds in accordance with section  
21 163(c) to fund technical assistance activities  
22 under section 153(c) (other than section  
23 153(c)(4)).

24 (B) YEARS AFTER APPROPRIATION TRIG-  
25 GER.—For any fiscal year that is not a covered  
26 year, the Secretary shall reserve not less than

1           \$300,000 and not more than 2 percent of the  
2           amount appropriated under paragraph (1) to  
3           fund technical assistance activities under sec-  
4           tion 153(e) (other than section 153(e)(4)).

5           (C) COVERED YEAR.—In this paragraph,  
6           the term “covered year” means a fiscal year  
7           prior to the first fiscal year for which the  
8           amount appropriated under paragraph (1) is  
9           not less than \$20,000,000.

10          (b) LIMITATION.—The Secretary may not use, for  
11          peer review or other activities directly related to peer re-  
12          view conducted under this subtitle—

13           (1) for fiscal year 2001, more than \$300,000 of  
14          the funds made available under subsection (a); and

15           (2) for any succeeding fiscal year, more than  
16          the amount of funds used for the peer review and  
17          related activities in fiscal year 2001, adjusted to  
18          take into account the most recent percentage change  
19          in the Consumer Price Index published by the Sec-  
20          retary of Labor under section 100(c)(1) of the Reha-  
21          bilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the  
22          percentage change indicates an increase).

1       **Subtitle E—Projects of National**  
2                                   **Significance**

3       **SEC. 161. PURPOSE.**

4           The purpose of this subtitle is to provide grants, con-  
5 tracts, or cooperative agreements for projects of national  
6 significance that—

7                   (1) create opportunities for individuals with de-  
8 velopmental disabilities to directly and fully con-  
9 tribute to, and participate in, all facets of commu-  
10 nity life; and

11                   (2) support the development of national and  
12 State policies that reinforce and promote, with the  
13 support of families, guardians, advocates, and com-  
14 munities, of individuals with developmental disabil-  
15 ities, the self-determination, independence, produc-  
16 tivity, and integration and inclusion in all facets of  
17 community life of such individuals through—

18                                   (A) family support activities;

19                                   (B) data collection and analysis;

20                                   (C) technical assistance to entities funded  
21 under subtitles B and D, subject to the limita-  
22 tions described in sections 129(b), 156(a)(3),  
23 and 163(c); and

1 (D) other projects of sufficient size and  
2 scope that hold promise to expand or improve  
3 opportunities for such individuals, including—

4 (i) projects that provide technical as-  
5 sistance for the development of information  
6 and referral systems;

7 (ii) projects that provide technical as-  
8 sistance to self-advocacy organizations of  
9 individuals with developmental disabilities;

10 (iii) projects that provide education  
11 for policymakers;

12 (iv) Federal interagency initiatives;

13 (v) projects that enhance the partici-  
14 pation of racial and ethnic minorities in  
15 public and private sector initiatives in de-  
16 velopmental disabilities;

17 (vi) projects that provide aid to tran-  
18 sition youth with developmental disabilities  
19 from school to adult life, especially in find-  
20 ing employment and postsecondary edu-  
21 cation opportunities and in upgrading and  
22 changing any assistive technology devices  
23 that may be needed as a youth matures;

24 (vii) initiatives that address the devel-  
25 opment of community quality assurance

1 systems and the training related to the de-  
2 velopment, implementation, and evaluation  
3 of such systems, including training of indi-  
4 viduals with developmental disabilities and  
5 their families;

6 (viii) initiatives that address the needs  
7 of aging individuals with developmental  
8 disabilities and aging caregivers of adults  
9 with developmental disabilities in the com-  
10 munity;

11 (ix) initiatives that create greater ac-  
12 cess to and use of generic services systems,  
13 community organizations, and associations,  
14 and initiatives that assist in community  
15 economic development;

16 (x) initiatives that create access to in-  
17 creased living options;

18 (xi) initiatives that address the chal-  
19 lenging behaviors of individuals with devel-  
20 opmental disabilities, including initiatives  
21 that promote positive alternatives to the  
22 use of restraints and seclusion; and

23 (xii) initiatives that address other  
24 areas of emerging need.

1 **SEC. 162. GRANT AUTHORITY.**

2 (a) IN GENERAL.—The Secretary shall award grants,  
3 contracts, or cooperative agreements to public or private  
4 nonprofit entities for projects of national significance re-  
5 lating to individuals with developmental disabilities to  
6 carry out activities described in section 161(2).

7 (b) FEDERAL INTERAGENCY INITIATIVES.—

8 (1) IN GENERAL.—

9 (A) AUTHORITY.—The Secretary may—

10 (i) enter into agreements with Federal  
11 agencies to jointly carry out activities de-  
12 scribed in section 161(2) or to jointly carry  
13 out activities of common interest related to  
14 the objectives of such section; and

15 (ii) transfer to such agencies for such  
16 purposes funds appropriated under this  
17 subtitle, and receive and use funds from  
18 such agencies for such purposes.

19 (B) RELATION TO PROGRAM PURPOSES.—

20 Funds transferred or received pursuant to this  
21 paragraph shall be used only in accordance with  
22 statutes authorizing the appropriation of such  
23 funds. Such funds shall be made available  
24 through grants, contracts, or cooperative agree-  
25 ments only to recipients eligible to receive such  
26 funds under such statutes.

1 (C) PROCEDURES AND CRITERIA.—If the  
2 Secretary enters into an agreement under this  
3 subsection for the administration of a jointly  
4 funded project—

5 (i) the agreement shall specify which  
6 agency's procedures shall be used to award  
7 grants, contracts, or cooperative agree-  
8 ments and to administer such awards;

9 (ii) the participating agencies may de-  
10 velop a single set of criteria for the jointly  
11 funded project, and may require applicants  
12 to submit a single application for joint re-  
13 view by such agencies; and

14 (iii) unless the heads of the partici-  
15 pating agencies develop joint eligibility re-  
16 quirements, an applicant for an award for  
17 the project shall meet the eligibility re-  
18 quirements of each program involved.

