

**Calendar No. 387**

106TH CONGRESS  
1ST SESSION

**S. 1809**

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**A BILL**

To improve service systems for individuals with  
developmental disabilities, and for other purposes.

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NOVEMBER 4, 1999

Reported with an amendment

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To improve service systems for individuals with developmental disabilities,  
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IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 1999

Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. HARKIN, Mr. FRIST, Ms. COLLINS, Mr. WELLSTONE, Mr. REED, Mr. DODD, Mrs. MURRAY and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

NOVEMBER 4, 1999

Reported by Mr. JEFFORDS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

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,*

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

4       ~~(a) SHORT TITLE.—This Act may be cited as the~~  
5       ~~“Developmental Disabilities Assistance and Bill of Rights~~  
6       ~~Act of 1999”.~~

- 1 (b) TABLE OF CONTENTS.—The table of contents of  
 2 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 H—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 INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES**

## **2 Subtitle A—General Provisions**

### **3 SEC. 101. FINDINGS, PURPOSES, AND POLICY.**

**4 (a) FINDINGS.**—Congress finds that—

**5 (1)** disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclu-

1 sion in the economic, political, social, cultural, and  
2 educational mainstream of United States society;

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

9 ~~(3)~~ individuals whose disabilities occur during  
10 their developmental period frequently have severe  
11 disabilities that are likely to continue indefinitely;

12 ~~(4)~~ individuals with developmental disabilities  
13 often encounter discrimination in the provision of  
14 critical services, such as services in the areas of em-  
15 phasis (as defined in section 102);

16 ~~(5)~~ individuals with developmental disabilities  
17 are at greater risk than the general population of  
18 abuse, neglect, financial and sexual exploitation, and  
19 the violation of their legal and human rights;

20 ~~(6)~~ a substantial portion of individuals with de-  
21 velopmental disabilities and their families do not  
22 have access to appropriate support and services, in-  
23 cluding access to assistive technology, from generic  
24 and specialized service systems, and remain unserved  
25 or underserved;

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

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

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

19          (10) current research indicates that 88 percent  
20          of individuals with developmental disabilities live  
21          with their families or in their own households;

22          (11) many service delivery systems and commu-  
23          nities are not prepared to meet the impending needs  
24          of the 479,862 adults with developmental disabilities  
25          who are living at home with parents who are 60

1 years old or older and who serve as the primary  
2 caregivers of the adults;

3 (12) in almost every State, individuals with de-  
4 velopmental disabilities are waiting for appropriate  
5 services in their communities, in the areas of empha-  
6 sis;

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

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

19 (15) there needs to be greater effort to recruit  
20 individuals from minority backgrounds into profes-  
21 sions serving individuals with developmental disabil-  
22 ities and their families;

23 (16) the goals of the Nation properly include a  
24 goal of providing individuals with developmental dis-

1 abilities with the information, skills, opportunities,  
2 and support to—

3 (A) make informed choices and decisions  
4 about their lives;

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

8 (C) pursue meaningful and productive  
9 lives;

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

12 (E) have interdependent friendships and  
13 relationships with other persons;

14 (F) live free of abuse, neglect, financial  
15 and sexual exploitation, and violations of their  
16 legal and human rights; and

17 (G) achieve full integration and inclusion  
18 in society, in an individualized manner, con-  
19 sistent with the unique strengths, resources,  
20 priorities, concerns, abilities, and capabilities of  
21 each individual; and

22 (17) as the Nation, States, and communities  
23 maintain and expand community living options for  
24 individuals with developmental disabilities, there is a  
25 need to evaluate the access to those options by indi-



1       viduals with developmental disabilities and the ef-  
 2       fects of those options on individuals with develop-  
 3       mental disabilities.

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

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

16           (A) are consistent with the purpose de-  
 17      scribed in this subsection and the policy de-  
 18      scribed in subsection (c); and

19           (B) contribute to a coordinated, consumer-  
 20      and family-centered, consumer- and family-di-  
 21      rected, comprehensive system that includes  
 22      needed community services, individualized sup-  
 23      ports, and other forms of assistance that pro-  
 24      mote self-determination for individuals with de-  
 25      velopmental disabilities and their families;

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

4           (3) University Centers for Excellence in Devel-  
5       opmental Disabilities Education, Research, and  
6       Service—

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

15          (B) to provide community services—

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

22           (ii) that may provide services, sup-  
23          ports, and assistance for the persons de-  
24          scribed in clause (i) through demonstration  
25          and model activities;

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

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

16         (4) funding for—

17           (A) national initiatives to collect necessary  
18           data on issues that are directly or indirectly rel-  
19           evant to the lives of individuals with develop-  
20           mental disabilities;

21           (B) technical assistance to entities who en-  
22           gage in or intend to engage in activities con-  
23           sistent with the purpose described in this sub-  
24           section or the policy described in subsection (c);  
25           and

1                   ~~(C)~~ other nationally significant activities.

2           ~~(e)~~ POLICY.—It is the policy of the United States  
3 that all programs, projects, and activities receiving assist-  
4 ance under this title shall be carried out in a manner con-  
5 sistent with the principles that—

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

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

21                   ~~(3)~~ individuals with developmental disabilities  
22 and their families are the primary decisionmakers  
23 regarding the services and supports such individuals  
24 and their families receive, including regarding choos-  
25 ing where the individuals live from available options;

1 and play decisionmaking roles in policies and pro-  
2 grams that affect the lives of such individuals and  
3 their families;

4 (4) services, supports, and other assistance  
5 should be provided in a manner that demonstrates  
6 respect for individual dignity, personal preferences,  
7 and cultural differences;

8 (5) specific efforts must be made to ensure that  
9 individuals from racial and ethnic minority back-  
10 grounds and their families enjoy increased and  
11 meaningful opportunities to access and use commu-  
12 nity services, individualized supports, and other  
13 forms of assistance available to other individuals  
14 with developmental disabilities and their families;

15 (6) recruitment efforts in disciplines related to  
16 developmental disabilities relating to pre-service  
17 training, community training, practice, administra-  
18 tion, and policymaking must focus on bringing larg-  
19 er numbers of racial and ethnic minorities into the  
20 disciplines in order to provide appropriate skills,  
21 knowledge, role models, and sufficient personnel to  
22 address the growing needs of an increasingly diverse  
23 population;

24 (7) with education and support, communities  
25 can be accessible to and responsive to the needs of

1 individuals with developmental disabilities and their  
2 families and are enriched by full and active partici-  
3 pation in community activities, and contributions, by  
4 individuals with developmental disabilities and their  
5 families;

6 (8) individuals with developmental disabilities  
7 have access to opportunities and the necessary sup-  
8 port to be included in community life, have inter-  
9 dependent relationships, live in homes and commu-  
10 nities, and make contributions to their families, com-  
11 munities, and States, and the Nation;

12 (9) efforts undertaken to maintain or expand  
13 community-based living options for individuals with  
14 disabilities should be monitored in order to deter-  
15 mine and report to appropriate individuals and enti-  
16 ties the extent of access by individuals with develop-  
17 mental disabilities to those options and the extent of  
18 compliance by entities providing those options with  
19 quality assurance standards;

20 (10) families of children with developmental dis-  
21 abilities need to have access to and use of safe and  
22 appropriate child care and before-school and after-  
23 school programs, in the most integrated settings, in  
24 order to enrich the participation of the children in  
25 community life;

1           ~~(11)~~ individuals with developmental disabilities  
 2           need to have access to and use of public transpor-  
 3           tation; in order to be independent and directly con-  
 4           tribute to and participate in all facets of community  
 5           life; and

6           ~~(12)~~ individuals with developmental disabilities  
 7           need to have access to and use of recreational; lei-  
 8           sure; and social opportunities in the most integrated  
 9           settings; in order to enrich their participation in  
 10          community life.

11 **SEC. 102. DEFINITIONS.**

12          In this title:

13           ~~(1)~~ AMERICAN INDIAN CONSORTIUM.—The term  
 14           “American Indian Consortium” means any confed-  
 15           eration of 2 or more recognized American Indian  
 16           tribes; created through the official action of each  
 17           participating tribe; that has a combined total resi-  
 18           dent population of 150,000 enrolled tribal members  
 19           and a contiguous territory of Indian lands in 2 or  
 20           more States.

21           ~~(2)~~ AREAS OF EMPHASIS.—The term “areas of  
 22           emphasis” means the areas related to quality assur-  
 23           ance activities; education activities and early inter-  
 24           vention activities; child care-related activities; health-  
 25           related activities; employment-related activities;

housing-related activities, transportation-related activities, recreation-related activities, and other services available or offered to individuals in a community, including formal and informal community supports, that affect their quality of life.

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

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

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

(B) purchasing, leasing, or otherwise providing for the acquisition of an assistive tech-



1 nology device by an individual with a develop-  
2 mental disability;

3 (C) selecting, designing, fitting, custom-  
4 izing, adapting, applying, maintaining, repair-  
5 ing or replacing an assistive technology device;

6 (D) coordinating and using another ther-  
7 apy, intervention, or service with an assistive  
8 technology device, such as a therapy, interven-  
9 tion, or service associated with an education or  
10 rehabilitation plan or program;

11 (E) providing training or technical assist-  
12 ance for an individual with a developmental dis-  
13 ability, or, where appropriate, a family member,  
14 guardian, advocate, or authorized representative  
15 of an individual with a developmental disability;  
16 and

17 (F) providing training or technical assist-  
18 ance for professionals (including individuals  
19 providing education and rehabilitation services),  
20 employers, or other individuals who provide  
21 services to, employ, or are otherwise substan-  
22 tially involved in the major life functions of, an  
23 individual with developmental disabilities.

24 (5) CENTER.—The term “Center” means a  
25 University Center for Excellence in Developmental

1       Disabilities Education, Research, and Service estab-  
 2       lished under subtitle D.

3           (6) ~~CHILD CARE-RELATED ACTIVITIES.~~—The  
 4       term “child care-related activities” means advocacy,  
 5       capacity building, and systemic change activities  
 6       that result in families of children with developmental  
 7       disabilities having access to and use of child care  
 8       services, including before-school, after-school, and  
 9       out-of-school services, in their communities.

10          (7) ~~CULTURALLY COMPETENT.~~—The term “cul-  
 11       turally competent”, used with respect to services,  
 12       supports, or other assistance, means services, sup-  
 13       ports, or other assistance that is conducted or pro-  
 14       vided in a manner that is responsive to the beliefs,  
 15       interpersonal styles, attitudes, language, and behav-  
 16       iors of individuals who are receiving the services,  
 17       supports, or other assistance, and in a manner that  
 18       has the greatest likelihood of ensuring their max-  
 19       imum participation in the program involved.

20          (8) ~~DEVELOPMENTAL DISABILITY.~~—

21           (A) ~~IN GENERAL.~~—The term “develop-  
 22       mental disability” means a severe, chronic dis-  
 23       ability of an individual that—

1                   (i) is attributable to a mental or phys-  
 2                   ical impairment or combination of mental  
 3                   and physical impairments;

4                   (ii) is manifested before the individual  
 5                   attains age 22;

6                   (iii) is likely to continue indefinitely;

7                   (iv) results in substantial functional  
 8                   limitations in 3 or more of the following  
 9                   areas of major life activity:

10                   (I) Self-care.

11                   (II) Receptive and expressive lan-  
 12                   guage.

13                   (III) Learning.

14                   (IV) Mobility.

15                   (V) Self-direction.

16                   (VI) Capacity for independent  
 17                   living.

18                   (VII) Economic self-sufficiency;

19                   and

20                   (v) reflects the individual's need for a  
 21                   combination and sequence of special, inter-  
 22                   disciplinary, or generic services; individual-  
 23                   ized supports; or other forms of assistance  
 24                   that are of lifelong or extended duration

1                   and are individually planned and coordi-  
2                   nated.

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

13                  ~~(9) EARLY INTERVENTION ACTIVITIES.—~~The  
14                  term “early intervention activities” means advocacy,  
15                  capacity building, and systemic change activities pro-  
16                  vided to individuals described in paragraph (8)(B)  
17                  and their families to enhance—

18                         ~~(A)~~ the development of the individuals to  
19                         maximize their potential; and

20                         ~~(B)~~ the capacity of families to meet the  
21                         special needs of the individuals.

22                  ~~(10) EDUCATION ACTIVITIES.—~~The term “edu-  
23                  cation activities” means advocacy, capacity building,  
24                  and systemic change activities that result in individ-  
25                  uals with developmental disabilities being able to ac-

cess appropriate supports and modifications when necessary, to maximize their educational potential, to benefit from lifelong educational activities, and to be integrated and included in all facets of student life.

~~(11) EMPLOYMENT-RELATED ACTIVITIES.~~—The term “employment-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities acquiring, retaining, or advancing in paid employment, including supported employment or self-employment, in integrated settings in a community.

~~(12) FAMILY SUPPORT SERVICES.~~—

~~(A) IN GENERAL.~~—The term “family support services” means services, supports, and other assistance, provided to families with members who have developmental disabilities, that are designed to—

(i) strengthen the family’s role as primary caregiver;

(ii) prevent inappropriate out-of-the-home placement of the members and maintain family unity; and

1 (iii) reunite families with members  
 2 who have been placed out of the home  
 3 whenever possible.

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

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

20 (14) HOUSING-RELATED ACTIVITIES.—The  
 21 term “housing-related activities” means advocacy,  
 22 capacity building, and systemic change activities  
 23 that result in individuals with developmental disabil-  
 24 ities having access to and use of housing and hous-  
 25 ing supports and services in their communities, in-

cluding assistance related to renting, owning, or  
modifying an apartment or home.

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

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

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

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

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

1           ~~(16) INDIVIDUALIZED SUPPORTS.—~~The term  
 2           “individualized supports” means supports that—

3                   ~~(A)~~ enable an individual with a develop-  
 4           mental disability to exercise self-determination;  
 5           be independent, be productive, and be inte-  
 6           grated and included in all facets of community  
 7           life;

8                   ~~(B)~~ are designed to—

9                           ~~(i)~~ enable such individual to control  
 10           such individual’s environment, permitting  
 11           the most independent life possible;

12                          ~~(ii)~~ prevent placement into a more re-  
 13           strictive living arrangement than is nec-  
 14           essary; and

15                          ~~(iii)~~ enable such individual to live,  
 16           learn, work, and enjoy life in the commu-  
 17           nity; and

18                   ~~(C)~~ include—

19                           ~~(i)~~ early intervention services;

20                           ~~(ii)~~ respite care;

21                           ~~(iii)~~ personal assistance services;

22                           ~~(iv)~~ family support services;

23                           ~~(v)~~ supported employment services;



(vi) support services for families headed by aging caregivers of individuals with developmental disabilities; and

(vii) provision of rehabilitation technology and assistive technology, and assistive technology services.

(17) INTEGRATION.—The term “integration”, used with respect to individuals with developmental disabilities, means exercising the equal right of individuals with developmental disabilities to access and use the same community resources as are used by and available to other citizens.

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

(19) PERSONAL ASSISTANCE SERVICES.—The term “personal assistance services” means a range of services, provided by 1 or more individuals, designed to assist an individual with a disability to perform daily activities, including activities on or off a job that such individual would typically perform if

1 such individual did not have a disability. Such serv-  
 2 ices shall be designed to increase such individual's  
 3 control in life and ability to perform everyday activi-  
 4 ties, including activities on or off a job.

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

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

14 (B) increase the early identification of  
 15 problems to eliminate circumstances that create  
 16 or increase functional limitations; and

17 (C) mitigate against the effects of develop-  
 18 mental disabilities throughout the lifespan of an  
 19 individual.

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

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

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

3                   ~~(22) PROTECTION AND ADVOCACY SYSTEM.—~~

4                   The term “protection and advocacy system” means  
5                   a protection and advocacy system established in ac-  
6                   cordance with section 143.

7                   ~~(23) QUALITY ASSURANCE ACTIVITIES.—~~The  
8                   term “quality assurance activities” means advocacy,  
9                   capacity building, and systemic change activities  
10                  that result in improved consumer- and family-cen-  
11                  tered quality assurance and that result in systems of  
12                  quality assurance and consumer protection that—

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

17                       (i) will not experience abuse, neglect,  
18                       sexual or financial exploitation, or violation  
19                       of legal or human rights; and

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

22                   (B) include training in leadership, self-ad-  
23                   vocacy, and self-determination for individuals  
24                   with developmental disabilities, their families,

and their guardians to ensure that those individuals—

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

(ii) will not be subject to the inappropriate use of restraints or seclusion; or

(C) includes activities related to inter-agency coordination and systems integration that result in improved and enhanced services, supports, and other assistance that contribute to and protect the self-determination, independence, productivity, and integration and inclusion in all facets of community life, of individuals with developmental disabilities.

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

~~(25) REHABILITATION TECHNOLOGY.—~~The term “rehabilitation technology” means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs

of, and address the barriers confronted by, individuals with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, and the provision of assistive technology devices and assistive technology services.

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

(27) SELF-DETERMINATION ACTIVITIES.—The term “self-determination activities” means activities that result in individuals with developmental disabilities, with appropriate assistance, having—

(A) the ability and opportunity to communicate and make personal decisions;

(B) the ability and opportunity to communicate choices and exercise control over the type and intensity of services, supports, and other assistance the individuals receive;

(C) the authority to control resources to obtain needed services, supports, and other assistance;

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

(E) support, including financial support, to advocate for themselves and others; to develop leadership skills, through training in self-advocacy; to participate in coalitions; to educate policymakers; and to play a role in the development of public policies that affect individuals with developmental disabilities.

(28) STATE.—The term “State”, except as otherwise provided, includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(29) STATE COUNCIL ON DEVELOPMENTAL DISABILITIES.—The term “State Council on Developmental Disabilities” means a Council established under section 125.

(30) SUPPORTED EMPLOYMENT SERVICES.—The term “supported employment services” means services that enable individuals with developmental disabilities to perform competitive work in integrated work settings, in the case of individuals with developmental disabilities—

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

3           (ii) for whom competitive employment has  
4           been interrupted or intermittent as a result of  
5           significant disabilities; and

6           (B) who, because of the nature and sever-  
7           ity of their disabilities, need intensive supported  
8           employment services or extended services in  
9           order to perform such work.

10        ~~(31) TRANSPORTATION-RELATED ACTIVITIES.—~~

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

16        ~~(32) UNSERVED AND UNDERSERVED.—~~The

17        term “unserved and underserved” includes popu-  
18        lations such as individuals from racial and ethnic  
19        minority backgrounds, disadvantaged individuals, in-  
20        dividuals with limited-English proficiency, individ-  
21        uals from underserved geographic areas (rural or  
22        urban), and specific groups of individuals within the  
23        population of individuals with developmental disabili-  
24        ties, including individuals who require assistive tech-

1 nology in order to participate in and contribute to  
2 community life.

3 **SEC. 103. RECORDS AND AUDITS.**

4 (a) **RECORDS.**—Each recipient of assistance under  
5 this title shall keep such records as the Secretary shall  
6 prescribe, including—

7 (1) records that fully disclose—

8 (A) the amount and disposition by such re-  
9 cipient of the assistance;

10 (B) the total cost of the project or under-  
11 taking in connection with which such assistance  
12 is given or used; and

13 (C) the amount of that portion of the cost  
14 of the project or undertaking that is supplied  
15 by other sources; and

16 (2) such other records as will facilitate an effec-  
17 tive audit.

18 (b) **ACCESS.**—The Secretary and the Comptroller  
19 General of the United States, or any of their duly author-  
20 ized representatives, shall have access for the purpose of  
21 audit and examination to any books, documents, papers,  
22 and records of the recipients of assistance under this title  
23 that are pertinent to such assistance.

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

25 (a) **PROGRAM ACCOUNTABILITY.**—



1           (1) IN GENERAL.—In order to monitor entities  
 2           that received funds under this Act to carry out ac-  
 3           tivities under subtitles B, C, and D and determine  
 4           the extent to which the entities have been responsive  
 5           to the purpose of this title and have taken actions  
 6           consistent with the policy described in section  
 7           101(c), the Secretary shall develop and implement  
 8           an accountability process as described in this sub-  
 9           section, with respect to activities conducted after Oc-  
 10          tober 1, 2000.

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

1 eacy, capacity building, and systemic change activi-  
 2 ties, by the entities in the areas of emphasis.

3 ~~(3)~~ INDICATORS OF PROGRESS.—

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

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

21 (C) FINAL INDICATORS.—Not later than  
 22 October 1, 2000, the Secretary shall revise the  
 23 proposed indicators of progress, to the extent  
 24 necessary based on public comment, and pub-

lish final indicators of progress in the Federal Register.

(D) SPECIFIC MEASURES.—At a minimum, the indicators of progress shall be used to describe and measure—

(i) the satisfaction of individuals with developmental disabilities with the advocacy, capacity building, and systemic change activities provided under subtitles B, C, and D;

(ii) the extent to which the advocacy, capacity building, and systemic change activities provided through subtitles B, C, and D result in improvements in—

(I) the ability of individuals with developmental disabilities to make choices and exert control over the type, intensity, and timing of services, supports, and assistance that the individuals have used;

(II) the ability of individuals with developmental disabilities to participate in the full range of community life with persons of the individuals' choice; and

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

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

15                  (4) TIME LINE FOR COMPLIANCE WITH INDICA-  
 16                  TORS OF PROGRESS.—The Secretary shall require  
 17                  entities described in paragraph (1) to meet the indi-  
 18                  cators of progress described in paragraph (3). For  
 19                  fiscal year 2001 and each year thereafter, the Sec-  
 20                  retary shall apply the indicators in monitoring enti-  
 21                  ties described in paragraph (1), with respect to ac-  
 22                  tivities conducted after October 1, 2000.

23                  (b) TIME LINE FOR REGULATIONS.—Except as oth-  
 24                  erwise expressly provided in this title, the Secretary, not  
 25                  later than 1 year after the date of enactment of this Act,

1 shall promulgate such regulations as may be required for  
 2 the implementation of this title.

3 ~~(c) INTERAGENCY COMMITTEE.—~~

4 ~~(1) IN GENERAL.—~~The Secretary shall main-  
 5 tain the interagency committee authorized in section  
 6 408 of the Developmental Disabilities Assistance  
 7 and Bill of Rights Act (42 U.S.C. 6007) as in effect  
 8 on the day before the date of enactment of this Act,  
 9 except as otherwise provided in this subsection.

10 ~~(2) COMPOSITION.—~~The interagency committee  
 11 shall be composed of representatives of—

12 ~~(A) the Administration on Developmental~~  
 13 ~~Disabilities; the Administration on Children,~~  
 14 ~~Youth, and Families; the Administration on~~  
 15 ~~Aging; and the Health Resources and Services~~  
 16 ~~Administration; of the Department of Health~~  
 17 ~~and Human Services; and~~

18 ~~(B) such other Federal departments and~~  
 19 ~~agencies as the Secretary of Health and Human~~  
 20 ~~Services considers to be appropriate.~~

21 ~~(3) DUTIES.—~~Such interagency committee shall  
 22 meet regularly to coordinate and plan activities con-  
 23 ducted by Federal departments and agencies for per-  
 24 sons with developmental disabilities.

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

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

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

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

21                       (A) have undertaken coordinated activities  
 22                       with each other;

23                       (B) have enhanced the ability of individ-  
 24                       uals with developmental disabilities and their  
 25                       families to participate in the design of and have

1 access to needed community services, individ-  
 2 ualized supports, and other forms of assistance  
 3 that promote self-determination, independence,  
 4 productivity, and integration and inclusion in  
 5 all facets of community life;

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

15 (D) have brought about advocacy, capacity  
 16 building, and systemic change activities that af-  
 17 fect individuals with disabilities other than indi-  
 18 viduals with developmental disabilities;

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

21 (A) protecting individuals with develop-  
 22 mental disabilities from abuse, neglect, sexual  
 23 and financial exploitation, and violations of  
 24 legal and human rights, so that those individ-

1           uals are at no greater risk of harm than other  
2           persons in the general population; and

3           ~~(B)~~ reports of deaths of and serious inju-  
4           ries to individuals with developmental disabil-  
5           ities; and

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

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

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

19 **SEC. 107. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**  
20 **ITIES.**

21       As a condition of providing assistance under this title,  
22 the Secretary shall require that each recipient of such as-  
23 sistance take affirmative action to employ and advance in  
24 employment qualified individuals with disabilities on the  
25 same terms and conditions required with respect to the



1 employment of such individuals under the provisions of  
 2 title V of the Rehabilitation Act of 1973 (29 U.S.C. 791  
 3 et seq.) and the Americans with Disabilities Act of 1990  
 4 (42 U.S.C. 12101 et seq.); that govern employment.

5 **SEC. 108. CONSTRUCTION.**

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

12 **SEC. 109. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL**  
 13 **DISABILITIES.**

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

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

21 (2) The treatment, services, and habilitation for  
 22 an individual with developmental disabilities should  
 23 be designed to maximize the potential of the indi-  
 24 vidual and should be provided in the setting that is  
 25 least restrictive of the individual's personal liberty.

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

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

10       ~~(B)~~ meet minimum standards relating to—

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

18           ~~(ii)~~ provision to such individuals of  
19       appropriate and sufficient medical and  
20       dental services;

21           ~~(iii)~~ prohibition of the use of physical  
22       restraint and seclusion for such an indi-  
23       vidual unless absolutely necessary to en-  
24       sure the immediate physical safety of the  
25       individual or others; and prohibition of the

1 use of such restraint and seclusion as a  
2 punishment or as a substitute for a habili-  
3 tation program;

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

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

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

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

18 (B)(i) in the case of residential programs  
19 serving individuals in need of comprehensive  
20 health-related, habilitative, assistive technology  
21 or rehabilitative services, that are at least  
22 equivalent to those standards applicable to in-  
23 termediate care facilities for the mentally re-  
24 tarded, promulgated in regulations of the Sec-  
25 retary on June 3, 1988, as appropriate, taking

1 into account the size of the institutions and the  
 2 service delivery arrangements of the facilities of  
 3 the programs;

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

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

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

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

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

22 (b) CLARIFICATION.—The rights of individuals with  
 23 developmental disabilities described in findings made in  
 24 this section shall be considered to be in addition to any

1 constitutional or other rights otherwise afforded to all in-  
 2 dividuals.

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

6 **SEC. 121. PURPOSE.**

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

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

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

23 **SEC. 122. STATE ALLOTMENTS.**

24 (a) ALLOTMENTS.—

25 (1) IN GENERAL.—

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

6                     (i) the population;

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

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

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

19           ~~(2) ADJUSTMENTS.~~—The Secretary may make  
 20           adjustments in the amounts of State allotments  
 21           based on clauses (i), (ii), and (iii) of paragraph  
 22           ~~(1)(A)~~ not more often than annually. The Secretary  
 23           shall notify each State of any adjustment made  
 24           under this paragraph and the percentage of the total  
 25           sums appropriated under section 129 that the ad-

justed allotment represents not later than 6 months before the beginning of the fiscal year in which such adjustment is to take effect.

~~(3)~~ MINIMUM ALLOTMENT FOR APPROPRIATIONS LESS THAN OR EQUAL TO \$70,000,000.—

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

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than \$210,000; and

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

~~(B)~~ REDUCTION OF ALLOTMENT.—Notwithstanding subparagraph (A), if the aggregate of the amounts to be allotted to the States pursuant to subparagraph (A) for any fiscal year exceeds the total amount appropriated under section 129 for such fiscal year, the amount to be allotted to each State for such fiscal year shall be proportionately reduced.

~~(4)~~ MINIMUM ALLOTMENT FOR APPROPRIATIONS IN EXCESS OF \$70,000,000.—

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

(i) to each of American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands may not be less than \$220,000; and

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

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

(5) STATE SUPPORTS, SERVICES, AND OTHER ACTIVITIES.—In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services for individuals with developmental disabilities, the Secretary shall take into account the scope and extent of the services, supports, and assistance



described, pursuant to section 124(c)(3)(A), in the State plan of the State.

(6) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 129 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in paragraphs (3) and (4). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 129 for the fiscal year for which the increase in the minimum allotment is being made; minus

1           ~~(B)~~ the total amount appropriated under  
 2           section 129 (or a corresponding provision) for  
 3           the immediately preceding fiscal year;  
 4       bears to the total amount appropriated under section  
 5       129 (or a corresponding provision) for such pre-  
 6       ceding fiscal year.

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

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

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

23      ~~(e) REALLOTMENTS.—~~

24           ~~(1) IN GENERAL.—~~If the Secretary determines  
 25      that an amount of an allotment to a State for a pe-

riod (of a fiscal year or longer) will not be required by the State during the period for the purpose for which the allotment was made, the Secretary may reallocate the amount.

(2) TIMING.—The Secretary may make such a reallocation from time to time, on such date as the Secretary may fix, but not earlier than 30 days after the Secretary has published notice of the intention of the Secretary to make the reallocation in the Federal Register.

(3) AMOUNTS.—The Secretary shall reallocate the amount to other States with respect to which the Secretary has not made that determination. The Secretary shall reallocate the amount in proportion to the original allotments of the other States for such fiscal year, but shall reduce such proportionate amount for any of the other States to the extent the proportionate amount exceeds the sum that the Secretary estimates the State needs and will be able to use during such period.

(4) REALLOCATION OF REDUCTIONS.—The Secretary shall similarly reallocate the total of the reductions among the States whose proportionate amounts were not so reduced.

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

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

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

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



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

(viii) to the extent that information is available, a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities who are served through home and community-based waivers (authorized under section 1915(c) of the Social Security Act (42 U.S.C. 1396n(c))) receive;

(D) a description of how entities funded under subtitles C and D, through interagency agreements or other mechanisms, collaborated 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 disabil-  
 5 ities 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 coal-  
 13 tions; 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 2001, 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                   (H) 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 eacy, 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;

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

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

(B) not employees of a State agency that receives funds or provides services under this subtitle, and who are not managing employees (as defined in section 1126(b) of the Social Security Act (42 U.S.C. 1320a-5(b)) of any other entity that receives funds or provides services under this subtitle.

(4) REPRESENTATION OF AGENCIES AND ORGANIZATIONS.—

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

(i) representatives of relevant State entities, including—

(I) State entities that administer funds provided under Federal laws related to individuals with disabilities, including the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.); the Individuals 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, of  
 10 local and nongovernmental agencies, and  
 11 private nonprofit groups concerned with  
 12 services for individuals with developmental  
 13 disabilities in the State in which such  
 14 agencies and groups are located.

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

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

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

tors, or applicants and comply with the conflict of interest assurance requirement under section 124(c)(5)(D).

~~(5) COMPOSITION OF MEMBERSHIP WITH DEVELOPMENTAL DISABILITIES.~~—Of the members of the Council described in paragraph ~~(3)~~—

~~(A) 1/3 shall be individuals with developmental disabilities described in paragraph (3)(A)(i);~~

~~(B) 1/3 shall be parents or guardians of children with developmental disabilities described in paragraph (3)(A)(ii), or immediate relatives or guardians of adults with developmental disabilities described in paragraph (3)(A)(iii); and~~

~~(C) 1/3 shall be a combination of individuals described in paragraph (3)(A).~~

~~(6) INSTITUTIONALIZED INDIVIDUALS.~~—

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

ties to contribute to the achievement of the purpose of this subtitle.

~~(E) SUPPORTING AND EDUCATING COMMUNITIES.~~—The Council may support and conduct activities to assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families—

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

(ii) through education; and

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

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

~~(G) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS.~~—The Council may support and conduct activities to 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                   eacy, 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-

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

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

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

(6) REVIEW OF DESIGNATED STATE AGENCY.—

The Council shall periodically review the designated  
 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 2001,~~  
 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;~~



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

(ii) a description of the adequacy of health care and other services, supports, and assistance that individuals with developmental disabilities served through home and community-based waivers (authorized under section 1915(e) of the Social Security Act (42 U.S.C. 1396n(e)) receive;

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

(H) a description of—

(i) resources made available to carry out activities to assist individuals with developmental disabilities that are directly attributable to Council actions; and

(ii) resources made available for such activities that are undertaken by the Council in collaboration with other entities; and

(I) a description of the method by which 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.

701 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(d) DESIGNATED STATE AGENCY.—

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

(2) DESIGNATION.—

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

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

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

(iii) a State office, including the immediate office of the Governor of the State 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

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

~~(3)~~ RESPONSIBILITIES.—

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

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

~~(C)~~ FISCAL RESPONSIBILITIES.—The designated State agency shall—

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

(ii) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement



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

(D) ~~RECORDS, ACCESS, AND FINANCIAL REPORTS.~~—The designated State agency shall keep and provide access to such records as the Secretary and the Council may determine to be necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, and liquidation by the agency or the Council, and the use of the Federal and non-Federal shares described in section 126, by the agency or the Council.

(E) ~~NON-FEDERAL SHARE.~~—The designated State agency, if other than the Council, shall provide the required non-Federal share described in section 126(e).

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

(G) ~~MEMORANDUM OF UNDERSTANDING.~~—On the request of the Council, the designated 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(e), 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 2000 and such sums as may be necessary  
 9 for each of fiscal years 2001 through 2006.

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.



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

### **SEC. 141. PURPOSE.**

The purpose of this subtitle is to provide for allotments to support a protection and advocacy system (referred to in this subtitle as a “system”) in each State to protect the legal and human rights of individuals with developmental disabilities in accordance with this subtitle.

### **SEC. 142. ALLOTMENTS AND PAYMENTS.**

#### **(a) ALLOTMENTS.—**

(1) **IN GENERAL.**—To assist States in meeting the requirements of section 143(a), the Secretary shall allot to the States the amounts appropriated under section 145 and not reserved under paragraph (6). Allotments and reallootments of such sums shall be made on the same basis as the allotments and reallootments are made under subsections (a)(1)(A) and (c) of section 122, except as provided in paragraph (2).

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

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

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

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

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

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

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

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

ted to each State for such fiscal year shall be proportionately reduced.

(4) INCREASE IN ALLOTMENTS.—In any year in which the total amount appropriated under section 145 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(e)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(e)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in subparagraphs (A) and (B) of paragraph (2). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—

(A) the total amount appropriated under section 145 for the fiscal year for which the increase in the minimum allotment is being made; 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 sec-

1           tion 142(a)(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

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

(E) establish a grievance procedure for clients or prospective clients of the system to ensure that individuals with developmental disabilities have full access to services of the system;

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

(G) be independent of any agency that provides treatment, services, or habilitation to individuals with developmental disabilities;

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

(I) have access to all records of—

(i) any individual with a developmental disability who is a client of the system if such individual, or the legal guardian, conservator, or other legal representative of such individual, has authorized the system to have such access;

(ii) any individual with a developmental 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                   (H) 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 will not  
 21           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           cluding 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 exec-  
 12 utive 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 Act 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 2001, 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 2000  
 9 and such sums as may be necessary for each of fiscal years  
 10 2001 through 2006.

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 (including amounts distributed pursuant to section  
15 153(a)(3)), the Secretary, subject to the availability  
16 of appropriations and the condition specified in sub-  
17 section (d), shall award and distribute grant funds  
18 in equal amounts of \$500,000 (adjusted in accord-  
19 ance with subsection (b)), to each Center that ex-  
20 isted during the preceding fiscal year and that meets  
21 the requirements of this subtitle, prior to making  
22 grants under subsection (c) or (d).

23 (2) ~~REDUCTION OF AWARD.~~—Notwithstanding  
24 paragraph (1), if the aggregate of the funds to be  
25 awarded to the Centers pursuant to paragraph (1)

1       for any fiscal year exceeds the total amount appro-  
 2       priated under section 156 for such fiscal year, the  
 3       amount to be awarded to each Center for such fiscal  
 4       year shall be proportionately reduced.

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

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

1 developmental disabilities and their families, as described  
 2 in section 153(b).

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

12               (1) population;

13               (2) a high concentration of rural or urban  
 14 areas; or

15               (3) a high concentration of unserved or under-  
 16 served populations.

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

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

21               (1) ~~IN GENERAL.~~—In order to provide leader-  
 22 ship in, advise Federal, State, and community pol-  
 23 icymakers about, and promote opportunities for indi-  
 24 viduals with developmental disabilities to exercise  
 25 self-determination, be independent, be productive,

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

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

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

23 ~~(B) Provision of community services—~~

24 ~~(i) that provide training or technical~~  
 25 ~~assistance for individuals with develop-~~

1           mental disabilities, their families, profes-  
 2           sionals, paraprofessionals, policymakers,  
 3           students, and other members of the com-  
 4           munity; and

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

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

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

24          (b) NATIONAL TRAINING INITIATIVES ON CRITICAL  
 25          AND EMERGING NEEDS.—

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

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

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

24                (1) assist in national and international dissemi-  
 25                nation of specific information from multiple Centers



1 and, in appropriate cases, other entities whose work  
2 affects the lives of individuals with developmental  
3 disabilities;

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

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

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

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

21 (5) serve as a research-based resource for Fed-  
22 eral and State policymakers on information con-  
23 cerning and issues impacting individuals with devel-  
24 opmental disabilities and entities that assist or serve  
25 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 142;  
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(e) (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           volved 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-

viduals with Disabilities Education Act (20 U.S.C. 1482, 1483), entities carrying out activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), relevant State agencies, and other community groups concerned with the welfare of individuals with developmental disabilities and their families;

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

(iv) that shall—

(I) consult with the Director of the Center regarding the development of the 5-year plan, and shall participate in an annual review of, and comment on, the progress of the Center in meeting the projected goals contained in the plan, and shall make recommendations to the Director of the Center regarding any proposed revisions of the plan that might be necessary; and

1                   (H) 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-

tion on Developmental Disabilities, may,  
notwithstanding—

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

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

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

(B) COMPOSITION.—Each peer review  
group shall include such individuals with dis-  
abilities and parents, guardians, or advocates of  
or for individuals with developmental disabili-  
ties, as are necessary to carry out this sub-  
section.

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

(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(e)(4))~~ \$30,000,000 for fiscal year 2000  
 6 and such sums as may be necessary for each of fis-  
 7 cal years 2001 through 2006.

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(e) to fund technical assistance activities  
 22 under section 153(e) (other than section  
 23 153(e)(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(c) (other than section 153(c)(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 2000, 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 2000, 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(e)(1) of the Reha-  
 21          bilitation Act of 1973 (29 U.S.C. 720(e)(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.



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

(i) the agreement shall specify which agency's procedures shall be used to award grants, contracts, or cooperative agreements and to administer such awards;

(ii) the participating agencies may develop a single set of criteria for the jointly funded project, and may require applicants to submit a single application for joint review by such agencies; and

(iii) unless the heads of the participating agencies develop joint eligibility requirements, an applicant for an award for the project shall meet the eligibility requirements of each program involved.

(2) LIMITATION.—The Secretary may not construe the provisions of this subsection to take precedence over a limitation on joint funding contained in an applicable statute.

## **SEC. 163. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out the projects specified in this section

1 \$16,000,000 for fiscal year 2000, and such sums as may  
 2 be necessary for fiscal years 2001 through 2006.

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(e)(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(e)(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 disabil-  
18 ities 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-

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

(3) FAMILY SUPPORT FOR FAMILIES OF CHILDREN WITH DISABILITIES.—The term “family support for families of children with disabilities” means supports, resources, services, and other assistance provided to families of children with disabilities pursuant to State policy that are designed to—

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

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

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

(D) reunite families with children with disabilities who have been placed out of the home, whenever possible.

(4) STATE.—The term “State” means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American



1 Samoa, and the Commonwealth of the Northern  
2 Mariana Islands.

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

7 (A) that are family-centered and family-di-  
8 rected;

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

13 (C) that otherwise accomplish the purposes  
14 of this title.

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

19 (1) has a significant impairment described in  
20 subsection (a)(1)(A); and

21 (2) is residing with and receiving assistance  
22 from a family member.

23 **SEC. 204. GRANTS TO STATES.**

24 (a) ~~IN GENERAL.~~—The Secretary shall make grants  
25 to States on a competitive basis, in accordance with the

1 provisions of this title, to support systems change activi-  
 2 ties designed to assist States to develop and implement,  
 3 or expand and enhance, a statewide system of family sup-  
 4 port services for families of children with disabilities that  
 5 accomplishes the purposes of this title.

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

10       (c) AMOUNT OF GRANTS.—

11           (1) GRANTS TO STATES.—

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

18                   (i) not more than equal to 75 percent  
 19 of the cost of the systems change activities  
 20 to be carried out by the State; and

21                   (ii) not less than \$100,000 and not  
 22 more than \$500,000.

23               (B) NON-FEDERAL SHARE.—The non-Fed-  
 24 eral share of the cost of the systems change ac-

1           tivities may be in cash or in kind, fairly evalu-  
2           ated, including plant, equipment, or services.

3           ~~(2) CALCULATION OF AMOUNTS.—~~The Sec-  
4           retary shall calculate a grant amount described in  
5           paragraph (1) on the basis of the following:

6                   ~~(A)~~ The amounts available for making  
7                   grants under this section.

8                   ~~(B)~~ The child population of the State con-  
9                   cerned.

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

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

19                   ~~(1)~~ is geographically equitable;

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

24                   ~~(3)~~ distributes the grants among States that at-  
25                   tempt to meet the needs of unserved and under-

1 served populations, such as individuals from racial  
 2 and ethnic minority backgrounds, disadvantaged in-  
 3 dividuals, individuals with limited English pro-  
 4 ficiency, and individuals from underserved geo-  
 5 graphic areas (rural or urban).

6 **SEC. 205. APPLICATION.**

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

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

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

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

22 (2) administering and supervising the use of the  
 23 amounts made available under the grant;

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

(4) coordinating the planning, development, implementation (or expansion and enhancement), and evaluation of a statewide system of family support services for families of children with disabilities among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements;

(5) coordinating efforts related to the participation by families of children with disabilities in activities carried out under a grant made under this title; and

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

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

(1) an office of the Chief Executive Officer;

(2) a commission appointed by the Chief Executive Officer;

(3) a public agency;

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

(5) another appropriate office, agency, or entity.

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       (e) 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 2000 through 2006.

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 each individual who receives a  
 4       voucher through the program will be an individual  
 5       who—

6                   (A) is a direct support worker who assists  
 7       individuals with developmental disabilities resid-  
 8       ing in diverse settings, while pursuing postsec-  
 9       ondary education; and

10                  (B) verifies, prior to receiving the voucher,  
 11       that the worker has completed 250 hours as a  
 12       direct support worker in the 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       (c) ~~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 provided to 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                   riculum 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 2000 and such sums as may be necessary for fiscal  
 12       years 2001 through 2006.

13           (b) **STAFF DEVELOPMENT CURRICULUM.**—There are  
 14       authorized to be appropriated to carry out section 304  
 15       \$800,000 for fiscal year 2000 and such sums as may be  
 16       necessary for each of fiscal years 2001 and 2002.

17 **TITLE IV—REPEAL**

18 **SEC. 401. REPEAL.**

19       The Developmental Disabilities Assistance and Bill of  
 20       Rights Act (42 U.S.C. 6000 et seq.) is repealed.

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

22           (a) *SHORT TITLE.*—*This Act may be cited as the “De-*  
 23       *velopmental Disabilities Assistance and Bill of Rights Act*  
 24       *of 1999”.*

- 1       (b) *TABLE OF CONTENTS.—The table of contents of this*  
 2 *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 INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES**

2 **Subtitle A—General Provisions**

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

4 (a) *FINDINGS.*—Congress finds that—

- 5 (1) *disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to live independently, to exert control and choice over their own lives, and to fully participate in and contribute to their communities through full integration and inclusion*

1       *in the economic, political, social, cultural, and edu-*  
2       *cational mainstream of United States society;*

3           (2) *in 1999, there are between 3,200,000 and*  
4       *4,500,000 individuals with developmental disabilities*  
5       *in the United States, and recent studies indicate that*  
6       *individuals with developmental disabilities comprise*  
7       *between 1.2 and 1.65 percent of the United States*  
8       *population;*

9           (3) *individuals whose disabilities occur during*  
10      *their developmental period frequently have severe dis-*  
11      *abilities that are likely to continue indefinitely;*

12          (4) *individuals with developmental disabilities*  
13      *often encounter discrimination in the provision of*  
14      *critical services, such as services in the areas of em-*  
15      *phasis (as defined in section 102);*

16          (5) *individuals with developmental disabilities*  
17      *are at greater risk than the general population of*  
18      *abuse, neglect, financial and sexual exploitation, and*  
19      *the violation of their legal and human rights;*

20          (6) *a substantial portion of individuals with de-*  
21      *velopmental disabilities and their families do not*  
22      *have access to appropriate support and services, in-*  
23      *cluding access to assistive technology, from generic*  
24      *and specialized service systems, and remain unserved*  
25      *or underserved;*

1           (7) *individuals with developmental disabilities*  
2           *often require lifelong community services, individual-*  
3           *ized supports, and other forms of assistance, that are*  
4           *most effective when provided in a coordinated man-*  
5           *ner;*

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

12          (9) *family members, friends, and members of the*  
13          *community can play an important role in enhancing*  
14          *the lives of individuals with developmental disabil-*  
15          *ities, especially when the family members, friends,*  
16          *and community members are provided with the nec-*  
17          *essary community services, individualized supports,*  
18          *and other forms of assistance;*

19          (10) *current research indicates that 88 percent of*  
20          *individuals with developmental disabilities live with*  
21          *their families or in their own households;*

22          (11) *many service delivery systems and commu-*  
23          *nities are not prepared to meet the impending needs*  
24          *of the 479,862 adults with developmental disabilities*  
25          *who are living at home with parents who are 60*

1       *years old or older and who serve as the primary care-*  
2       *givers of the adults;*

3               *(12) in almost every State, individuals with de-*  
4       *velopmental disabilities are waiting for appropriate*  
5       *services in their communities, in the areas of empha-*  
6       *sis;*

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

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

19               *(15) there needs to be greater effort to recruit in-*  
20       *dividuals from minority backgrounds into professions*  
21       *serving individuals with developmental disabilities*  
22       *and their families;*

23               *(16) the goals of the Nation properly include a*  
24       *goal of providing individuals with developmental dis-*



1       abilities with the information, skills, opportunities,  
2       and support to—

3               (A) make informed choices and decisions  
4       about their lives;

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

8               (C) pursue meaningful and productive lives;

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

11              (E) have interdependent friendships and re-  
12      lationships with other persons;

13              (F) live free of abuse, neglect, financial and  
14      sexual exploitation, and violations of their legal  
15      and human rights; and

16              (G) achieve full integration and inclusion  
17      in society, in an individualized manner, con-  
18      sistent with the unique strengths, resources, pri-  
19      orities, concerns, abilities, and capabilities of  
20      each individual; and

21              (17) as the Nation, States, and communities  
22      maintain and expand community living options for  
23      individuals with developmental disabilities, there is a  
24      need to evaluate the access to those options by indi-  
25      viduals with developmental disabilities and the effects

1       of those options on individuals with developmental  
2       disabilities.