19 (2) LIMITATION.—The Secretary may not con-  
20 strue the provisions of this subsection to take prece-  
21 dence over a limitation on joint funding contained in  
22 an applicable statute.

23 **SEC. 163. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) IN GENERAL.—There are authorized to be appro-  
25 priated to carry out the projects specified in this section



1 \$16,000,000 for fiscal year 2001, and such sums as may  
2 be necessary for each of fiscal years 2002 through 2007.

3 (b) USE OF FUNDS.—

4 (1) GRANTS, CONTRACTS, AND AGREEMENTS.—

5 Except as provided in paragraph (2), the amount  
6 appropriated under subsection (a) for each fiscal  
7 year shall be used to award grants, or enter into  
8 contracts, cooperative agreements, or other agree-  
9 ments, under section 162.

10 (2) ADMINISTRATIVE COSTS.—Not more than 1

11 percent of the amount appropriated under sub-  
12 section (a) for each fiscal year may be used to pro-  
13 vide for the administrative costs (other than com-  
14 pensation of Federal employees) of the Administra-  
15 tion on Developmental Disabilities for administering  
16 this subtitle and subtitles B, C, and D, including  
17 monitoring the performance of and providing tech-  
18 nical assistance to, entities that receive funds under  
19 this title.

20 (c) TECHNICAL ASSISTANCE FOR COUNCILS AND  
21 CENTERS.—

22 (1) IN GENERAL.—For each covered year, the  
23 Secretary shall expend, to provide technical assist-  
24 ance for entities funded under subtitle B or D, an  
25 amount from funds appropriated under subsection

1 (a) that is not less than the amount the Secretary  
2 expended on technical assistance for entities funded  
3 under that subtitle (or a corresponding provision) in  
4 the previous fiscal year.

5 (2) COVERED YEAR.—In this subsection, the  
6 term “covered year” means—

7 (A) in the case of an expenditure for enti-  
8 ties funded under subtitle B, a fiscal year for  
9 which the amount appropriated under section  
10 129(a) is less than \$76,000,000; and

11 (B) in the case of an expenditure for enti-  
12 ties funded under subtitle D, a fiscal year prior  
13 to the first fiscal year for which the amount ap-  
14 propriated under section 156(a)(1) is not less  
15 than \$20,000,000.

16 (3) REFERENCES.—References in this sub-  
17 section to subtitle D shall not be considered to in-  
18 clude section 153(c)(4).

19 (d) TECHNICAL ASSISTANCE ON ELECTRONIC INFOR-  
20 MATION SHARING.—In addition to any funds reserved  
21 under subsection (c), the Secretary shall reserve \$100,000  
22 from the amount appropriated under subsection (a) for  
23 each fiscal year to carry out section 153(c)(4).

24 (e) LIMITATION.—For any fiscal year for which the  
25 amount appropriated under subsection (a) is not less than

1 \$10,000,000, not more than 50 percent of such amount  
2 shall be used for activities carried out under section  
3 161(2)(A).

## 4 **TITLE II—FAMILY SUPPORT**

### 5 **SEC. 201. SHORT TITLE.**

6 This title may be cited as the “Families of Children  
7 With Disabilities Support Act of 1999”.

### 8 **SEC. 202. FINDINGS, PURPOSES, AND POLICY.**

9 (a) FINDINGS.—Congress makes the following find-  
10 ings:

11 (1) It is in the best interest of our Nation to  
12 preserve, strengthen, and maintain the family.

13 (2) Families of children with disabilities provide  
14 support, care, and training to their children that can  
15 save States millions of dollars. Without the efforts of  
16 family caregivers, many persons with disabilities  
17 would receive care through State-supported out-of-  
18 home placements.

19 (3) Most families of children with disabilities,  
20 especially families in unserved and underserved pop-  
21 ulations, do not have access to family-centered and  
22 family-directed services to support such families in  
23 their efforts to care for such children at home.

24 (4) Medical advances and improved health care  
25 have increased the life span of many people with dis-

1 abilities, and the combination of the longer life  
2 spans and the aging of family caregivers places a  
3 continually increasing demand on the finite service  
4 delivery systems of the States.

5 (5) In 1996, 49 States provided family support  
6 initiatives in response to the needs of families of  
7 children with disabilities. Such initiatives included  
8 the provision of cash subsidies, respite care, and  
9 other forms of support. There is a need in each  
10 State, however, to strengthen, expand, and coordi-  
11 nate the activities of a system of family support  
12 services for families of children with disabilities that  
13 is easily accessible, avoids duplication, uses resources  
14 efficiently, and prevents gaps in services to families  
15 in all areas of the State.

16 (6) The goals of the Nation properly include the  
17 goal of providing to families of children with disabili-  
18 ties the family support services necessary—

19 (A) to support the family;

20 (B) to enable families of children with dis-  
21 abilities to nurture and enjoy their children at  
22 home;

23 (C) to enable families of children with dis-  
24 abilities to make informed choices and decisions  
25 regarding the nature of supports, resources,

1 services, and other assistance made available to  
2 such families; and

3 (D) to support family caregivers of adults  
4 with disabilities.

5 (b) PURPOSES.—The purposes of this title are—

6 (1) to promote and strengthen the implementa-  
7 tion of comprehensive State systems of family sup-  
8 port services, for families with children with disabil-  
9 ities, that are family-centered and family-directed,  
10 and that provide families with the greatest possible  
11 decisionmaking authority and control regarding the  
12 nature and use of services and support;

13 (2) to promote leadership by families in plan-  
14 ning, policy development, implementation, and eval-  
15 uation of family support services for families of chil-  
16 dren with disabilities;

17 (3) to promote and develop interagency coordi-  
18 nation and collaboration between agencies respon-  
19 sible for providing the services; and

20 (4) to increase the availability of, funding for,  
21 access to, and provision of family support services  
22 for families of children with disabilities.