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

12               (1) *State Councils on Developmental Disabilities*  
13 *in each State to engage in advocacy, capacity build-*  
14 *ing, and systemic change activities that—*

15                       (A) *are consistent with the purpose de-*  
16 *scribed in this subsection and the policy de-*  
17 *scribed in subsection (c); and*

18                       (B) *contribute to a coordinated, consumer-*  
19 *and family-centered, consumer- and family-di-*  
20 *rected, comprehensive system that includes need-*  
21 *ed community services, individualized supports,*  
22 *and other forms of assistance that promote self-*  
23 *determination for individuals with develop-*  
24 *mental disabilities and their families;*

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

(3) *University Centers for Excellence in Developmental Disabilities Education, Research, and Service—*

(A) *to provide interdisciplinary pre-service preparation and continuing education of students and fellows, which may include the preparation and continuing education of leadership, direct service, clinical, or other personnel to strengthen and increase the capacity of States and communities to achieve the purpose of this title;*

(B) *to provide community services—*

(i) *that provide training and technical assistance for individuals with developmental disabilities, their families, professionals, paraprofessionals, policymakers, students, and other members of the community; and*

(ii) *that may provide services, supports, and assistance for the persons described in clause (i) through demonstration and model activities;*

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

7           (D) to disseminate information related to  
8           activities undertaken to address the purpose of  
9           this title, especially dissemination of information  
10          that demonstrates that the network authorized  
11          under this subtitle is a national and inter-  
12          national resource that includes specific sub-  
13          stantive areas of expertise that may be accessed  
14          and applied in diverse settings and cir-  
15          cumstances; and

16       (4) funding for—

17           (A) national initiatives to collect necessary  
18           data on issues that are directly or indirectly rel-  
19           evant to the lives of individuals with develop-  
20           mental disabilities;

21           (B) technical assistance to entities who en-  
22           gage in or intend to engage in activities con-  
23           sistent with the purpose described in this sub-  
24           section or the policy described in subsection (c);  
25           and

1                   (C) *other nationally significant activities.*

2           (c) *POLICY.—It is the policy of the United States that*  
3 *all programs, projects, and activities receiving assistance*  
4 *under this title shall be carried out in a manner consistent*  
5 *with the principles that—*

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

13                   (2) *individuals with developmental disabilities*  
14 *and their families have competencies, capabilities,*  
15 *and personal goals that should be recognized, sup-*  
16 *ported, and encouraged, and any assistance to such*  
17 *individuals should be provided in an individualized*  
18 *manner, consistent with the unique strengths, re-*  
19 *sources, priorities, concerns, abilities, and capabilities*  
20 *of such individuals;*

21                   (3) *individuals with developmental disabilities*  
22 *and their families are the primary decisionmakers re-*  
23 *garding the services and supports such individuals*  
24 *and their families receive, including regarding choos-*  
25 *ing where the individuals live from available options,*

1        *and play decisionmaking roles in policies and pro-*  
2        *grams that affect the lives of such individuals and*  
3        *their families;*

4            (4) *services, supports, and other assistance*  
5        *should be provided in a manner that demonstrates re-*  
6        *spect for individual dignity, personal preferences, and*  
7        *cultural differences;*

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

16           (6) *recruitment efforts in disciplines related to*  
17       *developmental disabilities relating to pre-service*  
18       *training, community training, practice, administra-*  
19       *tion, and policymaking must focus on bringing larger*  
20       *numbers of racial and ethnic minorities into the dis-*  
21       *ciplines in order to provide appropriate skills, knowl-*  
22       *edge, role models, and sufficient personnel to address*  
23       *the growing needs of an increasingly diverse popu-*  
24       *lation;*

1           (7) *with education and support, communities*  
 2           *can be accessible to and responsive to the needs of in-*  
 3           *dividuals with developmental disabilities and their*  
 4           *families and are enriched by full and active partici-*  
 5           *pation in community activities, and contributions, by*  
 6           *individuals with developmental disabilities and their*  
 7           *families;*

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

14          (9) *efforts undertaken to maintain or expand*  
 15          *community-based living options for individuals with*  
 16          *disabilities should be monitored in order to determine*  
 17          *and report to appropriate individuals and entities the*  
 18          *extent of access by individuals with developmental*  
 19          *disabilities to those options and the extent of compli-*  
 20          *ance by entities providing those options with quality*  
 21          *assurance standards;*

22          (10) *families of children with developmental dis-*  
 23          *abilities need to have access to and use of safe and*  
 24          *appropriate child care and before-school and after-*  
 25          *school programs, in the most integrated settings, in*

1       order to enrich the participation of the children in  
2       community life;

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

8               (12) individuals with developmental disabilities  
9       need to have access to and use of recreational, leisure,  
10      and social opportunities in the most integrated set-  
11      tings, in order to enrich their participation in com-  
12      munity life.

13   **SEC. 102. DEFINITIONS.**

14       *In this title:*

15               (1) *AMERICAN INDIAN CONSORTIUM.*—The term  
16       “American Indian Consortium” means any confed-  
17       eration of 2 or more recognized American Indian  
18       tribes, created through the official action of each par-  
19       ticipating tribe, that has a combined total resident  
20       population of 150,000 enrolled tribal members and a  
21       contiguous territory of Indian lands in 2 or more  
22       States.

23               (2) *AREAS OF EMPHASIS.*—The term “areas of  
24       emphasis” means the areas related to quality assur-  
25       ance activities, education activities and early inter-



vention activities, child care-related activities, health-related activities, employment-related activities, housing-related activities, transportation-related activities, recreation-related activities, and other services available or offered to individuals in a community, including formal and informal community supports, that affect their quality of life.

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

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

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

(B) purchasing, leasing, or otherwise providing for the acquisition of an assistive tech-

1        *nology device by an individual with a develop-*  
2        *mental disability;*

3            (C) *selecting, designing, fitting, custom-*  
4        *izing, adapting, applying, maintaining, repair-*  
5        *ing or replacing an assistive technology device;*

6            (D) *coordinating and using another ther-*  
7        *apy, intervention, or service with an assistive*  
8        *technology device, such as a therapy, interven-*  
9        *tion, or service associated with an education or*  
10       *rehabilitation plan or program;*

11          (E) *providing training or technical assist-*  
12       *ance for an individual with a developmental dis-*  
13       *ability, or, where appropriate, a family member,*  
14       *guardian, advocate, or authorized representative*  
15       *of an individual with a developmental disability;*  
16       *and*

17          (F) *providing training or technical assist-*  
18       *ance for professionals (including individuals*  
19       *providing education and rehabilitation services),*  
20       *employers, or other individuals who provide*  
21       *services to, employ, or are otherwise substan-*  
22       *tially involved in the major life functions of, an*  
23       *individual with developmental disabilities.*

24          (5) *CENTER.*—*The term “Center” means a Uni-*  
25       *versity Center for Excellence in Developmental Dis-*

1        *abilities Education, Research, and Service established*  
 2        *under subtitle D.*

3            (6) *CHILD CARE-RELATED ACTIVITIES.*—*The*  
 4        *term “child care-related activities” means advocacy,*  
 5        *capacity building, and systemic change activities that*  
 6        *result in families of children with developmental dis-*  
 7        *abilities having access to and use of child care serv-*  
 8        *ices, including before-school, after-school, and out-of-*  
 9        *school services, in their communities.*

10           (7) *CULTURALLY COMPETENT.*—*The term “cul-*  
 11        *turelly competent”, used with respect to services, sup-*  
 12        *ports, or other assistance, means services, supports, or*  
 13        *other assistance that is conducted or provided in a*  
 14        *manner that is responsive to the beliefs, interpersonal*  
 15        *styles, attitudes, language, and behaviors of individ-*  
 16        *uals who are receiving the services, supports, or other*  
 17        *assistance, and in a manner that has the greatest*  
 18        *likelihood of ensuring their maximum participation*  
 19        *in the program involved.*

20           (8) *DEVELOPMENTAL DISABILITY.*—

21                (A) *IN GENERAL.*—*The term “developmental*  
 22        *disability” means a severe, chronic disability of*  
 23        *an individual that—*

1                   (i) is attributable to a mental or phys-  
 2                   ical impairment or combination of mental  
 3                   and physical impairments;

4                   (ii) is manifested before the individual  
 5                   attains age 22;

6                   (iii) is likely to continue indefinitely;

7                   (iv) results in substantial functional  
 8                   limitations in 3 or more of the following  
 9                   areas of major life activity:

10                   (I) Self-care.

11                   (II) Receptive and expressive lan-  
 12                   guage.

13                   (III) Learning.

14                   (IV) Mobility.

15                   (V) Self-direction.

16                   (VI) Capacity for independent liv-  
 17                   ing.

18                   (VII) Economic self-sufficiency;

19                   and

20                   (v) reflects the individual's need for a  
 21                   combination and sequence of special, inter-  
 22                   disciplinary, or generic services, individual-  
 23                   ized supports, or other forms of assistance  
 24                   that are of lifelong or extended duration

1                   *and are individually planned and coordi-*  
 2                   *nated.*

3                   *(B) INFANTS AND YOUNG CHILDREN.—An*  
 4                   *individual from birth to age 9, inclusive, who*  
 5                   *has a substantial developmental delay or specific*  
 6                   *congenital or acquired condition, may be consid-*  
 7                   *ered to have a developmental disability without*  
 8                   *meeting 3 or more of the criteria described in*  
 9                   *clauses (i) through (v) of subparagraph (A) if the*  
 10                   *individual, without services and supports, has a*  
 11                   *high probability of meeting those criteria later in*  
 12                   *life.*

13                  *(9) EARLY INTERVENTION ACTIVITIES.—The*  
 14                  *term “early intervention activities” means advocacy,*  
 15                  *capacity building, and systemic change activities pro-*  
 16                  *vided to individuals described in paragraph (8)(B)*  
 17                  *and their families to enhance—*

18                    *(A) the development of the individuals to*  
 19                    *maximize their potential; and*

20                    *(B) the capacity of families to meet the spe-*  
 21                    *cial needs of the individuals.*

22                  *(10) EDUCATION ACTIVITIES.—The term “edu-*  
 23                  *cation activities” means advocacy, capacity building,*  
 24                  *and systemic change activities that result in individ-*  
 25                  *uals with developmental disabilities being able to ac-*

cess appropriate supports and modifications when necessary, to maximize their educational potential, to benefit from lifelong educational activities, and to be integrated and included in all facets of student life.

(11) *EMPLOYMENT-RELATED ACTIVITIES.*—The term “employment-related activities” means advocacy, capacity building, and systemic change activities that result in individuals with developmental disabilities acquiring, retaining, or advancing in paid employment, including supported employment or self-employment, in integrated settings in a community.

(12) *FAMILY SUPPORT SERVICES.*—

(A) *IN GENERAL.*—The term “family support services” means services, supports, and other assistance, provided to families with members who have developmental disabilities, that are designed to—

(i) strengthen the family’s role as primary caregiver;

(ii) prevent inappropriate out-of-the-home placement of the members and maintain family unity; and

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

1                   (B) *SPECIFIC SERVICES.*—*Such term in-*  
 2                   *cludes respite care, provision of rehabilitation*  
 3                   *technology and assistive technology, personal as-*  
 4                   *stance services, parent training and counseling,*  
 5                   *support for families headed by aging caregivers,*  
 6                   *vehicular and home modifications, and assist-*  
 7                   *ance with extraordinary expenses, associated*  
 8                   *with the needs of individuals with developmental*  
 9                   *disabilities.*

10                  (13) *HEALTH-RELATED ACTIVITIES.*—*The term*  
 11                  *“health-related activities” means advocacy, capacity*  
 12                  *building, and systemic change activities that result in*  
 13                  *individuals with developmental disabilities having ac-*  
 14                  *cess to and use of coordinated health, dental, mental*  
 15                  *health, and other human and social services, includ-*  
 16                  *ing prevention activities, in their communities.*

17                  (14) *HOUSING-RELATED ACTIVITIES.*—*The term*  
 18                  *“housing-related activities” means advocacy, capacity*  
 19                  *building, and systemic change activities that result in*  
 20                  *individuals with developmental disabilities having ac-*  
 21                  *cess to and use of housing and housing supports and*  
 22                  *services in their communities, including assistance re-*  
 23                  *lated to renting, owning, or modifying an apartment*  
 24                  *or home.*

1           (15) *INCLUSION.*—*The term “inclusion”, used*  
 2           *with respect to individuals with developmental dis-*  
 3           *abilities, means the acceptance and encouragement of*  
 4           *the presence and participation of individuals with de-*  
 5           *velopmental disabilities, by individuals without dis-*  
 6           *abilities, in social, educational, work, and community*  
 7           *activities, that enables individuals with develop-*  
 8           *mental disabilities to—*

9                   (A) *have friendships and relationships with*  
 10                  *individuals and families of their own choice;*

11                  (B) *live in homes close to community re-*  
 12                  *sources, with regular contact with individuals*  
 13                  *without disabilities in their communities;*

14                  (C) *enjoy full access to and active partici-*  
 15                  *pation in the same community activities and*  
 16                  *types of employment as individuals without dis-*  
 17                  *abilities; and*

18                  (D) *take full advantage of their integration*  
 19                  *into the same community resources as individ-*  
 20                  *uals without disabilities, living, learning, work-*  
 21                  *ing, and enjoying life in regular contact with in-*  
 22                  *dividuals without disabilities.*

23           (16) *INDIVIDUALIZED SUPPORTS.*—*The term “in-*  
 24           *dividualized supports” means supports that—*



1           (A) enable an individual with a develop-  
 2           mental disability to exercise self-determination,  
 3           be independent, be productive, and be integrated  
 4           and included in all facets of community life;

5           (B) are designed to—

6                 (i) enable such individual to control  
 7                 such individual's environment, permitting  
 8                 the most independent life possible;

9                 (ii) prevent placement into a more re-  
 10                strictive living arrangement than is nec-  
 11                essary; and

12               (iii) enable such individual to live,  
 13               learn, work, and enjoy life in the commu-  
 14               nity; and

15           (C) include—

16                 (i) early intervention services;

17                 (ii) respite care;

18                 (iii) personal assistance services;

19                 (iv) family support services;

20                 (v) supported employment services;

21                 (vi) support services for families head-  
 22                ed by aging caregivers of individuals with  
 23                developmental disabilities; and

1                   (vii) provision of rehabilitation tech-  
 2                   nology and assistive technology, and assist-  
 3                   ive technology services.

4           (17) *INTEGRATION*.—The term “integration”,  
 5           used with respect to individuals with developmental  
 6           disabilities, means exercising the equal right of indi-  
 7           viduals with developmental disabilities to access and  
 8           use the same community resources as are used by and  
 9           available to other individuals.

10          (18) *NOT-FOR-PROFIT*.—The term “not-for-prof-  
 11          it”, used with respect to an agency, institution, or or-  
 12          ganization, means an agency, institution, or organi-  
 13          zation that is owned or operated by 1 or more cor-  
 14          porations or associations, no part of the net earnings  
 15          of which inures, or may lawfully inure, to the benefit  
 16          of any private shareholder or individual.

17          (19) *PERSONAL ASSISTANCE SERVICES*.—The  
 18          term “personal assistance services” means a range of  
 19          services, provided by 1 or more individuals, designed  
 20          to assist an individual with a disability to perform  
 21          daily activities, including activities on or off a job  
 22          that such individual would typically perform if such  
 23          individual did not have a disability. Such services  
 24          shall be designed to increase such individual’s control

1       *in life and ability to perform everyday activities, in-*  
 2       *cluding activities on or off a job.*

3           (20) *PREVENTION ACTIVITIES.*—*The term “pre-*  
 4       *vention activities” means activities that address the*  
 5       *causes of developmental disabilities and the exacer-*  
 6       *bation of functional limitation, such as activities*  
 7       *that—*

8           (A) *eliminate or reduce the factors that*  
 9       *cause or predispose individuals to developmental*  
 10       *disabilities or that increase the prevalence of de-*  
 11       *velopmental disabilities;*

12          (B) *increase the early identification of prob-*  
 13       *lems to eliminate circumstances that create or*  
 14       *increase functional limitations; and*

15          (C) *mitigate against the effects of develop-*  
 16       *mental disabilities throughout the lifespan of an*  
 17       *individual.*

18           (21) *PRODUCTIVITY.*—*The term “productivity”*  
 19       *means—*

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

23          (B) *engagement in work that contributes to*  
 24       *a household or community.*

1           (22) *PROTECTION AND ADVOCACY SYSTEM.*—The  
 2           term “protection and advocacy system” means a pro-  
 3           tection and advocacy system established in accordance  
 4           with section 143.

5           (23) *QUALITY ASSURANCE ACTIVITIES.*—The  
 6           term “quality assurance activities” means advocacy,  
 7           capacity building, and systemic change activities that  
 8           result in improved consumer- and family-centered  
 9           quality assurance and that result in systems of qual-  
 10          ity assurance and consumer protection that—

11                   (A) include monitoring of services, supports,  
 12                   and assistance provided to an individual with  
 13                   developmental disabilities that ensures that the  
 14                   individual—

15                           (i) will not experience abuse, neglect,  
 16                           sexual or financial exploitation, or violation  
 17                           of legal or human rights; and

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

20                   (B) include training in leadership, self-ad-  
 21                   vocacy, and self-determination for individuals  
 22                   with developmental disabilities, their families,  
 23                   and their guardians to ensure that those  
 24                   individuals—

1                   (i) will not experience abuse, neglect,  
2                   sexual or financial exploitation, or violation  
3                   of legal or human rights; and

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

6                   (C) include activities related to interagency  
7                   coordination and systems integration that result  
8                   in improved and enhanced services, supports,  
9                   and other assistance that contribute to and pro-  
10                  tect the self-determination, independence, produc-  
11                  tivity, and integration and inclusion in all fac-  
12                  ets of community life, of individuals with devel-  
13                  opmental disabilities.

14               (24) *RECREATION-RELATED ACTIVITIES.*—The  
15               term “recreation-related activities” means advocacy,  
16               capacity building, and systemic change activities that  
17               result in individuals with developmental disabilities  
18               having access to and use of recreational, leisure, and  
19               social activities, in their communities.

20               (25) *REHABILITATION TECHNOLOGY.*—The term  
21               “rehabilitation technology” means the systematic ap-  
22               plication of technologies, engineering methodologies,  
23               or scientific principles to meet the needs of, and ad-  
24               dress the barriers confronted by, individuals with de-  
25               velopmental disabilities in areas that include edu-

1      *cation, rehabilitation, employment, transportation,*  
 2      *independent living, and recreation. Such term in-*  
 3      *cludes rehabilitation engineering, and the provision of*  
 4      *assistive technology devices and assistive technology*  
 5      *services.*

6           (26) *SECRETARY.*—*The term “Secretary” means*  
 7      *the Secretary of Health and Human Services.*

8           (27) *SELF-DETERMINATION ACTIVITIES.*—*The*  
 9      *term “self-determination activities” means activities*  
 10     *that result in individuals with developmental disabil-*  
 11     *ities, with appropriate assistance, having—*

12           (A) *the ability and opportunity to commu-*  
 13     *nicate and make personal decisions;*

14           (B) *the ability and opportunity to commu-*  
 15     *nicate choices and exercise control over the type*  
 16     *and intensity of services, supports, and other as-*  
 17     *sistance the individuals receive;*

18           (C) *the authority to control resources to ob-*  
 19     *tain needed services, supports, and other assist-*  
 20     *ance;*

21           (D) *opportunities to participate in, and*  
 22     *contribute to, their communities; and*

23           (E) *support, including financial support, to*  
 24     *advocate for themselves and others, to develop*  
 25     *leadership skills, through training in self-advo-*

1           *cacy, to participate in coalitions, to educate pol-*  
 2           *icymakers, and to play a role in the development*  
 3           *of public policies that affect individuals with de-*  
 4           *velopmental disabilities.*

5           (28) *STATE*.—*The term “State”, except as other-*  
 6           *wise provided, includes, in addition to each of the sev-*  
 7           *eral States of the United States, the District of Co-*  
 8           *lumbia, the Commonwealth of Puerto Rico, the*  
 9           *United States Virgin Islands, Guam, American*  
 10          *Samoa, and the Commonwealth of the Northern Mar-*  
 11          *iana Islands.*

12          (29) *STATE COUNCIL ON DEVELOPMENTAL DIS-*  
 13          *ABILITIES*.—*The term “State Council on Develop-*  
 14          *mental Disabilities” means a Council established*  
 15          *under section 125.*

16          (30) *SUPPORTED EMPLOYMENT SERVICES*.—*The*  
 17          *term “supported employment services” means services*  
 18          *that enable individuals with developmental disabil-*  
 19          *ities to perform competitive work in integrated work*  
 20          *settings, in the case of individuals with developmental*  
 21          *disabilities—*

22                 (A)(i) *for whom competitive employment*  
 23                 *has not traditionally occurred; or*

1           (ii) for whom competitive employment has  
 2           been interrupted or intermittent as a result of  
 3           significant disabilities; and

4           (B) who, because of the nature and severity  
 5           of their disabilities, need intensive supported em-  
 6           ployment services or extended services in order to  
 7           perform such work.

8           (31) *TRANSPORTATION-RELATED ACTIVITIES.*—  
 9           The term “transportation-related activities” means  
 10          advocacy, capacity building, and systemic change ac-  
 11          tivities that result in individuals with developmental  
 12          disabilities having access to and use of transpor-  
 13          tation.

14          (32) *UNSERVED AND UNDERSERVED.*—The term  
 15          “unserved and underserved” includes populations  
 16          such as individuals from racial and ethnic minority  
 17          backgrounds, disadvantaged individuals, individuals  
 18          with limited English proficiency, individuals from  
 19          underserved geographic areas (rural or urban), and  
 20          specific groups of individuals within the population  
 21          of individuals with developmental disabilities, includ-  
 22          ing individuals who require assistive technology in  
 23          order to participate in and contribute to community  
 24          life.



1 **SEC. 103. RECORDS AND AUDITS.**

2 (a) *RECORDS.*—Each recipient of assistance under this  
3 title shall keep such records as the Secretary shall prescribe,  
4 including—

5 (1) records that fully disclose—

6 (A) the amount and disposition by such re-  
7 cipient of the assistance;

8 (B) the total cost of the project or under-  
9 taking in connection with which such assistance  
10 is given or used; and

11 (C) the amount of that portion of the cost  
12 of the project or undertaking that is supplied by  
13 other sources; and

14 (2) such other records as will facilitate an effec-  
15 tive audit.

16 (b) *ACCESS.*—The Secretary and the Comptroller Gen-  
17 eral of the United States, or any of their duly authorized  
18 representatives, shall have access for the purpose of audit  
19 and examination to any books, documents, papers, and  
20 records of the recipients of assistance under this title that  
21 are pertinent to such assistance.