23 (c) POLICY.—It is the policy of the United States  
24 that all programs, projects, and activities funded under  
25 this title shall be family-centered and family-directed, and

1 shall be provided in a manner consistent with the goal of  
2 providing families of children with disabilities with the  
3 support the families need to raise their children at home.

4 **SEC. 203. DEFINITIONS AND SPECIAL RULE.**

5 (a) DEFINITIONS.—In this title:

6 (1) CHILD WITH A DISABILITY.—The term  
7 “child with a disability” means an individual who—

8 (A) has a significant physical or mental  
9 impairment, as defined pursuant to State policy  
10 to the extent that such policy is established  
11 without regard to type of disability; or

12 (B) is an infant or a young child from  
13 birth through age 8 and has a substantial de-  
14 velopmental delay or specific congenital or ac-  
15 quired condition that presents a high prob-  
16 ability of resulting in a disability if services are  
17 not provided to the infant or child.

18 (2) FAMILY.—

19 (A) IN GENERAL.—Subject to subpara-  
20 graph (B), for purposes of the application of  
21 this title in a State, the term “family” has the  
22 meaning given the term by the State.

23 (B) EXCLUSION OF EMPLOYEES.—The  
24 term does not include an employee who, acting  
25 in a paid employment capacity, provides serv-

1           ices to a child with a disability in an out-of-  
2           home setting such as a hospital, nursing home,  
3           personal care home, board and care home,  
4           group home, or other facility.

5           (3) FAMILY SUPPORT FOR FAMILIES OF CHIL-  
6           DREN WITH DISABILITIES.—The term “family sup-  
7           port for families of children with disabilities” means  
8           supports, resources, services, and other assistance  
9           provided to families of children with disabilities pur-  
10          suant to State policy that are designed to—

11                   (A) support families in the efforts of such  
12                   families to raise their children with disabilities  
13                   in the home;

14                   (B) strengthen the role of the family as  
15                   primary caregiver for such children;

16                   (C) prevent involuntary out-of-the-home  
17                   placement of such children and maintain family  
18                   unity; and

19                   (D) reunite families with children with dis-  
20                   abilities who have been placed out of the home,  
21                   whenever possible.

22           (4) SECRETARY.—The term “Secretary” means  
23           the Secretary of Health and Human Services.

24           (5) STATE.—The term “State” means each of  
25           the 50 States of the United States, the District of

1 Columbia, the Commonwealth of Puerto Rico, the  
2 United States Virgin Islands, Guam, American  
3 Samoa, and the Commonwealth of the Northern  
4 Mariana Islands.

5 (6) SYSTEMS CHANGE ACTIVITIES.—The term  
6 “systems change activities” means efforts that result  
7 in laws, regulations, policies, practices, or organiza-  
8 tional structures—

9 (A) that are family-centered and family-di-  
10 rected;

11 (B) that facilitate and increase access to,  
12 provision of, and funding for, family support  
13 services for families of children with disabilities;  
14 and

15 (C) that otherwise accomplish the purposes  
16 of this title.

17 (b) SPECIAL RULE.—References in this title to a  
18 child with a disability shall be considered to include ref-  
19 erences to an individual who is not younger than age 18  
20 who—

21 (1) has a significant impairment described in  
22 subsection (a)(1)(A); and

23 (2) is residing with and receiving assistance  
24 from a family member.



1 **SEC. 204. GRANTS TO STATES.**

2 (a) IN GENERAL.—The Secretary shall make grants  
3 to States on a competitive basis, in accordance with the  
4 provisions of this title, to support systems change activi-  
5 ties designed to assist States to develop and implement,  
6 or expand and enhance, a statewide system of family sup-  
7 port services for families of children with disabilities that  
8 accomplishes the purposes of this title.

9 (b) AWARD PERIOD AND GRANT LIMITATION.—No  
10 grant shall be awarded under this section for a period of  
11 more than 3 years. No State shall be eligible for more  
12 than 1 grant under this section.

13 (c) AMOUNT OF GRANTS.—

14 (1) GRANTS TO STATES.—

15 (A) FEDERAL MATCHING SHARE.—From  
16 amounts appropriated under section 212(a), the  
17 Secretary shall pay to each State that has an  
18 application approved under section 205, for  
19 each year of the grant period, an amount that  
20 is—

21 (i) equal to not more than 75 percent  
22 of the cost of the systems change activities  
23 to be carried out by the State; and

24 (ii) not less than \$100,000 and not  
25 more than \$500,000.

1           (B) NON-FEDERAL SHARE.—The non-Fed-  
2           eral share of the cost of the systems change ac-  
3           tivities may be in cash or in kind, fairly evalu-  
4           ated, including plant, equipment, or services.

5           (2) CALCULATION OF AMOUNTS.—The Sec-  
6           retary shall calculate a grant amount described in  
7           paragraph (1) on the basis of—

8                   (A) the amounts available for making  
9                   grants under this section; and

10                   (B) the child population of the State con-  
11                   cerned.

12           (d) PRIORITY FOR PREVIOUSLY PARTICIPATING  
13           STATES.—For the second and third fiscal years for which  
14           amounts are appropriated to carry out this section, the  
15           Secretary, in providing payments under this section, shall  
16           give priority to States that received payments under this  
17           section during the preceding fiscal year.