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

23 (a) *PROGRAM ACCOUNTABILITY.*—

24 (1) *IN GENERAL.*—In order to monitor entities  
25 that received funds under this Act to carry out activi-  
26 ties under subtitles B, C, and D and determine the

1 *extent to which the entities have been responsive to the*  
 2 *purpose of this title and have taken actions consistent*  
 3 *with the policy described in section 101(c), the Sec-*  
 4 *retary shall develop and implement an accountability*  
 5 *process as described in this subsection, with respect to*  
 6 *activities conducted after October 1, 2000.*

7 (2) *AREAS OF EMPHASIS.—The Secretary shall*  
 8 *develop a process for identifying and reporting (pur-*  
 9 *suant to section 105) on progress achieved through*  
 10 *advocacy, capacity building, and systemic change ac-*  
 11 *tivities, undertaken by the entities described in para-*  
 12 *graph (1), that resulted in individuals with develop-*  
 13 *mental disabilities and their families participating in*  
 14 *the design of and having access to needed community*  
 15 *services, individualized supports, and other forms of*  
 16 *assistance that promote self-determination, independ-*  
 17 *ence, productivity, and integration and inclusion in*  
 18 *all facets of community life. Specifically, the Sec-*  
 19 *retary shall develop a process for identifying and re-*  
 20 *porting on progress achieved, through advocacy, ca-*  
 21 *capacity building, and systemic change activities, by*  
 22 *the entities in the areas of emphasis.*

23 (3) *INDICATORS OF PROGRESS.—*

24 (A) *IN GENERAL.—In identifying progress*  
 25 *made by the entities described in paragraph (1)*

1        *in the areas of emphasis, the Secretary, in con-*  
2        *sultation with the Commissioner of the Adminis-*  
3        *tration on Developmental Disabilities and the*  
4        *entities, shall develop indicators for each area of*  
5        *emphasis.*

6                (B) *PROPOSED INDICATORS.*—*Not later*  
7        *than 180 days after the date of enactment of this*  
8        *Act, the Secretary shall develop and publish in*  
9        *the Federal Register for public comment pro-*  
10       *posed indicators of progress for monitoring how*  
11       *entities described in paragraph (1) have ad-*  
12       *dressed the areas of emphasis described in para-*  
13       *graph (2) in a manner that is responsive to the*  
14       *purpose of this title and consistent with the pol-*  
15       *icy described in section 101(c).*

16               (C) *FINAL INDICATORS.*—*Not later than Oc-*  
17       *tober 1, 2000, the Secretary shall revise the pro-*  
18       *posed indicators of progress, to the extent nec-*  
19       *essary based on public comment, and publish*  
20       *final indicators of progress in the Federal Reg-*  
21       *ister.*

22               (D) *SPECIFIC MEASURES.*—*At a minimum,*  
23       *the indicators of progress shall be used to de-*  
24       *scribe and measure—*

1           (i) the satisfaction of individuals with  
 2           developmental disabilities with the advo-  
 3           cacy, capacity building, and systemic  
 4           change activities provided under subtitles B,  
 5           C, and D;

6           (ii) the extent to which the advocacy,  
 7           capacity building, and systemic change ac-  
 8           tivities provided through subtitles B, C, and  
 9           D result in improvements in—

10           (I) the ability of individuals with  
 11           developmental disabilities to make  
 12           choices and exert control over the type,  
 13           intensity, and timing of services, sup-  
 14           ports, and assistance that the individ-  
 15           uals have used;

16           (II) the ability of individuals  
 17           with developmental disabilities to par-  
 18           ticipate in the full range of community  
 19           life with persons of the individuals'  
 20           choice; and

21           (III) the ability of individuals  
 22           with developmental disabilities to ac-  
 23           cess services, supports, and assistance  
 24           in a manner that ensures that such an  
 25           individual is free from abuse, neglect,

1                   *sexual and financial exploitation, vio-*  
 2                   *lation of legal and human rights, and*  
 3                   *the inappropriate use of restraints and*  
 4                   *seclusion; and*

5                   *(iii) the extent to which the entities de-*  
 6                   *scribed in paragraph (1) collaborate with*  
 7                   *each other to achieve the purpose of this*  
 8                   *title and the policy described in section*  
 9                   *101(c).*

10               (4) *TIME LINE FOR COMPLIANCE WITH INDICA-*  
 11               *TORS OF PROGRESS.—The Secretary shall require en-*  
 12               *tities described in paragraph (1) to meet the indica-*  
 13               *tors of progress described in paragraph (3). For fiscal*  
 14               *year 2001 and each year thereafter, the Secretary*  
 15               *shall apply the indicators in monitoring entities de-*  
 16               *scribed in paragraph (1), with respect to activities*  
 17               *conducted after October 1, 2000.*

18               (b) *TIME LINE FOR REGULATIONS.—Except as other-*  
 19               *wise expressly provided in this title, the Secretary, not later*  
 20               *than 1 year after the date of enactment of this Act, shall*  
 21               *promulgate such regulations as may be required for the im-*  
 22               *plementation of this title.*

23               (c) *INTERAGENCY COMMITTEE.—*

24                   (1) *IN GENERAL.—The Secretary shall maintain*  
 25               *the interagency committee authorized in section 108*

1 *of the Developmental Disabilities Assistance and Bill*  
2 *of Rights Act (42 U.S.C. 6007) as in effect on the day*  
3 *before the date of enactment of this Act, except as oth-*  
4 *erwise provided in this subsection.*

5 (2) *COMPOSITION.—The interagency committee*  
6 *shall be composed of representatives of—*

7 (A) *the Administration on Developmental*  
8 *Disabilities, the Administration on Children,*  
9 *Youth, and Families, the Administration on*  
10 *Aging, and the Health Resources and Services*  
11 *Administration, of the Department of Health*  
12 *and Human Services; and*

13 (B) *such other Federal departments and*  
14 *agencies as the Secretary of Health and Human*  
15 *Services considers to be appropriate.*

16 (3) *DUTIES.—Such interagency committee shall*  
17 *meet regularly to coordinate and plan activities con-*  
18 *ducted by Federal departments and agencies for indi-*  
19 *viduals with developmental disabilities.*

20 (4) *MEETINGS.—Each meeting of the interagency*  
21 *committee (except for any meetings of any sub-*  
22 *committees of the committee) shall be open to the pub-*  
23 *lic. Notice of each meeting, and a statement of the*  
24 *agenda for the meeting, shall be published in the Fed-*

1        *eral Register not later than 14 days before the date*  
 2        *on which the meeting is to occur.*

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

4        *At least once every 2 years, the Secretary, using infor-*  
 5        *mation submitted in the reports and information required*  
 6        *under subtitles B, C, D, and E, shall prepare and submit*  
 7        *to the President, Congress, and the National Council on*  
 8        *Disability, a report that describes the goals and outcomes*  
 9        *of programs supported under subtitles B, C, D, and E. In*  
 10       *preparing the report, the Secretary shall provide—*

11            *(1) meaningful examples of how the councils,*  
 12            *protection and advocacy systems, centers, and entities*  
 13            *funded under subtitles B, C, D, and E, respectively—*

14                    *(A) have undertaken coordinated activities*  
 15                    *with each other;*

16                    *(B) have enhanced the ability of individuals*  
 17                    *with developmental disabilities and their fami-*  
 18                    *lies to participate in the design of and have ac-*  
 19                    *cess to needed community services, individual-*  
 20                    *ized supports, and other forms of assistance that*  
 21                    *promote self-determination, independence, pro-*  
 22                    *ductivity, and integration and inclusion in all*  
 23                    *facets of community life;*

24                    *(C) have brought about advocacy, capacity*  
 25                    *building, and systemic change activities (includ-*

ing policy reform), and other actions on behalf of individuals with developmental disabilities and their families, including individuals who are traditionally unserved or underserved, particularly individuals who are members of ethnic and racial minority groups and individuals from underserved geographic areas; and

(D) have brought about advocacy, capacity building, and systemic change activities that affect individuals with disabilities other than individuals with developmental disabilities;

(2) information on the extent to which programs authorized under this title have addressed—

(A) protecting individuals with developmental disabilities from abuse, neglect, sexual and financial exploitation, and violations of legal and human rights, so that those individuals are at no greater risk of harm than other persons in the general population; and

(B) reports of deaths of and serious injuries to individuals with developmental disabilities; and

(3) a summary of any incidents of noncompliance of the programs authorized under this title with



1        *the provisions of this title, and corrections made or*  
2        *actions taken to obtain compliance.*

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

4        *Except as otherwise specifically provided, nothing in*  
5        *this title shall be construed as conferring on any Federal*  
6        *officer or employee the right to exercise any supervision or*  
7        *control over the administration, personnel, maintenance, or*  
8        *operation of any programs, services, and supports for indi-*  
9        *viduals with developmental disabilities with respect to*  
10       *which any funds have been or may be expended under this*  
11       *title.*

12    **SEC. 107. EMPLOYMENT OF INDIVIDUALS WITH DISABIL-**  
13                    **ITIES.**

14        *As a condition of providing assistance under this title,*  
15        *the Secretary shall require that each recipient of such assist-*  
16        *ance take affirmative action to employ and advance in em-*  
17        *ployment qualified individuals with disabilities on the*  
18        *same terms and conditions required with respect to the em-*  
19        *ployment of such individuals under the provisions of title*  
20        *V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.)*  
21        *and the Americans with Disabilities Act of 1990 (42 U.S.C.*  
22        *12101 et seq.), that govern employment.*

23    **SEC. 108. CONSTRUCTION.**

24        *Nothing in this title shall be construed to preclude an*  
25        *entity funded under this title from engaging in advocacy,*

1 *capacity building, and systemic change activities for indi-*  
 2 *viduals with developmental disabilities that may also have*  
 3 *a positive impact on individuals with other disabilities.*

4 **SEC. 109. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL**  
 5 **DISABILITIES.**

6 (a) *IN GENERAL.*—Congress makes the following find-  
 7 *ings respecting the rights of individuals with developmental*  
 8 *disabilities:*

9 (1) *Individuals with developmental disabilities*  
 10 *have a right to appropriate treatment, services, and*  
 11 *habilitation for such disabilities, consistent with sec-*  
 12 *tion 101(c).*

13 (2) *The treatment, services, and habitation for*  
 14 *an individual with developmental disabilities should*  
 15 *be designed to maximize the potential of the indi-*  
 16 *vidual and should be provided in the setting that is*  
 17 *least restrictive of the individual's personal liberty.*

18 (3) *The Federal Government and the States both*  
 19 *have an obligation to ensure that public funds are*  
 20 *provided only to institutional programs, residential*  
 21 *programs, and other community programs, including*  
 22 *educational programs in which individuals with de-*  
 23 *velopmental disabilities participate, that—*

1           (A) provide treatment, services, and habili-  
2           tation that are appropriate to the needs of such  
3           individuals; and

4           (B) meet minimum standards relating to—

5               (i) provision of care that is free of  
6               abuse, neglect, sexual and financial exploi-  
7               tation, and violations of legal and human  
8               rights and that subjects individuals with de-  
9               velopmental disabilities to no greater risk of  
10              harm than others in the general population;

11              (ii) provision to such individuals of  
12              appropriate and sufficient medical and den-  
13              tal services;

14              (iii) prohibition of the use of physical  
15              restraint and seclusion for such an indi-  
16              vidual unless absolutely necessary to ensure  
17              the immediate physical safety of the indi-  
18              vidual or others, and prohibition of the use  
19              of such restraint and seclusion as a punish-  
20              ment or as a substitute for a habilitation  
21              program;

22              (iv) prohibition of the excessive use of  
23              chemical restraints on such individuals and  
24              the use of such restraints as punishment or  
25              as a substitute for a habilitation program

1                   *or in quantities that interfere with services,*  
2                   *treatment, or habilitation for such individ-*  
3                   *uals; and*

4                   *(v) provision for close relatives or*  
5                   *guardians of such individuals to visit the*  
6                   *individuals without prior notice.*

7           *(4) All programs for individuals with develop-*  
8           *mental disabilities should meet standards—*

9                   *(A) that are designed to assure the most fa-*  
10                  *vorable possible outcome for those served; and*

11                  *(B)(i) in the case of residential programs*  
12                  *serving individuals in need of comprehensive*  
13                  *health-related, habilitative, assistive technology*  
14                  *or rehabilitative services, that are at least equiv-*  
15                  *alent to those standards applicable to inter-*  
16                  *mediate care facilities for the mentally retarded,*  
17                  *promulgated in regulations of the Secretary on*  
18                  *June 3, 1988, as appropriate, taking into ac-*  
19                  *count the size of the institutions and the service*  
20                  *delivery arrangements of the facilities of the pro-*  
21                  *grams;*

22                  *(ii) in the case of other residential pro-*  
23                  *grams for individuals with developmental dis-*  
24                  *abilities, that assure that—*

1                   (I) care is appropriate to the needs of  
2                   the individuals being served by such pro-  
3                   grams;

4                   (II) the individuals admitted to facili-  
5                   ties of such programs are individuals whose  
6                   needs can be met through services provided  
7                   by such facilities; and

8                   (III) the facilities of such programs  
9                   provide for the humane care of the residents  
10                  of the facilities, are sanitary, and protect  
11                  their rights; and

12                  (iii) in the case of nonresidential programs,  
13                  that assure that the care provided by such pro-  
14                  grams is appropriate to the individuals served  
15                  by the programs.

16       (b) CLARIFICATION.—The rights of individuals with  
17       developmental disabilities described in findings made in  
18       this section shall be considered to be in addition to any  
19       constitutional or other rights otherwise afforded to all indi-  
20       viduals.

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

4 ***SEC. 121. PURPOSE.***

5 *The purpose of this subtitle is to provide for allotments*  
 6 *to support State Councils on Developmental Disabilities*  
 7 *(referred to individually in this subtitle as a “Council”)*  
 8 *in each State to—*

9 *(1) engage in advocacy, capacity building, and*  
 10 *systemic change activities that are consistent with the*  
 11 *purpose described in section 101(b) and the policy de-*  
 12 *scribed in section 101(c); and*

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

21 ***SEC. 122. STATE ALLOTMENTS.***

22 *(a) ALLOTMENTS.—*

23 *(1) IN GENERAL.—*

24 *(A) AUTHORITY.—For each fiscal year, the*  
 25 *Secretary shall, in accordance with regulations*

1           *and this paragraph, allot the sums appropriated*  
2           *for such year under section 129 among the States*  
3           *on the basis of—*

4                     *(i) the population;*

5                     *(ii) the extent of need for services for*  
6                     *individuals with developmental disabilities;*

7                     *and*

8                     *(iii) the financial need,*  
9           *of the respective States.*

10           *(B) USE OF FUNDS.—Sums allotted to the*  
11           *States under this section shall be used to pay for*  
12           *the Federal share of the cost of carrying out*  
13           *projects in accordance with State plans approved*  
14           *under section 124 for the provision under such*  
15           *plans of services for individuals with develop-*  
16           *mental disabilities.*

17           *(2) ADJUSTMENTS.—The Secretary may make*  
18           *adjustments in the amounts of State allotments based*  
19           *on clauses (i), (ii), and (iii) of paragraph (1)(A) not*  
20           *more often than annually. The Secretary shall notify*  
21           *each State of any adjustment made under this para-*  
22           *graph and the percentage of the total sums appro-*  
23           *priated under section 129 that the adjusted allotment*  
24           *represents not later than 6 months before the begin-*

ning of the fiscal year in which such adjustment is  
to take effect.

(3) *MINIMUM ALLOTMENT FOR APPROPRIATIONS  
LESS THAN OR EQUAL TO \$70,000,000.—*

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

(i) *to each of American Samoa, Guam,  
the United States Virgin Islands, or the  
Commonwealth of the Northern Mariana Is-  
lands may not be less than \$210,000; and*

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

(B) *REDUCTION OF ALLOTMENT.—Notwith-  
standing subparagraph (A), if the aggregate of  
the amounts to be allotted to the States pursuant  
to subparagraph (A) for any fiscal year exceeds  
the total amount appropriated under section 129  
for such fiscal year, the amount to be allotted to  
each State for such fiscal year shall be propor-  
tionately reduced.*

(4) *MINIMUM ALLOTMENT FOR APPROPRIATIONS  
IN EXCESS OF \$70,000,000.—*

(A) *IN GENERAL.—In any case in which the  
total amount appropriated under section 129 for*



1           *a fiscal year is more than \$70,000,000, the allot-*  
 2           *ment under this section for such fiscal year—*

3                     *(i) to each of American Samoa, Guam,*  
 4                     *the United States Virgin Islands, or the*  
 5                     *Commonwealth of the Northern Mariana Is-*  
 6                     *lands may not be less than \$220,000; and*

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

9           *(B) REDUCTION OF ALLOTMENT.—The re-*  
 10           *quirements of paragraph (3)(B) shall apply with*  
 11           *respect to amounts to be allotted to States under*  
 12           *subparagraph (A), in the same manner and to*  
 13           *the same extent as such requirements apply with*  
 14           *respect to amounts to be allotted to States under*  
 15           *paragraph (3)(A).*

16           *(5) STATE SUPPORTS, SERVICES, AND OTHER AC-*  
 17           *TIVITIES.—In determining, for purposes of paragraph*  
 18           *(1)(A)(ii), the extent of need in any State for services*  
 19           *for individuals with developmental disabilities, the*  
 20           *Secretary shall take into account the scope and extent*  
 21           *of the services, supports, and assistance described,*  
 22           *pursuant to section 124(c)(3)(A), in the State plan of*  
 23           *the State.*

24           *(6) INCREASE IN ALLOTMENTS.—In any year in*  
 25           *which the total amount appropriated under section*

1       129 for a fiscal year exceeds the total amount appro-  
2       priated under such section (or a corresponding provi-  
3       sion) for the preceding fiscal year by a percentage  
4       greater than the most recent percentage change in the  
5       Consumer Price Index published by the Secretary of  
6       Labor under section 100(c)(1) of the Rehabilitation  
7       Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage  
8       change indicates an increase), the Secretary shall in-  
9       crease each of the minimum allotments described in  
10      paragraphs (3) and (4). The Secretary shall increase  
11      each minimum allotment by an amount that bears  
12      the same ratio to the amount of such minimum allot-  
13      ment (including any increases in such minimum al-  
14      lotment under this paragraph (or a corresponding  
15      provision) for prior fiscal years) as the amount that  
16      is equal to the difference between—

17               (A) the total amount appropriated under  
18               section 129 for the fiscal year for which the in-  
19               crease in the minimum allotment is being made;  
20               minus

21               (B) the total amount appropriated under  
22               section 129 (or a corresponding provision) for  
23               the immediately preceding fiscal year,

1        *bears to the total amount appropriated under section*  
 2        *129 (or a corresponding provision) for such preceding*  
 3        *fiscal year.*

4        *(b) UNOBLIGATED FUNDS.—Any amount paid to a*  
 5        *State for a fiscal year and remaining unobligated at the*  
 6        *end of such year shall remain available to such State for*  
 7        *the next fiscal year for the purposes for which such amount*  
 8        *was paid.*

9        *(c) OBLIGATION OF FUNDS.—For the purposes of this*  
 10       *subtitle, State Interagency Agreements are considered valid*  
 11       *obligations for the purpose of obligating Federal funds allot-*  
 12       *ted to the State under this subtitle.*

13       *(d) COOPERATIVE EFFORTS BETWEEN STATES.—If a*  
 14       *State plan approved in accordance with section 124 pro-*  
 15       *vides for cooperative or joint effort between or among States*  
 16       *or agencies, public or private, in more than 1 State, por-*  
 17       *tions of funds allotted to 1 or more States described in this*  
 18       *subsection may be combined in accordance with the agree-*  
 19       *ments between the States or agencies involved.*

20       *(e) REALLOTMENTS.—*

21            *(1) IN GENERAL.—If the Secretary determines*  
 22        *that an amount of an allotment to a State for a pe-*  
 23        *riod (of a fiscal year or longer) will not be required*  
 24        *by the State during the period for the purpose for*

1       *which the allotment was made, the Secretary may*  
2       *reallot the amount.*

3           (2) *TIMING.*—*The Secretary may make such a*  
4       *reallotment from time to time, on such date as the*  
5       *Secretary may fix, but not earlier than 30 days after*  
6       *the Secretary has published notice of the intention of*  
7       *the Secretary to make the reallotment in the Federal*  
8       *Register.*

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

19          (4) *REALLOTMENT OF REDUCTIONS.*—*The Sec-*  
20      *retary shall similarly reallot the total of the reduc-*  
21      *tions among the States whose proportionate amounts*  
22      *were not so reduced.*

23          (5) *TREATMENT.*—*Any amount reallocated to a*  
24      *State under this subsection for a fiscal year shall be*

1        *deemed to be a part of the allotment of the State*  
 2        *under subsection (a) for such fiscal year.*

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

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

17       *(b) DESIGNATED STATE AGENCY EXPENDITURES.—*  
 18       *The Secretary may make payments to a State for the por-*  
 19       *tion described in section 124(c)(5)(B)(vi) in advance or by*  
 20       *way of reimbursement, and in such installments as the Sec-*  
 21       *retary may determine.*

22    **SEC. 124. STATE PLAN.**

23       *(a) IN GENERAL.—Any State desiring to receive as-*  
 24       *sistance under this subtitle shall submit to the Secretary,*

1 *and obtain approval of, a 5-year strategic State plan under*  
2 *this section.*

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

6       (c) *STATE PLAN REQUIREMENTS.*—*In order to be ap-*  
7 *proved by the Secretary under this section, a State plan*  
8 *shall meet each of the following requirements:*

9           (1) *STATE COUNCIL.*—*The plan shall provide for*  
10 *the establishment and maintenance of a Council in*  
11 *accordance with section 125 and describe the member-*  
12 *ship of such Council.*

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

18          (3) *COMPREHENSIVE REVIEW AND ANALYSIS.*—  
19 *The plan shall describe the results of a comprehensive*  
20 *review and analysis of the extent to which services,*  
21 *supports, and other assistance are available to indi-*  
22 *viduals with developmental disabilities and their fam-*  
23 *ilies, and the extent of unmet needs for services, sup-*  
24 *ports, and other assistance for those individuals and*

1        *their families, in the State. The results of the com-*  
2        *prehensive review and analysis shall include—*

3                *(A) a description of the services, supports,*  
4                *and other assistance being provided to individ-*  
5                *uals with developmental disabilities and their*  
6                *families under other federally assisted State pro-*  
7                *grams, plans, and policies under which the State*  
8                *operates and in which individuals with develop-*  
9                *mental disabilities are or may be eligible to par-*  
10               *ticipate, including particularly programs relat-*  
11               *ing to the areas of emphasis, including—*

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

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

22               *(iii) social, child welfare, aging, inde-*  
23               *pendent living, and rehabilitation and as-*  
24               *sistive technology services, and such other*  
25               *services as the Secretary may specify;*

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

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

19               (i) the degree of support for individ-  
20               uals with developmental disabilities that are  
21               attributable to either physical impairment,  
22               mental impairment, or a combination of  
23               physical and mental impairments;

24               (ii) criteria for eligibility for services,  
25               including specialized services and special



1           *adaptation of generic services provided by*  
2           *agencies within the State, that may exclude*  
3           *individuals with developmental disabilities*  
4           *from receiving services described in this*  
5           *clause;*

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

10                    *(iv) the availability of assistive tech-*  
11                    *nology, assistive technology services, or re-*  
12                    *habilitation technology, or information*  
13                    *about assistive technology, assistive tech-*  
14                    *nology services, or rehabilitation technology*  
15                    *to individuals with developmental disabil-*  
16                    *ities;*

17                    *(v) the numbers of individuals with de-*  
18                    *velopmental disabilities on waiting lists for*  
19                    *services described in this subparagraph;*

20                    *(vi) a description of the adequacy of*  
21                    *current resources and projected availability*  
22                    *of future resources to fund services described*  
23                    *in this subparagraph;*

24                    *(vii) a description of the adequacy of*  
25                    *health care and other services, supports, and*

1           *assistance that individuals with develop-*  
2           *mental disabilities who are in facilities re-*  
3           *ceive (based in part on each independent re-*  
4           *view (pursuant to section 1902(a)(30)(C) of*  
5           *the Social Security Act (42 U.S.C.*  
6           *1396a(a)(30)(C))) of an Intermediate Care*  
7           *Facility (Mental Retardation) within the*  
8           *State, which the State shall provide to the*  
9           *Council not later than 30 days after the*  
10          *availability of the review); and*

11           *(viii) to the extent that information is*  
12          *available, a description of the adequacy of*  
13          *health care and other services, supports, and*  
14          *assistance that individuals with develop-*  
15          *mental disabilities who are served through*  
16          *home and community-based waivers (au-*  
17          *thorized under section 1915(c) of the Social*  
18          *Security Act (42 U.S.C. 1396n(c))) receive;*

19          *(D) a description of how entities funded*  
20          *under subtitles C and D, through interagency*  
21          *agreements or other mechanisms, collaborated*  
22          *with the entity funded under this subtitle in the*  
23          *State, each other, and other entities to contribute*  
24          *to the achievement of the purpose of this subtitle;*  
25          *and*

1           *(E) the rationale for the goals related to ad-*  
 2           *vocacy, capacity building, and systemic change*  
 3           *to be undertaken by the Council to contribute to*  
 4           *the achievement of the purpose of this subtitle.*

5           *(4) PLAN GOALS.—The plan shall focus on Coun-*  
 6           *cil efforts to bring about the purpose of this subtitle,*  
 7           *by—*

8           *(A) specifying 5-year goals, as developed*  
 9           *through data driven strategic planning, for advo-*  
 10          *cacy, capacity building, and systemic change re-*  
 11          *lated to the areas of emphasis, to be undertaken*  
 12          *by the Council, that—*

13           *(i) are derived from the unmet needs of*  
 14           *individuals with developmental disabilities*  
 15           *and their families identified under para-*  
 16           *graph (3); and*

17           *(ii) include a goal, for each year of the*  
 18           *grant, to—*

19           *(I) establish or strengthen a pro-*  
 20           *gram for the direct funding of a State*  
 21           *self-advocacy organization led by indi-*  
 22           *viduals with developmental disabilities;*

23           *(II) support opportunities for in-*  
 24           *dividuals with developmental disabil-*  
 25           *ities who are considered leaders to pro-*

1 *vide leadership training to individuals*  
2 *with developmental disabilities who*  
3 *may become leaders; and*

4 *(III) support and expand partici-*  
5 *pation of individuals with develop-*  
6 *mental disabilities in cross-disability*  
7 *and culturally diverse leadership coal-*  
8 *tions; and*

9 *(B) for each year of the grant, describing—*

10 *(i) the goals to be achieved through the*  
11 *grant, which, beginning in fiscal year 2001,*  
12 *shall be consistent with applicable indica-*  
13 *tors of progress described in section*  
14 *104(a)(3);*

15 *(ii) the strategies to be used in achiev-*  
16 *ing each goal; and*

17 *(iii) the method to be used to determine*  
18 *if each goal has been achieved.*

19 *(5) ASSURANCES.—*

20 *(A) IN GENERAL.—The plan shall contain*  
21 *or be supported by assurances and information*  
22 *described in subparagraphs (B) through (N) that*  
23 *are satisfactory to the Secretary.*

1           (B) *USE OF FUNDS.*—*With respect to the*  
2           *funds paid to the State under section 122, the*  
3           *plan shall provide assurances that—*

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

7                   (ii) *such funds will contribute to the*  
8                   *achievement of the purpose of this subtitle*  
9                   *in various political subdivisions of the*  
10                  *State;*

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

16                  (iv) *such funds will be used to com-*  
17                  *plement and augment rather than duplicate*  
18                  *or replace services for individuals with de-*  
19                  *velopmental disabilities and their families*  
20                  *who are eligible for Federal assistance*  
21                  *under other State programs;*

22                  (v) *part of such funds will be made*  
23                  *available by the State to public or private*  
24                  *entities;*

1                   (vi) at the request of any State, a por-  
2                   tion of such funds provided to such State  
3                   under this subtitle for any fiscal year shall  
4                   be available to pay up to  $\frac{1}{2}$  (or the entire  
5                   amount if the Council is the designated  
6                   State agency) of the expenditures found to  
7                   be necessary by the Secretary for the proper  
8                   and efficient exercise of the functions of the  
9                   designated State agency, except that not  
10                  more than 5 percent of such funds provided  
11                  to such State for any fiscal year, or  
12                  \$50,000, whichever is less, shall be made  
13                  available for total expenditures for such  
14                  purpose by the designated State agency; and  
15                  (vii) not more than 20 percent of such  
16                  funds will be allocated to the designated  
17                  State agency for service demonstrations by  
18                  such agency that—

19                       (I) contribute to the achievement  
20                       of the purpose of this subtitle; and

21                       (II) are explicitly authorized by  
22                       the Council.

23                   (C) STATE FINANCIAL PARTICIPATION.—The  
24                   plan shall provide assurances that there will be

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

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

9            (E) *URBAN AND RURAL POVERTY AREAS.*—  
10       *The plan shall provide assurances that special fi-*  
11       *nancial and technical assistance will be given to*  
12       *organizations that provide community services,*  
13       *individualized supports, and other forms of as-*  
14       *sistance to individuals with developmental dis-*  
15       *abilities who live in areas designated as urban*  
16       *or rural poverty areas.*

17           (F) *PROGRAM ACCESSIBILITY STAND-*  
18       *ARDS.*—*The plan shall provide assurances that*  
19       *programs, projects, and activities funded under*  
20       *the plan, and the buildings in which such pro-*  
21       *grams, projects, and activities are operated, will*  
22       *meet standards prescribed by the Secretary in*  
23       *regulations and all applicable Federal and State*  
24       *accessibility standards, including accessibility*  
25       *requirements of the Americans with Disabilities*

1       *Act of 1990 (42 U.S.C. 12101 et seq.), section*  
2       *508 of the Rehabilitation Act of 1973 (29 U.S.C.*  
3       *794d), and the Fair Housing Act (42 U.S.C.*  
4       *3601 et seq.).*

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

13              (H) *HUMAN RIGHTS.*—*The plan shall pro-*  
14       *vide assurances that the human rights of the in-*  
15       *dividuals with developmental disabilities (espe-*  
16       *cially individuals without familial protection)*  
17       *who are receiving services under programs as-*  
18       *sisted under this subtitle will be protected con-*  
19       *sistent with section 109 (relating to rights of in-*  
20       *dividuals with developmental disabilities).*

21              (I) *MINORITY PARTICIPATION.*—*The plan*  
22       *shall provide assurances that the State has taken*  
23       *affirmative steps to assure that participation in*  
24       *programs funded under this subtitle is geo-*  
25       *graphically representative of the State, and re-*



1       *flects the diversity of the State with respect to*  
2       *race and ethnicity.*

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

16              (K) *STAFF ASSIGNMENTS.—The plan shall*  
17       *provide assurances that the staff and other per-*  
18       *sonnel of the Council, while working for the*  
19       *Council, will be responsible solely for assisting*  
20       *the Council in carrying out the duties of the*  
21       *Council under this subtitle and will not be as-*  
22       *signed duties by the designated State agency, or*  
23       *any other agency, office, or entity of the State.*

24              (L) *NONINTERFERENCE.—The plan shall*  
25       *provide assurances that the designated State*

1       agency, and any other agency, office, or entity of  
 2       the State, will not interfere with the advocacy,  
 3       capacity building, and systemic change activi-  
 4       ties, budget, personnel, State plan development,  
 5       or plan implementation of the Council, except  
 6       that the designated State agency shall have the  
 7       authority necessary to carry out the responsibil-  
 8       ities described in section 125(d)(3).

9               (M) STATE QUALITY ASSURANCE.—The plan  
 10       shall provide assurances that the Council will  
 11       participate in the planning, design or redesign,  
 12       and monitoring of State quality assurance sys-  
 13       tems that affect individuals with developmental  
 14       disabilities.

15              (N) OTHER ASSURANCES.—The plan shall  
 16       contain such additional information and assur-  
 17       ances as the Secretary may find necessary to  
 18       carry out the provisions (including the purpose)  
 19       of this subtitle.

20       (d) PUBLIC INPUT AND REVIEW, SUBMISSION, AND AP-  
 21       PROVAL.—

22              (1) PUBLIC INPUT AND REVIEW.—The plan shall  
 23       be based on public input. The Council shall make the  
 24       plan available for public review and comment, after  
 25       providing appropriate and sufficient notice in acces-

*sible formats of the opportunity for such review and comment. The Council shall revise the plan to take into account and respond to significant comments.*

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

(3) *PLAN APPROVAL.*—The Secretary shall approve any State plan and, as appropriate, amendments of such plan that comply with the provisions of subsections (a), (b), and (c) and this subsection. The Secretary may take final action to disapprove a State plan after providing reasonable notice and an opportunity for a hearing to the State.

**SEC. 125. STATE COUNCILS ON DEVELOPMENTAL DISABILITIES AND DESIGNATED STATE AGENCIES.**

*(a) IN GENERAL.—Each State that receives assistance under this subtitle shall establish and maintain a Council to undertake advocacy, capacity building, and systemic change activities (consistent with subsections (b) and (c) of section 101) that contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized*

1 *supports, and other forms of assistance that contribute to*  
 2 *the achievement of the purpose of this subtitle. The Council*  
 3 *shall have the authority to fulfill the responsibilities de-*  
 4 *scribed in subsection (c).*

5 *(b) COUNCIL MEMBERSHIP.—*

6 *(1) COUNCIL APPOINTMENTS.—*

7 *(A) IN GENERAL.—The members of the*  
 8 *Council of a State shall be appointed by the Gov-*  
 9 *ernor of the State from among the residents of*  
 10 *that State.*

11 *(B) RECOMMENDATIONS.—The Governor*  
 12 *shall select members of the Council, at the discre-*  
 13 *tion of the Governor, after soliciting rec-*  
 14 *ommendations from organizations representing a*  
 15 *broad range of individuals with developmental*  
 16 *disabilities and individuals interested in indi-*  
 17 *viduals with developmental disabilities, includ-*  
 18 *ing the non-State agency members of the Coun-*  
 19 *cil. The Council may, at the initiative of the*  
 20 *Council, or on the request of the Governor, co-*  
 21 *ordinate Council and public input to the Gov-*  
 22 *ernor regarding all recommendations.*

23 *(C) REPRESENTATION.—The membership of*  
 24 *the Council shall be geographically representative*

1           *of the State and reflect the diversity of the State*  
 2           *with respect to race and ethnicity.*

3           (2) *MEMBERSHIP ROTATION.*—*The Governor*  
 4           *shall make appropriate provisions to rotate the mem-*  
 5           *bership of the Council. Such provisions shall allow*  
 6           *members to continue to serve on the Council until*  
 7           *such members' successors are appointed. The Council*  
 8           *shall notify the Governor regarding membership re-*  
 9           *quirements of the Council, and shall notify the Gov-*  
 10          *ernor when vacancies on the Council remain unfilled*  
 11          *for a significant period of time.*

12          (3) *REPRESENTATION OF INDIVIDUALS WITH DE-*  
 13          *VELOPMENTAL DISABILITIES.*—*Not less than 60 per-*  
 14          *cent of the membership of each Council shall consist*  
 15          *of individuals who are—*

16                (A)(i) *individuals with developmental dis-*  
 17                *abilities;*

18                (ii) *parents or guardians of children with*  
 19                *developmental disabilities; or*

20                (iii) *immediate relatives or guardians of*  
 21                *adults with mentally impairing developmental*  
 22                *disabilities who cannot advocate for themselves;*  
 23                *and*

24                (B) *not employees of a State agency that re-*  
 25                *ceives funds or provides services under this sub-*

1           *title, and who are not managing employees (as*  
 2           *defined in section 1126(b) of the Social Security*  
 3           *Act (42 U.S.C. 1320a–5(b)) of any other entity*  
 4           *that receives funds or provides services under*  
 5           *this subtitle.*

6           (4) *REPRESENTATION OF AGENCIES AND ORGANI-*  
 7           *ZATIONS.—*

8                   (A) *IN GENERAL.—Each Council shall*  
 9           *include—*

10                       (i) *representatives of relevant State en-*  
 11                       *tities, including—*

12                               (I) *State entities that administer*  
 13                               *funds provided under Federal laws re-*  
 14                               *lated to individuals with disabilities,*  
 15                               *including the Rehabilitation Act of*  
 16                               *1973 (29 U.S.C. 701 et seq.), the Indi-*  
 17                               *viduals with Disabilities Education*  
 18                               *Act (20 U.S.C. 1400 et seq.), the Older*  
 19                               *Americans Act of 1965 (42 U.S.C.*  
 20                               *3001 et seq.), and titles V and XIX of*  
 21                               *the Social Security Act (42 U.S.C. 701*  
 22                               *et seq. and 1396 et seq.);*

23                               (II) *Centers in the State; and*

24                               (III) *the State protection and ad-*  
 25                               *vocacy system; and*

1                   (ii) representatives, at all times,  
2                   of local and nongovernmental agencies,  
3                   and private nonprofit groups con-  
4                   cerned with services for individuals  
5                   with developmental disabilities in the  
6                   State in which such agencies and  
7                   groups are located.

8                   (B) *AUTHORITY AND LIMITATIONS.*—The  
9                   representatives described in subparagraph (A)  
10                  shall—

11                   (i) have sufficient authority to engage  
12                   in policy planning and implementation on  
13                   behalf of the department, agency, or pro-  
14                   gram such representatives represent; and

15                   (ii) recuse themselves from any discus-  
16                   sion of grants or contracts for which such  
17                   representatives' departments, agencies, or  
18                   programs are grantees, contractors, or ap-  
19                   plicants and comply with the conflict of in-  
20                   terest assurance requirement under section  
21                   124(c)(5)(D).

22                   (5) *COMPOSITION OF MEMBERSHIP WITH DEVEL-*  
23                   *OPMENTAL DISABILITIES.*—Of the members of the  
24                   Council described in paragraph (3)—

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

4           (B)  $\frac{1}{3}$  shall be parents or guardians of chil-  
 5           dren with developmental disabilities described in  
 6           paragraph (3)(A)(ii), or immediate relatives or  
 7           guardians of adults with developmental disabil-  
 8           ities described in paragraph (3)(A)(iii); and

9           (C)  $\frac{1}{3}$  shall be a combination of individuals  
 10          described in paragraph (3)(A).

11          (6) *INSTITUTIONALIZED INDIVIDUALS.*—

12           (A) *IN GENERAL.*—Of the members of the  
 13           Council described in paragraph (5), at least 1  
 14           shall be an immediate relative or guardian of an  
 15           individual with a developmental disability who  
 16           resides or previously resided in an institution or  
 17           shall be an individual with a developmental dis-  
 18           ability who resides or previously resided in an  
 19           institution.

20           (B) *LIMITATION.*—Subparagraph (A) shall  
 21           not apply with respect to a State if such an in-  
 22           dividual does not reside in that State.

23          (c) *COUNCIL RESPONSIBILITIES.*—

24           (1) *IN GENERAL.*—A Council, through Council  
 25           members, staff, consultants, contractors, or sub-



1       grantees, shall have the responsibilities described in  
2       paragraphs (2) through (10).

3               (2) *ADVOCACY, CAPACITY BUILDING, AND SYS-*  
4       *TEMIC CHANGE ACTIVITIES.*—*The Council shall serve*  
5       *as an advocate for individuals with developmental*  
6       *disabilities and conduct or support programs,*  
7       *projects, and activities that carry out the purpose of*  
8       *this subtitle.*

9               (3) *EXAMINATION OF GOALS.*—*At the end of each*  
10       *grant year, each Council shall—*

11               (A) *determine the extent to which each goal*  
12       *of the Council was achieved for that year;*

13               (B) *determine to the extent that each goal*  
14       *was not achieved, the factors that impeded the*  
15       *achievement;*

16               (C) *determine needs that require amend-*  
17       *ment of the 5-year strategic State plan required*  
18       *under section 124;*

19               (D) *separately determine the information*  
20       *on the self-advocacy goal described in section*  
21       *124(c)(4)(A)(ii); and*

22               (E) *determine customer satisfaction with*  
23       *Council supported or conducted activities.*

24               (4) *STATE PLAN DEVELOPMENT.*—*The Council*  
25       *shall develop the State plan and submit the State*

1     *plan to the Secretary after consultation with the des-*  
 2     *ignated State agency under the State plan. Such con-*  
 3     *sultation shall be solely for the purposes of obtaining*  
 4     *State assurances and ensuring consistency of the plan*  
 5     *with State law.*

6           (5) *STATE PLAN IMPLEMENTATION.*—

7           (A) *IN GENERAL.*—*The Council shall imple-*  
 8     *ment the State plan by conducting and sup-*  
 9     *porting advocacy, capacity building, and sys-*  
 10    *temic change activities such as those described in*  
 11    *subparagraphs (B) through (L).*

12          (B) *OUTREACH.*—*The Council may support*  
 13    *and conduct outreach activities to identify indi-*  
 14    *viduals with developmental disabilities and their*  
 15    *families who otherwise might not come to the at-*  
 16    *tention of the Council and assist and enable the*  
 17    *individuals and families to obtain services, indi-*  
 18    *vidualized supports, and other forms of assist-*  
 19    *ance, including access to special adaptation of*  
 20    *generic community services or specialized serv-*  
 21    *ices.*

22          (C) *TRAINING.*—*The Council may support*  
 23    *and conduct training for persons who are indi-*  
 24    *viduals with developmental disabilities, their*  
 25    *families, and personnel (including professionals,*

1        *paraprofessionals, students, volunteers, and other*  
 2        *community members) to enable such persons to*  
 3        *obtain access to, or to provide, community serv-*  
 4        *ices, individualized supports, and other forms of*  
 5        *assistance, including special adaptation of ge-*  
 6        *neric community services or specialized services*  
 7        *for individuals with developmental disabilities*  
 8        *and their families. To the extent that the Council*  
 9        *supports or conducts training activities under*  
 10       *this subparagraph, such activities shall con-*  
 11       *tribute to the achievement of the purpose of this*  
 12       *subtitle.*

13                *(D) TECHNICAL ASSISTANCE.—The Council*  
 14        *may support and conduct technical assistance*  
 15        *activities to assist public and private entities to*  
 16        *contribute to the achievement of the purpose of*  
 17        *this subtitle.*

18                *(E) SUPPORTING AND EDUCATING COMMU-*  
 19        *NITIES.—The Council may support and conduct*  
 20        *activities to assist neighborhoods and commu-*  
 21        *nities to respond positively to individuals with*  
 22        *developmental disabilities and their families—*

23                        *(i) by encouraging local networks to*  
 24                        *provide informal and formal supports;*

25                        *(ii) through education; and*

1                   (iii) by enabling neighborhoods and  
 2                   communities to offer such individuals and  
 3                   their families access to and use of services,  
 4                   resources, and opportunities.

5                   (F) INTERAGENCY COLLABORATION AND CO-  
 6                   ORDINATION.—The Council may support and  
 7                   conduct activities to promote interagency col-  
 8                   laboration and coordination to better serve, sup-  
 9                   port, assist, or advocate for individuals with de-  
 10                  velopmental disabilities and their families.

11                  (G) COORDINATION WITH RELATED COUN-  
 12                  CILS, COMMITTEES, AND PROGRAMS.—The Coun-  
 13                  cil may support and conduct activities to en-  
 14                  hance coordination of services with—

15                   (i) other councils, entities, or commit-  
 16                   tees, authorized by Federal or State law,  
 17                   concerning individuals with disabilities  
 18                   (such as the State interagency coordinating  
 19                   council established under subtitle C of the  
 20                   Individuals with Disabilities Education Act  
 21                   (20 U.S.C. 1431 et seq.), the State Rehabili-  
 22                   tation Council and the Statewide Inde-  
 23                   pendent Living Council established under  
 24                   the Rehabilitation Act of 1973 (29 U.S.C.  
 25                   701 et seq.), the State mental health plan-

ning council established under subtitle B of title XIX of the Public Health Service Act (42 U.S.C. 300x-1 et seq.), and the activities authorized under section 101 or 102 of the Assistive Technology Act of 1998 (29 U.S.C. 3011, 3012), and entities carrying out other similar councils, entities, or committees);

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

(iii) other groups interested in advocacy, capacity building, and systemic change activities to benefit individuals with disabilities.

(H) *BARRIER ELIMINATION, SYSTEMS DESIGN AND REDESIGN.*—The Council may support and conduct activities to eliminate barriers to assess and use of community services by individuals with developmental disabilities, enhance systems design and redesign, and enhance citizen

1        *participation to address issues identified in the*  
 2        *State plan.*

3                (I) *COALITION DEVELOPMENT AND CITIZEN*  
 4        *PARTICIPATION.—The Council may support and*  
 5        *conduct activities to educate the public about the*  
 6        *capabilities, preferences, and needs of individ-*  
 7        *uals with developmental disabilities and their*  
 8        *families and to develop and support coalitions*  
 9        *that support the policy agenda of the Council,*  
 10        *including training in self-advocacy, education of*  
 11        *policymakers, and citizen leadership skills.*

12                (J) *INFORMING POLICYMAKERS.—The Coun-*  
 13        *cil may support and conduct activities to pro-*  
 14        *vide information to policymakers by supporting*  
 15        *and conducting studies and analyses, gathering*  
 16        *information, and developing and disseminating*  
 17        *model policies and procedures, information, ap-*  
 18        *proaches, strategies, findings, conclusions, and*  
 19        *recommendations. The Council may provide the*  
 20        *information directly to Federal, State, and local*  
 21        *policymakers, including Congress, the Federal*  
 22        *executive branch, the Governors, State legisla-*  
 23        *tures, and State agencies, in order to increase*  
 24        *the ability of such policymakers to offer opportu-*  
 25        *nities and to enhance or adapt generic services*

1           to meet the needs of, or provide specialized serv-  
 2           ices to, individuals with developmental disabil-  
 3           ities and their families.

4                   (K) DEMONSTRATION OF NEW APPROACHES  
 5           TO SERVICES AND SUPPORTS.—

6                   (i) IN GENERAL.—The Council may  
 7           support and conduct, on a time-limited  
 8           basis, activities to demonstrate new ap-  
 9           proaches to serving individuals with devel-  
 10          opmental disabilities that are a part of an  
 11          overall strategy for systemic change. The  
 12          strategy may involve the education of pol-  
 13          icymakers and the public about how to de-  
 14          liver effectively, to individuals with develop-  
 15          mental disabilities and their families, serv-  
 16          ices, supports, and assistance that con-  
 17          tribute to the achievement of the purpose of  
 18          this subtitle.