18           (e) PRIORITIES FOR DISTRIBUTION.—To the extent  
19           practicable, the Secretary shall award grants to States  
20           under this section in a manner that—

21                   (1) is geographically equitable;

22                   (2) distributes the grants among States that  
23                   have differing levels of development of statewide sys-  
24                   tems of family support services for families of chil-  
25                   dren with disabilities; and

1           (3) distributes the grants among States that at-  
2           tempt to meet the needs of unserved and under-  
3           served populations, such as individuals from racial  
4           and ethnic minority backgrounds, disadvantaged in-  
5           dividuals, individuals with limited English pro-  
6           ficiency, and individuals from underserved geo-  
7           graphic areas (rural or urban).

8 **SEC. 205. APPLICATION.**

9           To be eligible to receive a grant under this title, a  
10          State shall submit an application to the Secretary at such  
11          time, in such manner, and containing such information  
12          and assurances as the Secretary may require, including  
13          information about the designation of a lead entity, a de-  
14          scription of available State resources, and assurances that  
15          systems change activities will be family-centered and fam-  
16          ily-directed.

17 **SEC. 206. DESIGNATION OF THE LEAD ENTITY.**

18          (a) DESIGNATION.—The Chief Executive Officer of  
19          a State that desires to receive a grant under section 204,  
20          shall designate the office or entity (referred to in this title  
21          as the “lead entity”) responsible for—

22                 (1) submitting the application described in sec-  
23                 tion 205 on behalf of the State;

24                 (2) administering and supervising the use of the  
25                 amounts made available under the grant;

1           (3) coordinating efforts related to and super-  
2           vising the preparation of the application;

3           (4) coordinating the planning, development, im-  
4           plementation (or expansion and enhancement), and  
5           evaluation of a statewide system of family support  
6           services for families of children with disabilities  
7           among public agencies and between public agencies  
8           and private agencies, including coordinating efforts  
9           related to entering into interagency agreements;

10          (5) coordinating efforts related to the participa-  
11          tion by families of children with disabilities in activi-  
12          ties carried out under a grant made under this title;  
13          and

14          (6) submitting the report described in section  
15          208 on behalf of the State.

16          (b) QUALIFICATIONS.—In designating the lead entity,  
17          the Chief Executive Officer may designate—

18               (1) an office of the Chief Executive Officer;

19               (2) a commission appointed by the Chief Execu-  
20               tive Officer;

21               (3) a public agency;

22               (4) a council established under Federal or State  
23               law; or

24               (5) another appropriate office, agency, or enti-  
25               ty.

1 **SEC. 207. AUTHORIZED ACTIVITIES.**

2 (a) IN GENERAL.—A State that receives a grant  
3 under section 204 shall use the funds made available  
4 through the grant to carry out systems change activities  
5 that accomplish the purposes of this title.

6 (b) SPECIAL RULE.—In carrying out activities au-  
7 thorized under this title, a State shall ensure that such  
8 activities address the needs of families of children with dis-  
9 abilities from unserved or underserved populations.

10 **SEC. 208. REPORTING.**

11 A State that receives a grant under this title shall  
12 prepare and submit to the Secretary, at the end of the  
13 grant period, a report containing the results of State ef-  
14 forts to develop and implement, or expand and enhance,  
15 a statewide system of family support services for families  
16 of children with disabilities.

17 **SEC. 209. TECHNICAL ASSISTANCE.**

18 (a) IN GENERAL.—The Secretary shall enter into  
19 contracts or cooperative agreements with appropriate pub-  
20 lic or private agencies and organizations, including institu-  
21 tions of higher education, with documented experience, ex-  
22 pertise, and capacity, for the purpose of providing tech-  
23 nical assistance and information with respect to the devel-  
24 opment and implementation, or expansion and enhance-  
25 ment, of a statewide system of family support services for  
26 families of children with disabilities.

1           (b) PURPOSE.—An agency or organization that pro-  
2 vides technical assistance and information under this sec-  
3 tion in a State that receives a grant under this title shall  
4 provide the technical assistance and information to the  
5 lead entity of the State, family members of children with  
6 disabilities, organizations, service providers, and policy-  
7 makers involved with children with disabilities and their  
8 families. Such an agency or organization may also provide  
9 technical assistance and information to a State that does  
10 not receive a grant under this title.

11           (c) REPORTS TO THE SECRETARY.—An entity pro-  
12 viding technical assistance and information under this sec-  
13 tion shall prepare and submit to the Secretary periodic  
14 reports regarding Federal policies and procedures identi-  
15 fied within the States that facilitate or impede the delivery  
16 of family support services to families of children with dis-  
17 abilities. The report shall include recommendations to the  
18 Secretary regarding the delivery of services, coordination  
19 with other programs, and integration of the policies de-  
20 scribed in section 202 in Federal law, other than this title.

21 **SEC. 210. EVALUATION.**

22           (a) IN GENERAL.—The Secretary shall conduct a na-  
23 tional evaluation of the program of grants to States au-  
24 thorized by this title.

25           (b) PURPOSE.—

1           (1) IN GENERAL.—The Secretary shall conduct  
2           the evaluation under subsection (a) to assess the sta-  
3           tus and effects of State efforts to develop and imple-  
4           ment, or expand and enhance, statewide systems of  
5           family support services for families of children with  
6           disabilities in a manner consistent with the provi-  
7           sions of this title. In particular, the Secretary shall  
8           assess the impact of such efforts on families of chil-  
9           dren with disabilities, and recommend amendments  
10          to this title that are necessary to assist States to ac-  
11          complish fully the purposes of this title.

12          (2) INFORMATION SYSTEMS.—The Secretary  
13          shall work with the States to develop an information  
14          system designed to compile and report, from infor-  
15          mation provided by the States, qualitative and quan-  
16          titative descriptions of the impact of the program of  
17          grants to States authorized by this title on—

18                 (A) families of children with disabilities,  
19                 including families from unserved and under-  
20                 served populations;

21                 (B) access to and funding for family sup-  
22                 port services for families of children with dis-  
23                 abilities;

1 (C) interagency coordination and collabora-  
2 tion between agencies responsible for providing  
3 the services; and

4 (D) the involvement of families of children  
5 with disabilities at all levels of the statewide  
6 systems.

7 (c) REPORT TO CONGRESS.—Not later than 2½  
8 years after the date of enactment of this Act, the Sec-  
9 retary shall prepare and submit to the appropriate com-  
10 mittees of Congress a report concerning the results of the  
11 evaluation conducted under this section.

12 **SEC. 211. PROJECTS OF NATIONAL SIGNIFICANCE.**

13 (a) STUDY BY THE SECRETARY.—The Secretary  
14 shall review Federal programs to determine the extent to  
15 which such programs facilitate or impede access to, provi-  
16 sion of, and funding for family support services for fami-  
17 lies of children with disabilities, consistent with the poli-  
18 cies described in section 202.

19 (b) PROJECTS OF NATIONAL SIGNIFICANCE.—The  
20 Secretary shall make grants or enter into contracts for  
21 projects of national significance to support the develop-  
22 ment of national and State policies and practices related  
23 to the development and implementation, or expansion and  
24 enhancement, of family-centered and family-directed sys-



1 tems of family support services for families of children  
2 with disabilities.

3 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-  
5 priated to carry out this title such sums as may be nec-  
6 essary for each of fiscal years 2001 through 2007.

7 (b) RESERVATION.—

8 (1) IN GENERAL.—The Secretary shall reserve  
9 for each fiscal year 10 percent, or \$400,000 (which-  
10 ever is greater), of the amount appropriated pursu-  
11 ant to subsection (a) to carry out—

12 (A) section 209 (relating to the provision  
13 of technical assistance and information to  
14 States); and

15 (B) section 210 (relating to the conduct of  
16 evaluations).

17 (2) SPECIAL RULE.—For each year that the  
18 amount appropriated pursuant to subsection (a) is  
19 \$10,000,000 or greater, the Secretary may reserve 5  
20 percent of such amount to carry out section 211.

1 **TITLE III—PROGRAM FOR DI-**  
2 **RECT SUPPORT WORKERS**  
3 **WHO ASSIST INDIVIDUALS**  
4 **WITH DEVELOPMENTAL DIS-**  
5 **ABILITIES**

6 **SEC. 301. FINDINGS.**

7 Congress finds that—

8 (1) direct support workers, especially young  
9 adults, have played essential roles in providing the  
10 support needed by individuals with developmental  
11 disabilities and expanding community options for  
12 those individuals;

13 (2) 4 factors have contributed to a decrease in  
14 the available pool of direct support workers,  
15 specifically—

16 (A) the small population of individuals who  
17 are age 18 through 25, an age group that has  
18 been attracted to direct support work in the  
19 past;

20 (B) the rapid expansion of the service sec-  
21 tor, which attracts individuals who previously  
22 would have elected to pursue employment as di-  
23 rect support workers;

1 (C) the failure of wages in the human serv-  
2 ices sector to keep pace with wages in other  
3 service sectors; and

4 (D) the lack of quality training and career  
5 advancement opportunities available to direct  
6 support workers; and

7 (3) individuals with developmental disabilities  
8 benefit from assistance from direct support workers  
9 who are well trained, and benefit from receiving  
10 services from professionals who have spent time as  
11 direct support workers.

12 **SEC. 302. DEFINITIONS.**

13 In this title:

14 (1) DEVELOPMENTAL DISABILITY.—The term  
15 “developmental disability” has the meaning given  
16 the term in section 102.

17 (2) INSTITUTION OF HIGHER EDUCATION.—The  
18 term “institution of higher education” has the  
19 meaning given the term in section 1201 of the High-  
20 er Education Act of 1965 (20 U.S.C. 1141).

21 (3) SECRETARY.—The term “Secretary” means  
22 the Secretary of Health and Human Services.

23 **SEC. 303. REACHING UP SCHOLARSHIP PROGRAM.**

24 (a) PROGRAM AUTHORIZATION.—The Secretary may  
25 award grants to eligible entities, on a competitive basis,

1 to enable the entities to carry out scholarship programs  
2 by providing vouchers for postsecondary education to di-  
3 rect support workers who assist individuals with develop-  
4 mental disabilities residing in diverse settings. The Sec-  
5 retary shall award the grants to pay for the Federal share  
6 of the cost of providing the vouchers.

7 (b) ELIGIBLE ENTITY.—To be eligible to receive a  
8 grant under this section, an entity shall be—

- 9 (1) an institution of higher education;  
10 (2) a State agency; or  
11 (3) a consortium of such institutions or agen-  
12 cies.

13 (c) APPLICATION REQUIREMENTS.—To be eligible to  
14 receive a grant under this section, an eligible entity shall  
15 submit to the Secretary an application at such time, in  
16 such manner, and containing such information as the Sec-  
17 retary may require, including a description of—

- 18 (1) the basis for awarding the vouchers;  
19 (2) the number of individuals to receive the  
20 vouchers; and  
21 (3) the amount of funds that will be made  
22 available by the eligible entity to pay for the non-  
23 Federal share of the cost of providing the vouchers.

24 (d) SELECTION CRITERIA.—In awarding a grant  
25 under this section for a scholarship program, the Sec-

1   retary shall give priority to an entity submitting an appli-  
2   cation that—

3           (1) specifies that individuals who receive vouch-  
4   ers through the program will be individuals—

5           (A) who are direct support workers who  
6   assist individuals with developmental disabilities  
7   residing in diverse settings, while pursuing  
8   postsecondary education; and

9           (B) each of whom verifies, prior to receiv-  
10   ing the voucher, that the worker has completed  
11   250 hours as a direct support worker in the  
12   past 90 days;

13          (2) states that the vouchers that will be pro-  
14   vided through the program will be in amounts of not  
15   more than \$2,000 per year;

16          (3) provides an assurance that the eligible enti-  
17   ty (or another specified entity that is not a voucher  
18   recipient) will contribute the non-Federal share of  
19   the cost of providing the vouchers; and

20          (4) meets such other conditions as the Sec-  
21   retary may specify.