19                  (ii) SOURCES OF FUNDING.—The  
 20          Council may carry out this subparagraph  
 21          by supporting and conducting demonstra-  
 22          tion activities through sources of funding  
 23          other than funding provided under this sub-  
 24          title, and by assisting entities conducting

1           *demonstration activities to develop strate-*  
 2           *gies for securing funding from other sources.*

3           (L) *OTHER ACTIVITIES.*—*The Council may*  
 4           *support and conduct other advocacy, capacity*  
 5           *building, and systemic change activities to pro-*  
 6           *mote the development of a coordinated,*  
 7           *consumer- and family-centered, consumer- and*  
 8           *family-directed, comprehensive system of commu-*  
 9           *nity services, individualized supports, and other*  
 10          *forms of assistance that contribute to the achieve-*  
 11          *ment of the purpose of this subtitle.*

12          (6) *REVIEW OF DESIGNATED STATE AGENCY.*—  
 13          *The Council shall periodically review the designated*  
 14          *State agency and activities carried out under this*  
 15          *subtitle by the designated State agency and make any*  
 16          *recommendations for change to the Governor.*

17          (7) *REPORTS.*—*Beginning in fiscal year 2001,*  
 18          *the Council shall annually prepare and transmit to*  
 19          *the Secretary a report. Each report shall be in a form*  
 20          *prescribed by the Secretary by regulation under sec-*  
 21          *tion 104(b). Each report shall contain information*  
 22          *about the progress made by the Council in achieving*  
 23          *the goals of the Council (as specified in section*  
 24          *124(c)(4)), including—*



1           (A) a description of the extent to which the  
2 goals were achieved;

3           (B) a description of the strategies that con-  
4 tributed to achieving the goals;

5           (C) to the extent to which the goals were not  
6 achieved, a description of factors that impeded  
7 the achievement;

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

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

13          (ii) information on consumer satisfaction  
14 with Council supported or conducted activities;

15          (F)(i) a description of the adequacy of  
16 health care and other services, supports, and as-  
17 sistance that individuals with developmental dis-  
18 abilities in Intermediate Care Facilities (Mental  
19 Retardation) receive; and

20          (ii) a description of the adequacy of health  
21 care and other services, supports, and assistance  
22 that individuals with developmental disabilities  
23 served through home and community-based waiv-  
24 ers (authorized under section 1915(c) of the So-  
25 cial Security Act (42 U.S.C. 1396n(c)) receive;

1                   (G) *an accounting of the manner in which*  
 2                   *funds paid to the State under this subtitle for a*  
 3                   *fiscal year were expended;*

4                   (H) *a description of—*

5                   (i) *resources made available to carry*  
 6                   *out activities to assist individuals with de-*  
 7                   *velopmental disabilities that are directly at-*  
 8                   *tributable to Council actions; and*

9                   (ii) *resources made available for such*  
 10                   *activities that are undertaken by the Coun-*  
 11                   *cil in collaboration with other entities; and*

12                   (I) *a description of the method by which the*  
 13                   *Council will widely disseminate the annual re-*  
 14                   *port to affected constituencies and the general*  
 15                   *public and will assure that the report is avail-*  
 16                   *able in accessible formats.*

17                   (8) *BUDGET.—Each Council shall prepare, ap-*  
 18                   *prove, and implement a budget using amounts paid*  
 19                   *to the State under this subtitle to fund and imple-*  
 20                   *ment all programs, projects, and activities carried out*  
 21                   *under this subtitle, including—*

22                   (A)(i) *conducting such hearings and forums*  
 23                   *as the Council may determine to be necessary to*  
 24                   *carry out the duties of the Council; and*

25                   (ii) *as determined in Council policy—*

1           (I) reimbursing members of the Coun-  
2           cil for reasonable and necessary expenses  
3           (including expenses for child care and per-  
4           sonal assistance services) for attending  
5           Council meetings and performing Council  
6           duties;

7           (II) paying a stipend to a member of  
8           the Council, if such member is not employed  
9           or must forfeit wages from other employ-  
10          ment, to attend Council meetings and per-  
11          form other Council duties;

12          (III) supporting Council member and  
13          staff travel to authorized training and tech-  
14          nical assistance activities including in-serv-  
15          ice training and leadership development ac-  
16          tivities; and

17          (IV) carrying out appropriate subcon-  
18          tracting activities;

19          (B) hiring and maintaining such numbers  
20          and types of staff (qualified by training and ex-  
21          perience) and obtaining the services of such pro-  
22          fessional, consulting, technical, and clerical staff  
23          (qualified by training and experience), consistent  
24          with State law, as the Council determines to be  
25          necessary to carry out the functions of the Coun-

1        *cil under this subtitle, except that such State*  
2        *shall not apply hiring freezes, reductions in*  
3        *force, prohibitions on travel, or other policies to*  
4        *the staff of the Council, to the extent that such*  
5        *policies would impact the staff or functions fund-*  
6        *ed with Federal funds, or would prevent the*  
7        *Council from carrying out the functions of the*  
8        *Council under this subtitle; and*

9            *(C) directing the expenditure of funds for*  
10        *grants, contracts, interagency agreements that*  
11        *are binding contracts, and other activities au-*  
12        *thorized by the State plan approved under sec-*  
13        *tion 124.*

14        *(9) STAFF HIRING AND SUPERVISION.—The*  
15        *Council shall, consistent with State law, recruit and*  
16        *hire a Director of the Council, should the position of*  
17        *Director become vacant, and supervise and annually*  
18        *evaluate the Director. The Director shall hire, super-*  
19        *vise, and annually evaluate the staff of the Council.*  
20        *Council recruitment, hiring, and dismissal of staff*  
21        *shall be conducted in a manner consistent with Fed-*  
22        *eral and State nondiscrimination laws. Dismissal of*  
23        *personnel shall be conducted in a manner consistent*  
24        *with State law and personnel policies.*

1           (10) *STAFF ASSIGNMENTS.*—*The staff of the*  
 2           *Council, while working for the Council, shall be re-*  
 3           *sponsible solely for assisting the Council in carrying*  
 4           *out the duties of the Council under this subtitle and*  
 5           *shall not be assigned duties by the designated State*  
 6           *agency or any other agency or entity of the State.*

7           (11) *CONSTRUCTION.*—*Nothing in this title shall*  
 8           *be construed to authorize a Council to direct, control,*  
 9           *or exercise any policymaking authority or adminis-*  
 10          *trative authority over any program assisted under the*  
 11          *Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or*  
 12          *the Individuals with Disabilities Education Act (20*  
 13          *U.S.C. 1400 et seq.).*

14          (d) *DESIGNATED STATE AGENCY.*—

15           (1) *IN GENERAL.*—*Each State that receives as-*  
 16          *istance under this subtitle shall designate a State*  
 17          *agency that shall, on behalf of the State, provide sup-*  
 18          *port to the Council. After the date of enactment of the*  
 19          *Developmental Disabilities Assistance and Bill of*  
 20          *Rights Act Amendments of 1994 (Public Law 103–*  
 21          *230), any designation of a State agency under this*  
 22          *paragraph shall be made in accordance with the re-*  
 23          *quirements of this subsection.*

24           (2) *DESIGNATION.*—

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

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

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

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

13           (B) *CONDITIONS FOR CONTINUATION OF*  
14           *STATE SERVICE AGENCY DESIGNATION.—*

15                   (i) *DESIGNATION BEFORE ENACT-*  
16                   *MENT.—If a State agency that provides or*  
17                   *pays for services for individuals with devel-*  
18                   *opmental disabilities was a designated*  
19                   *State agency for purposes of part B of the*  
20                   *Developmental Disabilities Assistance and*  
21                   *Bill of Rights Act on the date of enactment*  
22                   *of the Developmental Disabilities Assistance*  
23                   *and Bill of Rights Act Amendments of 1994,*  
24                   *and the Governor of the State (or the legis-*  
25                   *lature, where appropriate and in accord-*

1            *ance with State law) determines prior to*  
2            *June 30, 1994, not to change the designa-*  
3            *tion of such agency, such agency may con-*  
4            *tinue to be a designated State agency for*  
5            *purposes of this subtitle.*

6            *(ii) CRITERIA FOR CONTINUED DES-*  
7            *IGNATION.—The determination, at the dis-*  
8            *cretion of the Governor (or the legislature,*  
9            *as the case may be), shall be made after—*

10            *(I) the Governor has considered*  
11            *the comments and recommendations of*  
12            *the general public and a majority of*  
13            *the non-State agency members of the*  
14            *Council with respect to the designation*  
15            *of such State agency; and*

16            *(II) the Governor (or the legisla-*  
17            *ture, as the case may be) has made an*  
18            *independent assessment that the des-*  
19            *ignation of such agency will not inter-*  
20            *fere with the budget, personnel, prior-*  
21            *ities, or other action of the Council,*  
22            *and the ability of the Council to serve*  
23            *as an independent advocate for indi-*  
24            *viduals with developmental disabilities.*

1           (C) *REVIEW OF DESIGNATION.*—*The Coun-*  
2           *cil may request a review of and change in the*  
3           *designation of the designated State agency by the*  
4           *Governor (or the legislature, as the case may be).*  
5           *The Council shall provide documentation con-*  
6           *cerning the reason the Council desires a change*  
7           *to be made and make a recommendation to the*  
8           *Governor (or the legislature, as the case may be)*  
9           *regarding a preferred designated State agency.*

10          (D) *APPEAL OF DESIGNATION.*—*After the*  
11          *review is completed under subparagraph (C), a*  
12          *majority of the non-State agency members of the*  
13          *Council may appeal to the Secretary for a re-*  
14          *view of and change in the designation of the des-*  
15          *ignated State agency if the ability of the Council*  
16          *to serve as an independent advocate is not as-*  
17          *sured because of the actions or inactions of the*  
18          *designated State agency.*

19          (3) *RESPONSIBILITIES.*—

20               (A) *IN GENERAL.*—*The designated State*  
21               *agency shall, on behalf of the State, have the re-*  
22               *sponsibilities described in subparagraphs (B)*  
23               *through (G).*

24               (B) *SUPPORT SERVICES.*—*The designated*  
25               *State agency shall provide required assurances*



1           *and support services as requested by and nego-*  
2           *tiated with the Council.*

3           (C) *FISCAL RESPONSIBILITIES.*—*The des-*  
4           *ignated State agency shall—*

5                   (i) *receive, account for, and disburse*  
6                   *funds under this subtitle based on the State*  
7                   *plan required in section 124; and*

8                   (ii) *provide for such fiscal control and*  
9                   *fund accounting procedures as may be nec-*  
10                  *essary to assure the proper disbursement of,*  
11                  *and accounting for, funds paid to the State*  
12                  *under this subtitle.*

13          (D) *RECORDS, ACCESS, AND FINANCIAL RE-*  
14          *PORTS.*—*The designated State agency shall keep*  
15          *and provide access to such records as the Sec-*  
16          *retary and the Council may determine to be nec-*  
17          *essary. The designated State agency, if other*  
18          *than the Council, shall provide timely financial*  
19          *reports at the request of the Council regarding*  
20          *the status of expenditures, obligations, and liq-*  
21          *uidation by the agency or the Council, and the*  
22          *use of the Federal and non-Federal shares de-*  
23          *scribed in section 126, by the agency or the*  
24          *Council.*

1           (E) *NON-FEDERAL SHARE.*—*The designated*  
 2           *State agency, if other than the Council, shall*  
 3           *provide the required non-Federal share described*  
 4           *in section 126(c).*

5           (F) *ASSURANCES.*—*The designated State*  
 6           *agency shall assist the Council in obtaining the*  
 7           *appropriate State plan assurances and in ensur-*  
 8           *ing that the plan is consistent with State law.*

9           (G) *MEMORANDUM OF UNDERSTANDING.*—  
 10          *On the request of the Council, the designated*  
 11          *State agency shall enter into a memorandum of*  
 12          *understanding with the Council delineating the*  
 13          *roles and responsibilities of the designated State*  
 14          *agency.*

15          (4) *USE OF FUNDS FOR DESIGNATED STATE*  
 16          *AGENCY RESPONSIBILITIES.*—

17           (A) *CONDITION FOR FEDERAL FUNDING.*—

18           (i) *IN GENERAL.*—*The Secretary shall*  
 19           *provide amounts to a State under section*  
 20           *124(c)(5)(B)(vi) for a fiscal year only if the*  
 21           *State expends an amount from State*  
 22           *sources for carrying out the responsibilities*  
 23           *of the designated State agency under para-*  
 24           *graph (3) for the fiscal year that is not less*  
 25           *than the total amount the State expended*

1           *from such sources for carrying out similar*  
 2           *responsibilities for the previous fiscal year.*

3           (ii) *EXCEPTION.*—*Clause (i) shall not*  
 4           *apply in a year in which the Council is the*  
 5           *designated State agency.*

6           (B) *SUPPORT SERVICES PROVIDED BY*  
 7           *OTHER AGENCIES.*—*With the agreement of the*  
 8           *designated State agency, the Council may use or*  
 9           *contract with agencies other than the designated*  
 10          *State agency to perform the functions of the des-*  
 11          *ignated State agency.*

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

13          (a) *AGGREGATE COST.*—

14           (1) *IN GENERAL.*—*Except as provided in para-*  
 15          *graphs (2) and (3), the Federal share of the cost of*  
 16          *all projects in a State supported by an allotment to*  
 17          *the State under this subtitle may not be more than*  
 18          *75 percent of the aggregate necessary cost of such*  
 19          *projects, as determined by the Secretary.*

20           (2) *URBAN OR RURAL POVERTY AREAS.*—*In the*  
 21          *case of projects whose activities or products target in-*  
 22          *dividuals with developmental disabilities who live in*  
 23          *urban or rural poverty areas, as determined by the*  
 24          *Secretary, the Federal share of the cost of all such*  
 25          *projects may not be more than 90 percent of the ag-*

1        *gregate necessary cost of such projects, as determined*  
 2        *by the Secretary.*

3            (3) *STATE PLAN ACTIVITIES.*—*In the case of*  
 4        *projects undertaken by the Council or Council staff to*  
 5        *implement State plan activities, the Federal share of*  
 6        *the cost of all such projects may be not more than 100*  
 7        *percent of the aggregate necessary cost of such activi-*  
 8        *ties.*

9            (b) *NONDUPLICATION.*—*In determining the amount of*  
 10       *any State's Federal share of the cost of such projects in-*  
 11       *cluded by such State under a State plan approved under*  
 12       *section 124, the Secretary shall not consider—*

13            (1) *any portion of such cost that is financed by*  
 14        *Federal funds provided under any provision of law*  
 15        *other than section 122; and*

16            (2) *the amount of any non-Federal funds re-*  
 17        *quired to be expended as a condition of receipt of the*  
 18        *Federal funds described in paragraph (1).*

19            (c) *NON-FEDERAL SHARE.*—

20            (1) *IN-KIND CONTRIBUTIONS.*—*The non-Federal*  
 21        *share of the cost of any project supported by an allot-*  
 22        *ment under this subtitle may be provided in cash or*  
 23        *in kind, fairly evaluated, including plant, equipment,*  
 24        *or services.*

1           (2) *CONTRIBUTIONS OF POLITICAL SUBDIVISIONS*  
 2           *AND PUBLIC OR PRIVATE ENTITIES.*—

3                   (A) *IN GENERAL.*—Contributions to projects  
 4           by a political subdivision of a State or by a pub-  
 5           lic or private entity under an agreement with  
 6           the State shall, subject to such limitations and  
 7           conditions as the Secretary may by regulation  
 8           prescribe under section 104(b), be considered to  
 9           be contributions by such State, in the case of a  
 10          project supported under this subtitle.

11                  (B) *STATE CONTRIBUTIONS.*—State con-  
 12          tributions, including contributions by the des-  
 13          ignated State agency to provide support services  
 14          to the Council pursuant to section 125(d)(4),  
 15          may be counted as part of such State's non-Fed-  
 16          eral share of the cost of projects supported under  
 17          this subtitle.

18           (3) *VARIATIONS OF THE NON-FEDERAL SHARE.*—  
 19          The non-Federal share required of each recipient of a  
 20          grant from a Council under this subtitle may vary.

21 **SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING, AD-**  
 22 **MINISTRATION, AND SERVICES.**

23          Whenever the Secretary, after providing reasonable no-  
 24          tice and an opportunity for a hearing to the Council and  
 25          the designated State agency, finds that—

1           (1) *the Council or agency has failed to comply*  
 2           *substantially with any of the provisions required by*  
 3           *section 124 to be included in the State plan, particu-*  
 4           *larly provisions required by paragraphs (4)(A) and*  
 5           *(5)(B)(vii) of section 124(c), or with any of the provi-*  
 6           *sions required by section 125(b)(3); or*

7           (2) *the Council or agency has failed to comply*  
 8           *substantially with any regulations of the Secretary*  
 9           *that are applicable to this subtitle,*

10 *the Secretary shall notify such Council and agency that the*  
 11 *Secretary will not make further payments to the State*  
 12 *under section 122 (or, in the discretion of the Secretary,*  
 13 *that further payments to the State under section 122 for*  
 14 *activities for which there is such failure), until the Sec-*  
 15 *retary is satisfied that there will no longer be such failure.*  
 16 *Until the Secretary is so satisfied, the Secretary shall make*  
 17 *no further payments to the State under section 122, or shall*  
 18 *limit further payments under section 122 to such State to*  
 19 *activities for which there is no such failure.*

20 **SEC. 128. APPEALS BY STATES.**

21           (a) *APPEAL.—If any State is dissatisfied with the Sec-*  
 22 *retary's action under section 124(d)(3) or 127, such State*  
 23 *may appeal to the United States court of appeals for the*  
 24 *circuit in which such State is located, by filing a petition*  
 25 *with such court not later than 60 days after such action.*

1       (b) *FILING.*—The clerk of the court shall transmit  
2 promptly a copy of the petition to the Secretary, or any  
3 officer designated by the Secretary for that purpose. The  
4 Secretary shall file promptly with the court the record of  
5 the proceedings on which the Secretary based the action,  
6 as provided in section 2112 of title 28, United States Code.

7       (c) *JURISDICTION.*—Upon the filing of the petition, the  
8 court shall have jurisdiction to affirm the action of the Sec-  
9 retary or to set the action aside, in whole or in part, tempo-  
10 rarily or permanently. Until the filing of the record, the  
11 Secretary may modify or set aside the order of the Secretary  
12 relating to the action.

13       (d) *FINDINGS AND REMAND.*—The findings of the Sec-  
14 retary about the facts, if supported by substantial evidence,  
15 shall be conclusive, but the court, for good cause shown, may  
16 remand the case involved to the Secretary for further pro-  
17 ceedings to take further evidence. On remand, the Secretary  
18 may make new or modified findings of fact and may modify  
19 the previous action of the Secretary, and shall file with the  
20 court the record of the further proceedings. Such new or  
21 modified findings of fact shall likewise be conclusive if sup-  
22 ported by substantial evidence.

23       (e) *FINALITY.*—The judgment of the court affirming or  
24 setting aside, in whole or in part, any action of the Sec-  
25 retary shall be final, subject to review by the Supreme Court

1 *of the United States upon certiorari or certification as pro-*  
 2 *vided in section 1254 of title 28, United States Code.*

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

6 **SEC. 129. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) *FUNDING FOR STATE ALLOTMENTS.*—*Except as*  
 8 *described in subsection (b), there are authorized to be appro-*  
 9 *priated for allotments under section 122 \$76,000,000 for fis-*  
 10 *cal year 2000 and such sums as may be necessary for each*  
 11 *of fiscal years 2001 through 2006.*

12 (b) *RESERVATION FOR TECHNICAL ASSISTANCE.*—

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

19 (2) *HIGHER APPROPRIATION YEARS.*—*For any*  
 20 *fiscal year for which the amount appropriated under*  
 21 *subsection (a) is not less than \$76,000,000, the Sec-*  
 22 *retary shall reserve not less than \$300,000 and not*  
 23 *more than 1 percent of the amount appropriated*  
 24 *under subsection (a) to provide technical assistance to*  
 25 *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 allotments*  
 5   *to support a protection and advocacy system (referred to*  
 6   *in this subtitle as a “system”) in each State to protect the*  
 7   *legal and human rights of individuals with developmental*  
 8   *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 shall*  
 13   *allot to the States the amounts appropriated under*  
 14   *section 145 and not reserved under paragraph (6). Al-*  
 15   *lotments and reallotments of such sums shall be made*  
 16   *on the same basis as the allotments and reallotments*  
 17   *are made under subsections (a)(1)(A) and (e) of sec-*  
 18   *tion 122, except as provided in paragraph (2).*

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

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

1                   (i) to each of American Samoa, Guam,  
 2                   the United States Virgin Islands, and the  
 3                   Commonwealth of the Northern Mariana Is-  
 4                   lands may not be less than \$107,000; and  
 5                   (ii) to any State not described in  
 6                   clause (i) may not be less than \$200,000; or  
 7                   (B) the total amount appropriated under  
 8                   section 145 for a fiscal year is less than  
 9                   \$20,000,000, the allotment under paragraph (1)  
 10                  for such fiscal year—

11                   (i) to each of American Samoa, Guam,  
 12                   the United States Virgin Islands, and the  
 13                   Commonwealth of the Northern Mariana Is-  
 14                   lands may not be less than \$80,000; and  
 15                   (ii) to any State not described in  
 16                   clause (i) may not be less than \$150,000.

17                  (3) *REDUCTION OF ALLOTMENT.*—Notwith-  
 18                  standing paragraphs (1) and (2), if the aggregate of  
 19                  the amounts to be allotted to the States pursuant to  
 20                  such paragraphs for any fiscal year exceeds the total  
 21                  amount appropriated for such allotments under sec-  
 22                  tion 145 for such fiscal year, the amount to be allot-  
 23                  ted to each State for such fiscal year shall be propor-  
 24                  tionately reduced.

(4) *INCREASE IN ALLOTMENTS.*—*In any year in which the total amount appropriated under section 145 for a fiscal year exceeds the total amount appropriated under such section (or a corresponding provision) for the preceding fiscal year by a percentage greater than the most recent percentage change in the Consumer Price Index published by the Secretary of Labor under section 100(c)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage change indicates an increase), the Secretary shall increase each of the minimum allotments described in subparagraphs (A) and (B) of paragraph (2). The Secretary shall increase each minimum allotment by an amount that bears the same ratio to the amount of such minimum allotment (including any increases in such minimum allotment under this paragraph (or a corresponding provision) for prior fiscal years) as the amount that is equal to the difference between—*

*(A) the total amount appropriated under section 145 for the fiscal year for which the increase in the minimum allotment is being made; minus*

*(B) the total amount appropriated under section 145 (or a corresponding provision) for the immediately preceding fiscal year,*

1        *bears to the total amount appropriated under section*  
 2        *145 (or a corresponding provision) for such preceding*  
 3        *fiscal year.*

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

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

14            (A) *use not more than 2 percent of the*  
 15        *amount appropriated to provide technical assist-*  
 16        *ance to eligible systems with respect to activities*  
 17        *carried out under this subtitle (consistent with*  
 18        *requests by such systems for such assistance for*  
 19        *the year); and*

20            (B) *provide a grant in accordance with sec-*  
 21        *tion 143(b), and in an amount described in*  
 22        *paragraph (2)(A)(i), to an American Indian*  
 23        *consortium to provide protection and advocacy*  
 24        *services.*

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

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

12 **SEC. 143. SYSTEM REQUIRED.**

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

15               (1) the State shall have in effect a system to pro-  
 16 tect and advocate the rights of individuals with devel-  
 17 opmental disabilities;

18               (2) such system shall—

19                       (A) have the authority to—

20                               (i) pursue legal, administrative, and  
 21 other appropriate remedies or approaches to  
 22 ensure the protection of, and advocacy for,  
 23 the rights of such individuals within the  
 24 State who are or who may be eligible for  
 25 treatment, services, or habilitation, or who

1           *are being considered for a change in living*  
2           *arrangements, with particular attention to*  
3           *members of ethnic and racial minority*  
4           *groups; and*

5           *(ii) provide information on and refer-*  
6           *ral to programs and services addressing the*  
7           *needs of individuals with developmental dis-*  
8           *abilities;*

9           *(B) have the authority to investigate inci-*  
10          *dents of abuse and neglect of individuals with*  
11          *developmental disabilities if the incidents are re-*  
12          *ported to the system or if there is probable cause*  
13          *to believe that the incidents occurred;*

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

20          *(D) on an annual basis, provide to the pub-*  
21          *lic, including individuals with developmental*  
22          *disabilities attributable to either physical im-*  
23          *pairment, mental impairment, or a combination*  
24          *of physical and mental impairment, and their*  
25          *representatives, and as appropriate, non-State*

1        *agency representatives of the State Councils on*  
2        *Developmental Disabilities, and Centers, in the*  
3        *State, an opportunity to comment on—*

4                *(i) the goals and priorities established*  
5                *by the system and the rationale for the es-*  
6                *tablishment of such goals; and*

7                *(ii) the activities of the system, includ-*  
8                *ing the coordination of services with the en-*  
9                *tities carrying out advocacy programs*  
10               *under the Rehabilitation Act of 1973 (29*  
11               *U.S.C. 701 et seq.), the Older Americans*  
12               *Act of 1965 (42 U.S.C. 3001 et seq.), and*  
13               *the Protection and Advocacy for Mentally*  
14               *Ill Individuals Act of 1986 (42 U.S.C.*  
15               *10801 et seq.), and with entities carrying*  
16               *out other related programs, including the*  
17               *parent training and information centers*  
18               *funded under the Individuals with Disabil-*  
19               *ities Education Act (20 U.S.C. 1400 et*  
20               *seq.), and activities authorized under sec-*  
21               *tion 101 or 102 of the Assistive Technology*  
22               *Act of 1998 (29 U.S.C. 3011, 3012);*

23               *(E) establish a grievance procedure for cli-*  
24               *ents or prospective clients of the system to ensure*

1        *that individuals with developmental disabilities*  
 2        *have full access to services of the system;*

3                *(F) not be administered by the State Coun-*  
 4        *cil on Developmental Disabilities;*

5                *(G) be independent of any agency that pro-*  
 6        *vides treatment, services, or habilitation to indi-*  
 7        *viduals with developmental disabilities;*

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

13                *(I) have access to all records of—*

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

20                    *(ii) any individual with a develop-*  
 21        *mental disability, in a situation in which—*