22          (e) FEDERAL SHARE.—The Federal share of the cost  
23   of providing the vouchers shall be not more than 80 per-  
24   cent.

1 **SEC. 304. STAFF DEVELOPMENT CURRICULUM AUTHORIZA-**  
2 **TION.**

3 (a) FUNDING.—

4 (1) IN GENERAL.—The Secretary shall award  
5 funding, on a competitive basis, through a grant, co-  
6 operative agreement, or contract, to a public or pri-  
7 vate entity or a combination of such entities, for the  
8 development, evaluation, and dissemination of a staff  
9 development curriculum, and related guidelines, for  
10 computer-assisted, competency-based, multimedia,  
11 interactive instruction, relating to service as a direct  
12 support worker.

13 (2) PARTICIPANTS.—The curriculum shall be  
14 developed for individuals who—

15 (A) seek to become direct support workers  
16 who assist individuals with developmental dis-  
17 abilities or are such direct support workers; and

18 (B) seek to upgrade their skills and com-  
19 petencies related to being a direct support  
20 worker.

21 (b) APPLICATION REQUIREMENTS.—To be eligible to  
22 receive an award under this section, an entity shall submit  
23 to the Secretary an application at such time, in such man-  
24 ner, and containing such information as the Secretary may  
25 require, including—

1           (1) a comprehensive analysis of the content of  
2 direct support roles;

3           (2) information identifying an advisory group  
4 that—

5                   (A) is comprised of individuals with experi-  
6 ence and expertise with regard to the support  
7 provided by direct support workers, and effec-  
8 tive ways to provide the support, for individuals  
9 with developmental disabilities in diverse set-  
10 tings; and

11                   (B) will advise the entity throughout the  
12 development, evaluation, and dissemination of  
13 the staff development curriculum and guide-  
14 lines;

15           (3) information describing how the entity will—

16                   (A) develop, field test, and validate a staff  
17 development curriculum that—

18                           (i) relates to the appropriate reading  
19 level for direct service workers who assist  
20 individuals with disabilities;

21                           (ii) allows for multiple levels of in-  
22 struction;

23                           (iii) provides instruction appropriate  
24 for direct support workers who work in di-  
25 verse settings; and

1 (iv) is consistent with subsections (b)  
2 and (c) of section 101 and section 109;

3 (B) develop, field test, and validate guide-  
4 lines for the organizations that use the cur-  
5 rriculum that provide for—

6 (i) providing necessary technical and  
7 instructional support to trainers and men-  
8 tors for the participants;

9 (ii) ensuring easy access to and use of  
10 such curriculum by workers that choose to  
11 participate in using, and agencies that  
12 choose to use, the curriculum;

13 (iii) evaluating the proficiency of the  
14 participants with respect to the content of  
15 the curriculum;

16 (iv) providing necessary support to the  
17 participants to assure that the participants  
18 have access to, and proficiency in using, a  
19 computer in order to participate in the de-  
20 velopment, testing, and validation process;

21 (v) providing necessary technical and  
22 instructional support to trainers and men-  
23 tors for the participants in conjunction  
24 with the development, testing, and valida-  
25 tion process;



1 (vi) addressing the satisfaction of par-  
2 ticipants, individuals with developmental  
3 disabilities and their families, providers of  
4 services for such individuals and families,  
5 and other relevant entities with the cur-  
6 riculum; and

7 (vii) developing methods to maintain a  
8 record of the instruction completed, and  
9 the content mastered, by each participant  
10 under the curriculum; and

11 (C) nationally disseminate the curriculum  
12 and guidelines, including dissemination  
13 through—

14 (i) parent training and information  
15 centers funded under part D of the Indi-  
16 viduals with Disabilities Education Act (20  
17 U.S.C. 1451 et seq.);

18 (ii) community-based organizations of  
19 and for individuals with developmental dis-  
20 abilities and their families;

21 (iii) entities funded under title I;

22 (iv) centers for independent living;

23 (v) State educational agencies and  
24 local educational agencies;

- 1 (vi) entities operating appropriate  
2 medical facilities;
- 3 (vii) postsecondary education entities;
- 4 and
- 5 (viii) other appropriate entities; and
- 6 (4) such other information as the Secretary  
7 may require.

8 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) SCHOLARSHIPS.—There are authorized to be ap-  
10 propriated to carry out section 303 \$800,000 for fiscal  
11 year 2001 and such sums as may be necessary for each  
12 of fiscal years 2002 through 2007.

13 (b) STAFF DEVELOPMENT CURRICULUM.—There are  
14 authorized to be appropriated to carry out section 304  
15 \$800,000 for fiscal year 2001 and such sums as may be  
16 necessary for each of fiscal years 2002 and 2003.

17 **TITLE IV—REPEAL**

18 **SEC. 401. REPEAL.**

19 (a) IN GENERAL.—The Developmental Disabilities  
20 Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)  
21 is repealed.

22 (b) CONFORMING AMENDMENTS.—

23 (1) INDIVIDUALS WITH DISABILITIES EDU-  
24 CATION ACT.—Sections 644(b)(4) and 685(b)(4) of  
25 the Individuals with Disabilities Education Act (20

1 U.S.C. 1444(b)(4), 1484a(b)(4)) are amended by  
2 striking “the Developmental Disabilities Assistance  
3 and Bill of Rights Act” and inserting “the Develop-  
4 mental Disabilities Assistance and Bill of Rights Act  
5 of 1999”.

6 (2) NATIVE AMERICAN HOUSING ASSISTANCE  
7 AND SELF-DETERMINATION ACT OF 1996.—Section  
8 4(17)(C) of the Native American Housing Assist-  
9 ance and Self-Determination Act of 1996 (25 U.S.C.  
10 4103(17)(C)) is amended by striking “as defined in”  
11 and all that follows and inserting “as defined in sec-  
12 tion 102 of the Developmental Disabilities Assist-  
13 ance and Bill of Rights Act of 1999.”.