22                    *(I) the individual, by reason of*  
 23        *such individual's mental or physical*  
 24        *condition, is unable to authorize the*  
 25        *system to have such access;*



1                   (II) the individual does not have  
 2                   a legal guardian, conservator, or other  
 3                   legal representative, or the legal guard-  
 4                   ian of the individual is the State; and

5                   (III) a complaint has been re-  
 6                   ceived by the system about the indi-  
 7                   vidual with regard to the status or  
 8                   treatment of the individual or, as a re-  
 9                   sult of monitoring or other activities,  
 10                  there is probable cause to believe that  
 11                  such individual has been subject to  
 12                  abuse or neglect; and

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

15                   (I) the individual has a legal  
 16                   guardian, conservator, or other legal  
 17                   representative;

18                   (II) a complaint has been received  
 19                   by the system about the individual  
 20                   with regard to the status or treatment  
 21                   of the individual or, as a result of  
 22                   monitoring or other activities, there is  
 23                   probable cause to believe that such in-  
 24                   dividual has been subject to abuse or  
 25                   neglect;

1                   (III) such representative has been  
2                   contacted by such system, upon receipt  
3                   of the name and address of such rep-  
4                   resentative;

5                   (IV) such system has offered as-  
6                   sistance to such representative to re-  
7                   solve the situation; and

8                   (V) such representative has failed  
9                   or refused to act on behalf of the indi-  
10                  vidual;

11                (J)(i) have access to the records of individ-  
12                uals described in subparagraphs (B) and (I),  
13                and other records that are relevant to conducting  
14                an investigation, under the circumstances de-  
15                scribed in those subparagraphs, not later than 3  
16                business days after the system makes a written  
17                request for the records involved; and

18                (ii) have immediate access, not later than  
19                24 hours after the system makes such a request,  
20                to the records without consent from another  
21                party, in a situation in which services, supports,  
22                and other assistance are provided to an indi-  
23                vidual with a developmental disability—

24                (I) if the system determines there is  
25                probable cause to believe that the health or

1           *safety of the individual is in serious and*  
2           *immediate jeopardy; or*

3           *(II) in any case of death of an indi-*  
4           *vidual with a developmental disability;*

5           *(K) hire and maintain sufficient numbers*  
6           *and types of staff (qualified by training and ex-*  
7           *perience) to carry out such system's functions,*  
8           *except that the State involved shall not apply*  
9           *hiring freezes, reductions in force, prohibitions*  
10          *on travel, or other policies to the staff of the sys-*  
11          *tem, to the extent that such policies would im-*  
12          *pact the staff or functions of the system funded*  
13          *with Federal funds or would prevent the system*  
14          *from carrying out the functions of the system*  
15          *under this subtitle;*

16          *(L) have the authority to educate policy-*  
17          *makers; and*

18          *(M) provide assurances to the Secretary*  
19          *that funds allotted to the State under section 142*  
20          *will be used to supplement, and not supplant,*  
21          *the non-Federal funds that would otherwise be*  
22          *made available for the purposes for which the al-*  
23          *lotted funds are provided;*

24          *(3) to the extent that information is available,*  
25          *the State shall provide to the system—*

1           (A) a copy of each independent review, pur-  
 2           suant to section 1902(a)(30)(C) of the Social Se-  
 3           curity Act (42 U.S.C. 1396a(a)(30)(C)), of an  
 4           Intermediate Care Facility (Mental Retardation)  
 5           within the State, not later than 30 days after the  
 6           availability of such a review; and

7           (B) information about the adequacy of  
 8           health care and other services, supports, and as-  
 9           sistance that individuals with developmental dis-  
 10          abilities who are served through home and com-  
 11          munity-based waivers (authorized under section  
 12          1915(c) of the Social Security Act (42 U.S.C.  
 13          1396n(c))) receive; and

14          (4) the agency implementing the system shall not  
 15          be redesignated unless—

16               (A) there is good cause for the redesigna-  
 17               tion;

18               (B) the State has given the agency notice of  
 19               the intention to make such redesignation, includ-  
 20               ing notice regarding the good cause for such re-  
 21               designation, and given the agency an oppor-  
 22               tunity to respond to the assertion that good cause  
 23               has been shown;

24               (C) the State has given timely notice and  
 25               an opportunity for public comment in an acces-

1           sible format to individuals with developmental  
2           disabilities or their representatives; and

3           (D) the system has an opportunity to ap-  
4           peal the redesignation to the Secretary, on the  
5           basis that the redesignation was not for good  
6           cause.

7           (b) *AMERICAN INDIAN CONSORTIUM*.—Upon applica-  
8           tion to the Secretary, an American Indian consortium es-  
9           tablished to provide protection and advocacy services under  
10          this subtitle, shall receive funding pursuant to section  
11          142(a)(6) to provide the services. Such consortium shall be  
12          considered to be a system for purposes of this subtitle and  
13          shall coordinate the services with other systems serving the  
14          same geographic area. The tribal council that designates the  
15          consortium shall carry out the responsibilities and exercise  
16          the authorities specified for a State in this subtitle, with  
17          regard to the consortium.

18          (c) *RECORD*.—In this section, the term “record”  
19          includes—

20               (1) a report prepared or received by any staff at  
21               any location at which services, supports, or other as-  
22               sistance is provided to individuals with develop-  
23               mental disabilities;

24               (2) a report prepared by an agency or staff per-  
25               son charged with investigating reports of incidents of

1        *abuse or neglect, injury, or death occurring at such*  
 2        *location, that describes such incidents and the steps*  
 3        *taken to investigate such incidents; and*

4                *(3) a discharge planning record.*

5    **SEC. 144. ADMINISTRATION.**

6        *(a) GOVERNING BOARD.—In a State in which the sys-*  
 7        *tem described in section 143 is organized as a private non-*  
 8        *profit entity with a multimember governing board, or a*  
 9        *public system with a multimember governing board, such*  
 10        *governing board shall be selected according to the policies*  
 11        *and procedures of the system, except that—*

12                *(1)(A) the governing board shall be composed of*  
 13        *members who broadly represent or are knowledgeable*  
 14        *about the needs of the individuals served by the sys-*  
 15        *tem;*

16                *(B) a majority of the members of the board shall*  
 17        *be—*

18                *(i) individuals with disabilities, including*  
 19        *individuals with developmental disabilities, who*  
 20        *are eligible for services, or have received or are*  
 21        *receiving services through the system; or*

22                *(ii) parents, family members, guardians,*  
 23        *advocates, or authorized representatives of indi-*  
 24        *viduals referred to in clause (i); and*

1           (C) the board may include a representative of the  
2       State Council on Developmental Disabilities, the Cen-  
3       ters in the State, and the self-advocacy organization  
4       described in section 124(c)(4)(A)(ii)(I);

5           (2) not more than  $\frac{1}{3}$  of the members of the gov-  
6       erning board may be appointed by the chief executive  
7       officer of the State involved, in the case of any State  
8       in which such officer has the authority to appoint  
9       members of the board;

10          (3) the membership of the governing board shall  
11       be subject to term limits set by the system to ensure  
12       rotating membership;

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

16          (5) in a State in which the system is organized  
17       as a public system without a multimember governing  
18       or advisory board, the system shall establish an advi-  
19       sory council—

20               (A) that shall advise the system on policies  
21               and priorities to be carried out in protecting  
22               and advocating the rights of individuals with de-  
23               velopmental disabilities; and

24               (B) on which a majority of the members  
25               shall be—

1                   (i) *individuals with developmental dis-*  
 2                   *abilities who are eligible for services, or*  
 3                   *have received or are receiving services,*  
 4                   *through the system; or*

5                   (ii) *parents, family members, guard-*  
 6                   *ians, advocates, or authorized representa-*  
 7                   *tives of individuals referred to in clause (i).*

8           (b) *LEGAL ACTION.*—

9                   (1) *IN GENERAL.*—*Nothing in this title shall pre-*  
 10                  *clude a system from bringing a suit on behalf of indi-*  
 11                  *viduals with developmental disabilities against a*  
 12                  *State, or an agency or instrumentality of a State.*

13                  (2) *USE OF AMOUNTS FROM JUDGMENT.*—*An*  
 14                  *amount received pursuant to a suit described in para-*  
 15                  *graph (1) through a court judgment may only be used*  
 16                  *by the system to further the purpose of this subtitle*  
 17                  *and shall not be used to augment payments to legal*  
 18                  *contractors or to award personal bonuses.*

19                  (3) *LIMITATION.*—*The system shall use assist-*  
 20                  *ance provided under this subtitle in a manner con-*  
 21                  *sistent with section 5 of the Assisted Suicide Funding*  
 22                  *Restriction Act of 1997 (42 U.S.C. 14404).*

23           (c) *DISCLOSURE OF INFORMATION.*—*For purposes of*  
 24           *any periodic audit, report, or evaluation required under*  
 25           *this subtitle, the Secretary shall not require an entity car-*



1 *rying out a program to disclose the identity of, or any other*  
2 *personally identifiable information related to, any indi-*  
3 *vidual requesting assistance under such program.*

4 *(d) PUBLIC NOTICE OF FEDERAL ONSITE REVIEW.—*  
5 *The Secretary shall provide advance public notice of any*  
6 *Federal programmatic or administrative onsite review of*  
7 *a system conducted under this subtitle and solicit public*  
8 *comment on the system through such notice. The Secretary*  
9 *shall prepare an onsite visit report containing the results*  
10 *of such review, which shall be distributed to the Governor*  
11 *of the State and to other interested public and private par-*  
12 *ties. The comments received in response to the public com-*  
13 *ment solicitation notice shall be included in the onsite visit*  
14 *report.*

15 *(e) REPORTS.—Beginning in fiscal year 2001, each*  
16 *system established in a State pursuant to this subtitle shall*  
17 *annually prepare and transmit to the Secretary a report*  
18 *that describes the activities, accomplishments, and expendi-*  
19 *tures of the system during the preceding fiscal year, includ-*  
20 *ing a description of the system's goals, the extent to which*  
21 *the goals were achieved, barriers to their achievement, the*  
22 *process used to obtain public input, the nature of such*  
23 *input, and how such input was used.*

1 **SEC. 145. AUTHORIZATION OF APPROPRIATIONS.**

2 *For allotments under section 142, there are authorized*  
 3 *to be appropriated \$32,000,000 for fiscal year 2000 and*  
 4 *such sums as may be necessary for each of fiscal years 2001*  
 5 *through 2006.*

6 ***Subtitle D—National Network of***  
 7 ***University Centers for Excellence***  
 8 ***in Developmental Disabilities***  
 9 ***Education, Research, and Serv-***  
 10 ***ice***

11 **SEC. 151. GRANT AUTHORITY.**

12 *(a) NATIONAL NETWORK.—From appropriations au-*  
 13 *thorized under section 156(a)(1), the Secretary shall make*  
 14 *5-year grants to entities in each State designated as Uni-*  
 15 *versity Centers for Excellence in Developmental Disabilities*  
 16 *Education, Research, and Service to carry out activities de-*  
 17 *scribed in section 153(a).*

18 *(b) NATIONAL TRAINING INITIATIVES.—From appro-*  
 19 *priations authorized under section 156(a)(1) and reserved*  
 20 *under section 156(a)(2), the Secretary shall make grants to*  
 21 *Centers to carry out activities described in section 153(b).*

22 *(c) TECHNICAL ASSISTANCE.—From appropriations*  
 23 *authorized under section 156(a)(1) and reserved under sec-*  
 24 *tion 156(a)(3) (or from funds reserved under section 163,*  
 25 *as appropriate), the Secretary shall enter into 1 or more*

1 *cooperative agreements or contracts for the purpose of pro-*  
 2 *viding technical assistance described in section 153(c).*

3 **SEC. 152. GRANT AWARDS.**

4 *(a) EXISTING CENTERS.—*

5 *(1) IN GENERAL.—In awarding and distributing*  
 6 *grant funds under section 151(a) for a fiscal year, the*  
 7 *Secretary, subject to the availability of appropria-*  
 8 *tions and the condition specified in subsection (d),*  
 9 *shall award and distribute grant funds in equal*  
 10 *amounts of \$500,000 (adjusted in accordance with*  
 11 *subsection (b)), to each Center that existed during the*  
 12 *preceding fiscal year and that meets the requirements*  
 13 *of this subtitle, prior to making grants under sub-*  
 14 *section (c) or (d).*

15 *(2) REDUCTION OF AWARD.—Notwithstanding*  
 16 *paragraph (1), if the aggregate of the funds to be*  
 17 *awarded to the Centers pursuant to paragraph (1) for*  
 18 *any fiscal year exceeds the total amount appropriated*  
 19 *under section 156 for such fiscal year, the amount to*  
 20 *be awarded to each Center for such fiscal year shall*  
 21 *be proportionately reduced.*

22 *(b) ADJUSTMENTS.—Subject to the availability of ap-*  
 23 *propriations, for any fiscal year following a year in which*  
 24 *each Center described in subsection (a) received a grant*  
 25 *award of not less than \$500,000 under subsection (a) (ad-*

1 *justed in accordance with this subsection), the Secretary*  
 2 *shall adjust the awards to take into account the most recent*  
 3 *percentage change in the Consumer Price Index published*  
 4 *by the Secretary of Labor under section 100(c)(1) of the*  
 5 *Rehabilitation Act of 1973 (29 U.S.C. 720(c)(1)) (if the per-*  
 6 *centage change indicates an increase), prior to making*  
 7 *grants under subsection (c) or (d).*

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

19       (d) *ADDITIONAL GRANTS.*—*For any fiscal year in*  
 20 *which each Center described in subsection (a) receives a*  
 21 *grant award of not less than \$500,000 under subsection (a)*  
 22 *(adjusted in accordance with subsection (b)), after making*  
 23 *the grant awards, the Secretary may make grants under*  
 24 *section 151(a) for activities described in section 153(a) to*  
 25 *additional Centers, or additional grants to Centers, for*

1 *States or populations that are unserved or underserved by*  
 2 *Centers due to such factors as—*

3 *(1) population;*

4 *(2) a high concentration of rural or urban areas;*

5 *or*

6 *(3) a high concentration of unserved or under-*  
 7 *served populations.*

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

9 *(a) NATIONAL NETWORK OF UNIVERSITY CENTERS*  
 10 *FOR EXCELLENCE IN DEVELOPMENTAL DISABILITIES EDU-*  
 11 *CATION, RESEARCH, AND SERVICE.—*

12 *(1) IN GENERAL.—In order to provide leadership*  
 13 *in, advise Federal, State, and community policy-*  
 14 *makers about, and promote opportunities for individ-*  
 15 *uals with developmental disabilities to exercise self-de-*  
 16 *termination, be independent, be productive, and be*  
 17 *integrated and included in all facets of community*  
 18 *life, the Secretary shall award grants to eligible enti-*  
 19 *ties designated as Centers in each State to pay for the*  
 20 *Federal share of the cost of the administration and*  
 21 *operation of the Centers. The Centers shall be inter-*  
 22 *disciplinary education, research, and public service*  
 23 *units of universities (as defined by the Secretary) or*  
 24 *public or not-for-profit entities associated with uni-*  
 25 *versities that engage in core functions, described in*

1        *paragraph (2), addressing, directly or indirectly, 1 or*  
2        *more of the areas of emphasis.*

3            (2) *CORE FUNCTIONS.—The core functions re-*  
4        *ferred to in paragraph (1) shall include the following:*

5            (A) *Provision of interdisciplinary pre-serv-*  
6        *ice preparation and continuing education of stu-*  
7        *dents and fellows, which may include the prepa-*  
8        *ration and continuing education of leadership,*  
9        *direct service, clinical, or other personnel to*  
10       *strengthen and increase the capacity of States*  
11       *and communities to achieve the purpose of this*  
12       *title.*

13           (B) *Provision of community services—*

14           (i) *that provide training or technical*  
15        *assistance for individuals with develop-*  
16        *mental disabilities, their families, profes-*  
17        *sionals, paraprofessionals, policymakers,*  
18        *students, and other members of the commu-*  
19        *nity; and*

20           (ii) *that may provide services, sup-*  
21        *ports, and assistance for the persons de-*  
22        *scribed in clause (i) through demonstration*  
23        *and model activities.*

24           (C) *Conduct of research, which may include*  
25        *basic or applied research, evaluation, and the*

1        *analysis of public policy in areas that affect or*  
2        *could affect, either positively or negatively, indi-*  
3        *viduals with developmental disabilities and their*  
4        *families.*

5                *(D) Dissemination of information related to*  
6        *activities undertaken to address the purpose of*  
7        *this title, especially dissemination of information*  
8        *that demonstrates that the network authorized*  
9        *under this subtitle is a national and inter-*  
10       *national resource that includes specific sub-*  
11       *stantive areas of expertise that may be accessed*  
12       *and applied in diverse settings and cir-*  
13       *cumstances.*

14        *(b) NATIONAL TRAINING INITIATIVES ON CRITICAL*  
15       *AND EMERGING NEEDS.—*

16                *(1) SUPPLEMENTAL GRANTS.—After consultation*  
17       *with relevant, informed sources, including individuals*  
18       *with developmental disabilities and their families, the*  
19       *Secretary shall award, under section 151(b), supple-*  
20       *mental grants to Centers to pay for the Federal share*  
21       *of the cost of training initiatives related to the unmet*  
22       *needs of individuals with developmental disabilities*  
23       *and their families. The Secretary shall make the*  
24       *grants on a competitive basis, and for periods of not*  
25       *more than 5 years.*

1           (2) *ESTABLISHMENT OF CONSULTATION PROCESS*  
2           *BY THE SECRETARY.*—Not later than 1 year after the  
3           date of enactment of this Act, the Secretary shall es-  
4           tablish a consultation process that, on an ongoing  
5           basis, allows the Secretary to identify and address,  
6           through supplemental grants authorized under para-  
7           graph (1), training initiatives related to the unmet  
8           needs of individuals with developmental disabilities  
9           and their families.

10          (c) *TECHNICAL ASSISTANCE.*—In order to strengthen  
11          and support the national network of Centers, the Secretary  
12          may enter into 1 or more cooperative agreements or con-  
13          tracts to—

14               (1) *assist in national and international dissemi-*  
15               *nation of specific information from multiple Centers*  
16               *and, in appropriate cases, other entities whose work*  
17               *affects the lives of individuals with developmental dis-*  
18               *abilities;*

19               (2) *compile, analyze, and disseminate state-of-*  
20               *the-art training, research, and demonstration results*  
21               *policies, and practices from multiple Centers and, in*  
22               *appropriate cases, other entities whose work affects*  
23               *the lives of persons with developmental disabilities;*

24               (3) *convene experts from multiple Centers to dis-*  
25               *cuss and make recommendations with regard to na-*



1        *tional emerging needs of individuals with develop-*  
 2        *mental disabilities;*

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

5            *(B) facilitate electronic information sharing*  
 6        *using state-of-the-art Internet technologies such as*  
 7        *real-time online discussions, multipoint video confer-*  
 8        *encing, and web-based audio/video broadcasts, on*  
 9        *emerging topics that impact individuals with disabil-*  
 10       *ities and their families;*

11           *(5) serve as a research-based resource for Federal*  
 12        *and State policymakers on information concerning*  
 13        *and issues impacting individuals with developmental*  
 14        *disabilities and entities that assist or serve those indi-*  
 15        *viduals; or*

16           *(6) undertake any other functions that the Sec-*  
 17        *retary determines to be appropriate;*

18        *to promote the viability and use of the resources and exper-*  
 19        *tise of the Centers nationally and internationally.*

20        **SEC. 154. APPLICATIONS.**

21           *(a) APPLICATIONS FOR CORE CENTER GRANTS.—*

22           *(1) IN GENERAL.—To be eligible to receive a*  
 23        *grant under section 151(a) for a Center, an entity*  
 24        *shall submit to the Secretary, and obtain approval of,*  
 25        *an application at such time, in such manner, and*

1       *containing such information, as the Secretary may*  
 2       *require.*

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

8           (3) *ASSURANCES.—The application shall be ap-*  
 9       *proved by the Secretary only if the application con-*  
 10      *tains or is supported by reasonable assurances that*  
 11      *the entity designated as the Center will—*

12                   (A) *meet regulatory standards as established*  
 13                   *by the Secretary for Centers;*

14                   (B) *address the projected goals, and carry*  
 15                   *out goal-related activities, based on data driven*  
 16                   *strategic planning and in a manner consistent*  
 17                   *with the objectives of this subtitle, that—*

18                           (i) *are developed in collaboration with*  
 19                           *the consumer advisory committee established*  
 20                           *pursuant to subparagraph (E);*

21                           (ii) *are consistent with, and to the ex-*  
 22                           *tent feasible complement and further, the*  
 23                           *Council goals contained in the State plan*  
 24                           *submitted under section 124 and the system*  
 25                           *goals established under section 143; and*

1                   (iii) will be reviewed and revised an-  
2                   nually as necessary to address emerging  
3                   trends and needs;

4                   (C) use the funds made available through  
5                   the grant to supplement, and not supplant, the  
6                   funds that would otherwise be made available for  
7                   activities described in section 153(a);

8                   (D) protect, consistent with the policy speci-  
9                   fied in section 101(c) (relating to rights of indi-  
10                  viduals with developmental disabilities), the legal  
11                  and human rights of all individuals with devel-  
12                  opmental disabilities (especially those individ-  
13                  uals under State guardianship) who are involved  
14                  in activities carried out under programs assisted  
15                  under this subtitle;

16                  (E) establish a consumer advisory  
17                  committee—

18                       (i) of which a majority of the members  
19                       shall be individuals with developmental dis-  
20                       abilities and family members of such indi-  
21                       viduals;

22                       (ii) that is comprised of—

23                               (I) individuals with develop-  
24                               mental disabilities and related disabil-  
25                               ities;

1                   (II) *family members of individ-*  
2                   uals with developmental disabilities;

3                   (III) *a representative of the State*  
4                   *protection and advocacy system;*

5                   (IV) *a representative of the State*  
6                   *Council on Developmental Disabilities;*

7                   (V) *a representative of a self-advo-*  
8                   *cacy organization described in section*  
9                   *124(c)(4)(A)(ii)(I); and*

10                  (VI) *representatives of organiza-*  
11                  *tions that may include parent training*  
12                  *and information centers assisted under*  
13                  *section 682 or 683 of the Individuals*  
14                  *with Disabilities Education Act (20*  
15                  *U.S.C. 1482, 1483), entities carrying*  
16                  *out activities authorized under section*  
17                  *101 or 102 of the Assistive Technology*  
18                  *Act of 1998 (29 U.S.C. 3011, 3012),*  
19                  *relevant State agencies, and other com-*  
20                  *munity groups concerned with the wel-*  
21                  *fare of individuals with developmental*  
22                  *disabilities and their families;*

23                  (iii) *that reflects the racial and ethnic*  
24                  *diversity of the State; and*

25                  (iv) *that shall—*

1                   (I) consult with the Director of  
2                   the Center regarding the development  
3                   of the 5-year plan, and shall partici-  
4                   pate in an annual review of, and com-  
5                   ment on, the progress of the Center in  
6                   meeting the projected goals contained  
7                   in the plan, and shall make rec-  
8                   ommendations to the Director of the  
9                   Center regarding any proposed revi-  
10                  sions of the plan that might be nec-  
11                  essary; and

12                  (II) meet as often as necessary to  
13                  carry out the role of the committee, but  
14                  at a minimum twice during each grant  
15                  year;

16                  (F) to the extent possible, utilize the infra-  
17                  structure and resources obtained through funds  
18                  made available under the grant to leverage addi-  
19                  tional public and private funds to successfully  
20                  achieve the projected goals developed in the 5-  
21                  year plan;

22                  (G)(i) have a director with appropriate  
23                  academic credentials, demonstrated leadership,  
24                  expertise regarding developmental disabilities,  
25                  significant experience in managing grants and