14 (3) REHABILITATION ACT OF 1973.—

15 (A) Section 105(c)(6) of the Rehabilitation  
16 Act of 1973 (29 U.S.C. 725(c)(6)) is amended  
17 by striking “the State Developmental Disabil-  
18 ities Council described in section 124 of the De-  
19 velopmental Disabilities Assistance and Bill of  
20 Rights Act (42 U.S.C. 6024)” and inserting  
21 “the State Council on Developmental Disabil-  
22 ities established under section 125 of the Devel-  
23 opmental Disabilities Assistance and Bill of  
24 Rights Act of 1999”.

1           (B) Sections 202(h)(2)(D)(iii) and  
2           401(a)(5)(A) of the Rehabilitation Act of 1973  
3           (29 U.S.C. 762(h)(2)(D)(iii), 781(a)(5)(A)) are  
4           amended by striking “Developmental Disabil-  
5           ities Assistance and Bill of Rights Act (42  
6           U.S.C. 6000 et seq.)” and inserting “Develop-  
7           mental Disabilities Assistance and Bill of  
8           Rights Act of 1999”.

9           (C) Subsections (a)(1)(B)(i), (f)(2), and  
10          (m)(1) of section 509 of the Rehabilitation Act  
11          of 1973 (29 U.S.C. 794e) are amended by  
12          striking “part C of the Developmental Disabil-  
13          ities Assistance and Bill of Rights Act (42  
14          U.S.C. 6041 et seq.)” and inserting “subtitle C  
15          of the Developmental Disabilities Assistance  
16          and Bill of Rights Act of 1999”.

17          (D) Section 509(f)(5)(B) of the Rehabilita-  
18          tion Act of 1973 (29 U.S.C. 794e(f)(5)(B)) is  
19          amended by striking “Developmental Disabil-  
20          ities Assistance and Bill of Rights Act (42  
21          U.S.C. 6000 et seq.)” and inserting “Develop-  
22          mental Disabilities Assistance and Bill of  
23          Rights Act of 1999”.

24          (4) ASSISTIVE TECHNOLOGY ACT OF 1998.—

1 (A) Section 3(a)(11)(A) of the Assistive  
2 Technology Act of 1998 (29 U.S.C.  
3 3002(a)(11)(A)) is amended by striking “part  
4 C of the Developmental Disabilities Assistance  
5 and Bill of Rights Act (42 U.S.C. 6041 et  
6 seq.)” and inserting “subtitle C of the Develop-  
7 mental Disabilities Assistance and Bill of  
8 Rights Act of 1999”.

9 (B) Paragraphs (1) and (2) of section  
10 102(a) of the Assistive Technology Act of 1998  
11 (29 U.S.C. 3012(a)) are amended by striking  
12 “Developmental Disabilities Assistance and Bill  
13 of Rights Act (42 U.S.C. 6000 et seq.)” and in-  
14 serting “Developmental Disabilities Assistance  
15 and Bill of Rights Act of 1999”.

16 (5) HEALTH PROGRAMS EXTENSION ACT OF  
17 1973.—Section 401(e) of the Health Programs Ex-  
18 tension Act of 1973 (42 U.S.C. 300a–7(e)) is  
19 amended by striking “or the” and all that follows  
20 through “may deny” and inserting “or the Develop-  
21 mental Disabilities Assistance and Bill of Rights Act  
22 of 1999 may deny”.

23 (6) SOCIAL SECURITY ACT.—

24 (A) Section 1919(c)(2)(B)(iii)(III) of the  
25 Social Security Act (42 U.S.C.

1 1396r(c)(2)(B)(iii)(III)) is amended by striking  
2 “part C of the Developmental Disabilities As-  
3 sistance and Bill of Rights Act” and inserting  
4 “subtitle C of the Developmental Disabilities  
5 Assistance and Bill of Rights Act of 1999”.

6 (B) Section 1930(d)(7) of the Social Secu-  
7 rity Act (42 U.S.C. 1396u(d)(7)) is amended by  
8 striking “State Planning Council established  
9 under section 124 of the Developmental Dis-  
10 abilities Assistance and Bill of Rights Act, and  
11 the Protection and Advocacy System established  
12 under section 142 of such Act” and inserting  
13 “State Council on Developmental Disabilities  
14 established under section 125 of the Develop-  
15 mental Disabilities Assistance and Bill of  
16 Rights Act of 1999 and the protection and ad-  
17 vocacy system established under subtitle C of  
18 that Act”.

19 (7) UNITED STATES HOUSING ACT OF 1937.—  
20 Section 3(b)(3)(E)(iii) of the United States Housing  
21 Act of 1937 (42 U.S.C. 1437a(b)(3)(E)(iii)) is  
22 amended by striking “developmental disability” and  
23 all that follows and inserting “developmental dis-  
24 ability as defined in section 102 of the Develop-

1 mental Disabilities Assistance and Bill of Rights Act  
2 of 1999.”.

3 (8) HOUSING ACT OF 1949.—The third sentence  
4 of section 501(b)(3) of the Housing Act of 1949 (42  
5 U.S.C. 1471(b)(3)) is amended by striking “develop-  
6 mental disability” and all that follows and inserting  
7 “developmental disability as defined in section 102  
8 of the Developmental Disabilities Assistance and Bill  
9 of Rights Act of 1999.”.

10 (9) OLDER AMERICANS ACT OF 1965.—

11 (A) Section 203(b)(17) of the Older Amer-  
12 icans Act of 1965 (42 U.S.C. 3013(b)(17)) is  
13 amended by striking “Developmental Disabil-  
14 ities and Bill of Rights Act” and inserting “De-  
15 velopmental Disabilities Assistance and Bill of  
16 Rights Act of 1999”.

17 (B) Section 427(a) of the Older Americans  
18 Act of 1965 (42 U.S.C. 3035f(a)) is amended  
19 by striking “part A of the Developmental Dis-  
20 abilities Assistance and Bill of Rights Act (42  
21 U.S.C. 6001 et seq.)” and inserting “subtitle C  
22 of the Developmental Disabilities Assistance  
23 and Bill of Rights Act of 1999”.

24 (C) Section 429F(a)(1) of the Older Amer-  
25 icans Act of 1965 (42 U.S.C. 3035n(a)(1)) is

1 amended by striking “section 102(5) of the De-  
2 velopmental Disabilities Assistance and Bill of  
3 Rights Act (42 U.S.C. 6001(5))” and inserting  
4 “section 102 of the Developmental Disabilities  
5 Assistance and Bill of Rights Act of 1999”.

6 (D) Section 712(h)(6)(A) of the Older  
7 Americans Act of 1965 (42 U.S.C.  
8 3058g(h)(6)(A)) is amended by striking “part  
9 A of the Developmental Disabilities Assistance  
10 and Bill of Rights Act (42 U.S.C. 6001 et  
11 seq.)” and inserting “subtitle C of the Develop-  
12 mental Disabilities Assistance and Bill of  
13 Rights Act of 1999”.

14 (10) CRIME VICTIMS WITH DISABILITIES  
15 AWARENESS ACT.—Section 3 of the Crime Victims  
16 With Disabilities Awareness Act (42 U.S.C. 3732  
17 note) is amended by striking “term” and all that fol-  
18 lows and inserting the following “term in section  
19 102 of the Developmental Disabilities Assistance  
20 and Bill of Rights Act of 1999.”.

21 (11) CRANSTON-GONZALEZ NATIONAL AFFORD-  
22 ABLE HOUSING ACT.—The third sentence of section  
23 811(k)(2) of the Cranston-Gonzalez National Afford-  
24 able Housing Act (42 U.S.C. 8013(k)(2)) is amend-  
25 ed by striking “as defined” and all that follows and



1 inserting “as defined in section 102 of the Develop-  
2 mental Disabilities Assistance and Bill of Rights Act  
3 of 1999.”.

4 (12) STATE DEPENDENT CARE DEVELOPMENT  
5 GRANTS ACT.—Section 670G(3) of the State De-  
6 pendent Care Development Grants Act (42 U.S.C.  
7 9877(3)) is amended by striking “section 102(7) of  
8 the Developmental Disabilities Assistance and Bill of  
9 Rights Act” and inserting “section 102 of the Devel-  
10 opmental Disabilities Assistance and Bill of Rights  
11 Act of 1999”.

12 (13) PROTECTION AND ADVOCACY FOR MEN-  
13 TALLY ILL INDIVIDUALS ACT OF 1986.—

14 (A) Section 102(2) of the Protection and  
15 Advocacy for Mentally Ill Individuals Act of  
16 1986 (42 U.S.C. 10802(2)) is amended by  
17 striking “part C of the Developmental Disabil-  
18 ities Assistance and Bill of Rights Act” and in-  
19 serting “subtitle C of the Developmental Dis-  
20 abilities Assistance and Bill of Rights Act of  
21 1999”.

22 (B) Section 114 of the Protection and Ad-  
23 vocacy for Mentally Ill Individuals Act of 1986  
24 (42 U.S.C. 10824) is amended by striking “sec-  
25 tion 107(c) of the Developmental Disabilities

1 Assistance and Bill of Rights Act” and insert-  
2 ing “section 105 of the Developmental Disabil-  
3 ities Assistance and Bill of Rights Act of  
4 1999”.

5 (14) STEWART B. MCKINNEY HOMELESS AS-  
6 SISTANCE ACT.—Section 422(2)(C) of the Stewart  
7 B. McKinney Homeless Assistance Act (42 U.S.C.  
8 11382(2)(C)) is amended by striking “as defined”  
9 and all that follows and inserting “as defined in sec-  
10 tion 102 of the Developmental Disabilities Assist-  
11 ance and Bill of Rights Act of 1999, or”.

12 (15) ASSISTED SUICIDE FUNDING RESTRICTION  
13 ACT OF 1997.—

14 (A) Section 4 of the Assisted Suicide  
15 Funding Restriction Act of 1997 (42 U.S.C.  
16 14403) is amended—

17 (i) by striking the section heading and  
18 inserting the following:

19 **“SEC. 4. RESTRICTION ON USE OF FEDERAL FUNDS UNDER**  
20 **CERTAIN GRANT PROGRAMS.”;**

21 and

22 (ii) by striking “part B, D, or E of  
23 the Developmental Disabilities Assistance  
24 and Bill of Rights Act” and inserting  
25 “subtitle B, D, or E of the Developmental

1                   Disabilities Assistance and Bill of Rights  
2                   Act of 1999”.

3                   (B) Section 5(b)(1) of the Assisted Suicide  
4                   Funding Restriction Act of 1997 (42 U.S.C.  
5                   14404(b)(1)) is amended by striking subpara-  
6                   graph (A) and inserting the following:

7                   “(A) PROTECTION AND ADVOCACY SYS-  
8                   TEMS UNDER THE DEVELOPMENTAL DISABIL-  
9                   ITIES ASSISTANCE AND BILL OF RIGHTS ACT OF  
10                  1999.—Subtitle C of the Developmental Disabil-  
11                  ities Assistance and Bill of Rights Act of  
12                  1999.”.

Passed the House of Representatives July 26, 2000.

Attest:

*Clerk.*



106TH CONGRESS  
2D SESSION

**H. R. 4920**

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**AN ACT**

To improve service systems for individuals with developmental disabilities, and for other purposes.