1           *contracts, and the ability to leverage public and*  
 2           *private funds; and*

3           *(ii) allocate adequate staff time to carry out*  
 4           *activities related to each of the core functions de-*  
 5           *scribed in section 153(a); and*

6           *(H) educate, and disseminate information*  
 7           *related to the purpose of this title to, the legisla-*  
 8           *ture of the State in which the Center is located,*  
 9           *and to Members of Congress from such State.*

10       ***(b) SUPPLEMENTAL GRANT APPLICATIONS PER-***  
 11 ***TAINING TO NATIONAL TRAINING INITIATIVES IN CRITICAL***  
 12 ***AND EMERGING NEEDS.—To be eligible to receive a supple-***  
 13 ***mental grant under section 151(b), a Center may submit***  
 14 ***a supplemental application to the Secretary at such time,***  
 15 ***in such manner, and containing such information as the***  
 16 ***Secretary may require, pursuant to the terms and condi-***  
 17 ***tions set by the Secretary consistent with section 153(b).***

18       ***(c) PEER REVIEW.—***

19           ***(1) IN GENERAL.—The Secretary shall require***  
 20 ***that all applications submitted under this subtitle be***  
 21 ***subject to technical and qualitative review by peer re-***  
 22 ***view groups established under paragraph (2). The***  
 23 ***Secretary may approve an application under this***  
 24 ***subtitle only if such application has been rec-***  
 25 ***ommended by a peer review group that has conducted***

1     *the peer review required under this paragraph. In*  
2     *conducting the review, the group may conduct onsite*  
3     *visits or inspections of related activities as necessary.*

4           (2)   *ESTABLISHMENT OF PEER REVIEW*  
5     *GROUPS.—*

6           (A) *IN GENERAL.—The Secretary, acting*  
7     *through the Commissioner of the Administration*  
8     *on Developmental Disabilities, may,*  
9     *notwithstanding—*

10           (i) *the provisions of title 5, United*  
11     *States Code, concerning appointments to the*  
12     *competitive service; and*

13           (ii) *the provisions of chapter 51, and*  
14     *subchapter III of chapter 53 of title 5,*  
15     *United States Code, concerning classifica-*  
16     *tion and General Schedule pay rates;*  
17     *establish such peer review groups and appoint*  
18     *and set the rates of pay of members of such*  
19     *groups.*

20           (B) *COMPOSITION.—Each peer review group*  
21     *shall include such individuals with disabilities*  
22     *and parents, guardians, or advocates of or for*  
23     *individuals with developmental disabilities, as*  
24     *are necessary to carry out this subsection.*

1           (3) *WAIVERS OF APPROVAL.*—*The Secretary may*  
2           *waive the provisions of paragraph (1) with respect to*  
3           *review and approval of an application if the Sec-*  
4           *retary determines that exceptional circumstances war-*  
5           *rant such a waiver.*

6           (d) *FEDERAL SHARE.*—

7           (1) *IN GENERAL.*—*The Federal share of the cost*  
8           *of administration or operation of a Center, or the cost*  
9           *of carrying out a training initiative, supported by a*  
10          *grant made under this subtitle may not be more than*  
11          *75 percent of the necessary cost of such project, as de-*  
12          *termined by the Secretary.*

13          (2) *URBAN OR RURAL POVERTY AREAS.*—*In the*  
14          *case of a project whose activities or products target*  
15          *individuals with developmental disabilities who live*  
16          *in an urban or rural poverty area, as determined by*  
17          *the Secretary, the Federal share of the cost of the*  
18          *project may not be more than 90 percent of the nec-*  
19          *essary costs of the project, as determined by the Sec-*  
20          *retary.*

21          (3) *GRANT EXPENDITURES.*—*For the purpose of*  
22          *determining the Federal share with respect to the*  
23          *project, expenditures on that project by a political*  
24          *subdivision of a State or by a public or private entity*  
25          *shall, subject to such limitations and conditions as the*



1        *Secretary may by regulation prescribe under section*  
2        *104(b), be considered to be expenditures made by a*  
3        *Center under this subtitle.*

4        *(e) ANNUAL REPORT.—Each Center shall annually*  
5        *prepare and transmit to the Secretary a report*  
6        *containing—*

7                *(1) information on progress made in achieving*  
8        *the projected goals of the Center for the previous year,*  
9        *including—*

10                *(A) the extent to which the goals were*  
11        *achieved;*

12                *(B) a description of the strategies that con-*  
13        *tributed to achieving the goals;*

14                *(C) to the extent to which the goals were not*  
15        *achieved, a description of factors that impeded*  
16        *the achievement; and*

17                *(D) an accounting of the manner in which*  
18        *funds paid to the Center under this subtitle for*  
19        *a fiscal year were expended;*

20                *(2) information on proposed revisions to the*  
21        *goals; and*

22                *(3) a description of successful efforts to leverage*  
23        *funds, other than funds made available under this*  
24        *subtitle, to pursue goals consistent with this subtitle.*

1 **SEC. 155. DEFINITION.**

2 *In this subtitle, the term “State” means each of the*  
 3 *several States of the United States, the District of Columbia,*  
 4 *the Commonwealth of Puerto Rico, the United States Virgin*  
 5 *Islands, and Guam.*

6 **SEC. 156. AUTHORIZATION OF APPROPRIATIONS.**

7 *(a) AUTHORIZATION AND RESERVATIONS.—*

8 *(1) AUTHORIZATION.—There are authorized to be*  
 9 *appropriated to carry out this subtitle (other than*  
 10 *section 153(c)(4)) \$30,000,000 for fiscal year 2000*  
 11 *and such sums as may be necessary for each of fiscal*  
 12 *years 2001 through 2006.*

13 *(2) RESERVATION FOR TRAINING INITIATIVES.—*  
 14 *From any amount appropriated for a fiscal year*  
 15 *under paragraph (1) and remaining after each Center*  
 16 *described in section 152(a) has received a grant*  
 17 *award of not less than \$500,000, as described in sec-*  
 18 *tion 152, the Secretary shall reserve funds for the*  
 19 *training initiatives authorized under section 153(b).*

20 *(3) RESERVATION FOR TECHNICAL ASSIST-*  
 21 *ANCE.—*

22 *(A) YEARS BEFORE APPROPRIATION TRIG-*  
 23 *GER.—For any covered year, the Secretary shall*  
 24 *reserve funds in accordance with section 163(c)*  
 25 *to fund technical assistance activities under sec-*  
 26 *tion 153(c) (other than section 153(c)(4)).*

1                   (B) *YEARS AFTER APPROPRIATION TRIG-*  
 2                   *GER.—For any fiscal year that is not a covered*  
 3                   *year, the Secretary shall reserve not less than*  
 4                   *\$300,000 and not more than 2 percent of the*  
 5                   *amount appropriated under paragraph (1) to*  
 6                   *fund technical assistance activities under section*  
 7                   *153(c) (other than section 153(c)(4)).*

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

13               (b) *LIMITATION.—The Secretary may not use, for peer*  
 14               *review or other activities directly related to peer review con-*  
 15               *ducted under this subtitle—*

16                   (1) *for fiscal year 2000, more than \$300,000 of*  
 17                   *the funds made available under subsection (a); and*

18                   (2) *for any succeeding fiscal year, more than the*  
 19                   *amount of funds used for the peer review and related*  
 20                   *activities in fiscal year 2000, adjusted to take into ac-*  
 21                   *count the most recent percentage change in the Con-*  
 22                   *sumer Price Index published by the Secretary of*  
 23                   *Labor under section 100(c)(1) of the Rehabilitation*  
 24                   *Act of 1973 (29 U.S.C. 720(c)(1)) (if the percentage*  
 25                   *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 community*  
 10                  *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), and*  
 23                   *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 for  
11              policymakers;

12              (iv) Federal interagency initiatives;

13              (v) projects that enhance the participa-  
14              tion of racial and ethnic minorities in pub-  
15              lic and private sector initiatives in develop-  
16              mental disabilities;

17              (vi) projects that provide aid to transi-  
18              tion 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 use*  
 22           *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 relat-*  
5 *ing to individuals with developmental disabilities to carry*  
6 *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 agreements  
 8                   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 require-  
 18                  ments 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 2000, and such sums as may  
2 be necessary for each of fiscal years 2001 through 2006.

3 (b) *USE OF FUNDS.*—

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

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

10 (2) *ADMINISTRATIVE COSTS.*—*Not more than 1*  
11 *percent of the amount appropriated under subsection*  
12 *(a) for each fiscal year may be used to provide for the*  
13 *administrative costs (other than compensation of Fed-*  
14 *eral employees) of the Administration on Develop-*  
15 *mental Disabilities for administering this subtitle*  
16 *and subtitles B, C, and D, including monitoring the*  
17 *performance of and providing technical assistance to,*  
18 *entities that receive funds under this title.*

19 (c) *TECHNICAL ASSISTANCE FOR COUNCILS AND CEN-*  
20 *TERS.*—

21 (1) *IN GENERAL.*—*For each covered year, the*  
22 *Secretary shall expend, to provide technical assistance*  
23 *for entities funded under subtitle B or D, an amount*  
24 *from funds appropriated under subsection (a) that is*  
25 *not less than the amount the Secretary expended on*

1       *technical assistance for entities funded under that*  
 2       *subtitle (or a corresponding provision) in the previous*  
 3       *fiscal year.*

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

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

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

15               (3) *REFERENCES.*—*References in this subsection*  
 16       *to subtitle D shall not be considered to include section*  
 17       *153(c)(4).*

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

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

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

## 3 ***TITLE II—FAMILY SUPPORT***

### 4 ***SEC. 201. SHORT TITLE.***

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

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

8 *(a) FINDINGS.—Congress makes the following findings:*

9 *(1) It is in the best interest of our Nation to pre-*  
 10 *serve, strengthen, and maintain the family.*

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

17 *(3) Most families of children with disabilities, es-*  
 18 *pecially families in unserved and underserved popu-*  
 19 *lations, do not have access to family-centered and*  
 20 *family-directed services to support such families in*  
 21 *their efforts to care for such children at home.*

22 *(4) Medical advances and improved health care*  
 23 *have increased the life span of many people with dis-*  
 24 *abilities, and the combination of the longer life spans*  
 25 *and the aging of family caregivers places a contin-*

1 *ually increasing demand on the finite service delivery*  
 2 *systems of the States.*

3 *(5) In 1996, 49 States provided family support*  
 4 *initiatives in response to the needs of families of chil-*  
 5 *dren with disabilities. Such initiatives included the*  
 6 *provision of cash subsidies, respite care, and other*  
 7 *forms of support. There is a need in each State, how-*  
 8 *ever, to strengthen, expand, and coordinate the activi-*  
 9 *ties of a system of family support services for families*  
 10 *of children with disabilities that is easily accessible,*  
 11 *avoids duplication, uses resources efficiently, and pre-*  
 12 *vents gaps in services to families in all areas of the*  
 13 *State.*

14 *(6) The goals of the Nation properly include the*  
 15 *goal of providing to families of children with disabil-*  
 16 *ities the family support services necessary—*

17 *(A) to support the family;*

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

21 *(C) to enable families of children with dis-*  
 22 *abilities to make informed choices and decisions*  
 23 *regarding the nature of supports, resources, serv-*  
 24 *ices, and other assistance made available to such*  
 25 *families; and*

1                   (D) to support family caregivers of adults  
2                   with disabilities.

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

4                   (1) to promote and strengthen the implementa-  
5                   tion of comprehensive State systems of family support  
6                   services, for families with children with disabilities,  
7                   that are family-centered and family-directed, and  
8                   that provide families with the greatest possible deci-  
9                   sionmaking authority and control regarding the na-  
10                  ture and use of services and support;

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

15                  (3) to promote and develop interagency coordina-  
16                  tion and collaboration between agencies responsible  
17                  for providing the services; and

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

21           (c) *POLICY.*—It is the policy of the United States that  
22           all programs, projects, and activities funded under this title  
23           shall be family-centered and family-directed, and shall be  
24           provided in a manner consistent with the goal of providing

1 *families of children with disabilities with the support the*  
 2 *families need to raise their children at home.*

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

4 (a) *DEFINITIONS.—In this title:*

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

7 (A) *has a significant physical or mental*  
 8 *impairment, as defined pursuant to State policy*  
 9 *to the extent that such policy is established with-*  
 10 *out regard to type of disability; or*

11 (B) *is an infant or a young child from*  
 12 *birth through age 8 and has a substantial devel-*  
 13 *opmental delay or specific congenital or acquired*  
 14 *condition that presents a high probability of re-*  
 15 *sulting in a disability if services are not pro-*  
 16 *vided to the infant or child.*

17 (2) *FAMILY.—*

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

22 (B) *EXCLUSION OF EMPLOYEES.—The term*  
 23 *does not include an employee who, acting in a*  
 24 *paid employment capacity, provides services to a*  
 25 *child with a disability in an out-of-home setting*

1        *such as a hospital, nursing home, personal care*  
 2        *home, board and care home, group home, or*  
 3        *other facility.*

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

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

13        (B) *strengthen the role of the family as pri-*  
 14        *mary caregiver for such children;*

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

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

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

23        (5) *STATE.*—*The term “State” means each of the*  
 24        *50 States of the United States, the District of Colum-*  
 25        *bia, the Commonwealth of Puerto Rico, the United*

1       *States Virgin Islands, Guam, American Samoa, and*  
 2       *the Commonwealth of the Northern Mariana Islands.*

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

7                   (A) *that are family-centered and family-di-*  
 8       *rected;*

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

13                  (C) *that otherwise accomplish the purposes*  
 14       *of this title.*

15       (b) *SPECIAL RULE.*—*References in this title to a child*  
 16       *with a disability shall be considered to include references*  
 17       *to an individual who is not younger than age 18 who—*

18                  (1) *has a significant impairment described in*  
 19       *subsection (a)(1)(A); and*

20                  (2) *is residing with and receiving assistance*  
 21       *from a family member.*

22   **SEC. 204. GRANTS TO STATES.**

23       (a) *IN GENERAL.*—*The Secretary shall make grants to*  
 24       *States on a competitive basis, in accordance with the provi-*  
 25       *sions of this title, to support systems change activities de-*



1 *signed to assist States to develop and implement, or expand*  
 2 *and enhance, a statewide system of family support services*  
 3 *for families of children with disabilities that accomplishes*  
 4 *the purposes of this title.*

5 (b) *AWARD PERIOD AND GRANT LIMITATION.*—No  
 6 *grant shall be awarded under this section for a period of*  
 7 *more than 3 years. No State shall be eligible for more than*  
 8 *1 grant under this section.*

9 (c) *AMOUNT OF GRANTS.*—

10 (1) *GRANTS TO STATES.*—

11 (A) *FEDERAL MATCHING SHARE.*—From  
 12 *amounts appropriated under section 212(a), the*  
 13 *Secretary shall pay to each State that has an*  
 14 *application approved under section 205, for each*  
 15 *year of the grant period, an amount that is—*

16 (i) *equal to not more than 75 percent*  
 17 *of the cost of the systems change activities*  
 18 *to be carried out by the State; and*

19 (ii) *not less than \$100,000 and not*  
 20 *more than \$500,000.*

21 (B) *NON-FEDERAL SHARE.*—The non-Fed-  
 22 *eral share of the cost of the systems change ac-*  
 23 *tivities may be in cash or in kind, fairly evalu-*  
 24 *ated, including plant, equipment, or services.*

1           (2) *CALCULATION OF AMOUNTS.*—*The Secretary*  
 2           *shall calculate a grant amount described in para-*  
 3           *graph (1) on the basis of—*

4                   (A) *the amounts available for making*  
 5                   *grants under this section; and*

6                   (B) *the child population of the State con-*  
 7                   *cerned.*

8           (d) *PRIORITY FOR PREVIOUSLY PARTICIPATING*  
 9           *STATES.*—*For the second and third fiscal years for which*  
 10           *amounts are appropriated to carry out this section, the Sec-*  
 11           *retary, in providing payments under this section, shall give*  
 12           *priority to States that received payments under this section*  
 13           *during the preceding fiscal year.*

14           (e) *PRIORITIES FOR DISTRIBUTION.*—*To the extent*  
 15           *practicable, the Secretary shall award grants to States*  
 16           *under this section in a manner that—*

17                   (1) *is geographically equitable;*

18                   (2) *distributes the grants among States that have*  
 19                   *differing levels of development of statewide systems of*  
 20                   *family support services for families of children with*  
 21                   *disabilities; and*

22                   (3) *distributes the grants among States that at-*  
 23                   *tempt to meet the needs of unserved and underserved*  
 24                   *populations, such as individuals from racial and eth-*  
 25                   *nic minority backgrounds, disadvantaged individuals,*

1        *individuals with limited English proficiency, and in-*  
 2        *dividuals from underserved geographic areas (rural or*  
 3        *urban).*

4    **SEC. 205. APPLICATION.**

5        *To be eligible to receive a grant under this title, a State*  
 6        *shall submit an application to the Secretary at such time,*  
 7        *in such manner, and containing such information and as-*  
 8        *surances as the Secretary may require, including informa-*  
 9        *tion about the designation of a lead entity, a description*  
 10       *of available State resources, and assurances that systems*  
 11       *change activities will be family-centered and family-di-*  
 12       *rected.*

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

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

18                *(1) submitting the application described in sec-*  
 19                *tion 205 on behalf of the State;*

20                *(2) administering and supervising the use of the*  
 21                *amounts made available under the grant;*

22                *(3) coordinating efforts related to and super-*  
 23                *vising the preparation of the application;*

24                *(4) coordinating the planning, development, im-*  
 25                *plementation (or expansion and enhancement), and*

1 *evaluation of a statewide system of family support*  
 2 *services for families of children with disabilities*  
 3 *among public agencies and between public agencies*  
 4 *and private agencies, including coordinating efforts*  
 5 *related to entering into interagency agreements;*

6 *(5) coordinating efforts related to the participa-*  
 7 *tion by families of children with disabilities in activi-*  
 8 *ties carried out under a grant made under this title;*  
 9 *and*

10 *(6) submitting the report described in section*  
 11 *208 on behalf of the State.*

12 *(b) QUALIFICATIONS.—In designating the lead entity,*  
 13 *the Chief Executive Officer may designate—*

14 *(1) an office of the Chief Executive Officer;*

15 *(2) a commission appointed by the Chief Execu-*  
 16 *tive Officer;*

17 *(3) a public agency;*

18 *(4) a council established under Federal or State*  
 19 *law; or*

20 *(5) another appropriate office, agency, or entity.*

21 **SEC. 207. AUTHORIZED ACTIVITIES.**

22 *(a) IN GENERAL.—A State that receives a grant under*  
 23 *section 204 shall use the funds made available through the*  
 24 *grant to carry out systems change activities that accomplish*  
 25 *the purposes of this title.*

1       (b) *SPECIAL RULE.*—*In carrying out activities au-*  
 2 *thorized under this title, a State shall ensure that such ac-*  
 3 *tivities address the needs of families of children with dis-*  
 4 *abilities from unserved or underserved populations.*

5   **SEC. 208. REPORTING.**

6       *A State that receives a grant under this title shall pre-*  
 7 *pare and submit to the Secretary, at the end of the grant*  
 8 *period, a report containing the results of State efforts to*  
 9 *develop and implement, or expand and enhance, a statewide*  
 10 *system of family support services for families of children*  
 11 *with disabilities.*

12   **SEC. 209. TECHNICAL ASSISTANCE.**

13       (a) *IN GENERAL.*—*The Secretary shall enter into con-*  
 14 *tracts or cooperative agreements with appropriate public or*  
 15 *private agencies and organizations, including institutions*  
 16 *of higher education, with documented experience, expertise,*  
 17 *and capacity, for the purpose of providing technical assist-*  
 18 *ance and information with respect to the development and*  
 19 *implementation, or expansion and enhancement, of a state-*  
 20 *wide system of family support services for families of chil-*  
 21 *dren with disabilities.*

22       (b) *PURPOSE.*—*An agency or organization that pro-*  
 23 *vides technical assistance and information under this sec-*  
 24 *tion in a State that receives a grant under this title shall*  
 25 *provide the technical assistance and information to the lead*

1 *entity of the State, family members of children with disabil-*  
 2 *ities, organizations, service providers, and policymakers in-*  
 3 *volved with children with disabilities and their families.*  
 4 *Such an agency or organization may also provide technical*  
 5 *assistance and information to a State that does not receive*  
 6 *a grant under this title.*

7       (c) *REPORTS TO THE SECRETARY.*—*An entity pro-*  
 8 *viding technical assistance and information under this sec-*  
 9 *tion shall prepare and submit to the Secretary periodic re-*  
 10 *ports regarding Federal policies and procedures identified*  
 11 *within the States that facilitate or impede the delivery of*  
 12 *family support services to families of children with disabil-*  
 13 *ities. The report shall include recommendations to the Sec-*  
 14 *retary regarding the delivery of services, coordination with*  
 15 *other programs, and integration of the policies described in*  
 16 *section 202 in Federal law, other than this title.*

17 **SEC. 210. EVALUATION.**

18       (a) *IN GENERAL.*—*The Secretary shall conduct a na-*  
 19 *tional evaluation of the program of grants to States author-*  
 20 *ized by this title.*

21       (b) *PURPOSE.*—

22           (1) *IN GENERAL.*—*The Secretary shall conduct*  
 23 *the evaluation under subsection (a) to assess the sta-*  
 24 *tus and effects of State efforts to develop and imple-*  
 25 *ment, or expand and enhance, statewide systems of*

1     *family support services for families of children with*  
2     *disabilities in a manner consistent with the provi-*  
3     *sions of this title. In particular, the Secretary shall*  
4     *assess the impact of such efforts on families of chil-*  
5     *dren with disabilities, and recommend amendments to*  
6     *this title that are necessary to assist States to accom-*  
7     *plish fully the purposes of this title.*

8             (2) *INFORMATION SYSTEMS.—The Secretary shall*  
9     *work with the States to develop an information sys-*  
10    *tem designed to compile and report, from information*  
11    *provided by the States, qualitative and quantitative*  
12    *descriptions of the impact of the program of grants to*  
13    *States authorized by this title on—*

14            (A) *families of children with disabilities,*  
15            *including families from unserved and under-*  
16            *served populations;*

17            (B) *access to and funding for family sup-*  
18            *port services for families of children with disabil-*  
19            *ities;*

20            (C) *interagency coordination and collabora-*  
21            *tion between agencies responsible for providing*  
22            *the services; and*

23            (D) *the involvement of families of children*  
24            *with disabilities at all levels of the statewide sys-*  
25            *tems.*

1       (c) *REPORT TO CONGRESS.*—Not later than 2½ years  
 2 after the date of enactment of this Act, the Secretary shall  
 3 prepare and submit to the appropriate committees of Con-  
 4 gress a report concerning the results of the evaluation con-  
 5 ducted under this section.

6 **SEC. 211. PROJECTS OF NATIONAL SIGNIFICANCE.**

7       (a) *STUDY BY THE SECRETARY.*—The Secretary shall  
 8 review Federal programs to determine the extent to which  
 9 such programs facilitate or impede access to, provision of,  
 10 and funding for family support services for families of chil-  
 11 dren with disabilities, consistent with the policies described  
 12 in section 202.

13       (b) *PROJECTS OF NATIONAL SIGNIFICANCE.*—The Sec-  
 14 retary shall make grants or enter into contracts for projects  
 15 of national significance to support the development of na-  
 16 tional and State policies and practices related to the devel-  
 17 opment and implementation, or expansion and enhance-  
 18 ment, of family-centered and family-directed systems of  
 19 family support services for families of children with disabil-  
 20 ities.

21 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

22       (a) *IN GENERAL.*—There are authorized to be appro-  
 23 priated to carry out this title such sums as may be nec-  
 24 essary for each of fiscal years 2000 through 2006.

25       (b) *RESERVATION.*—



1           (1) *IN GENERAL.*—*The Secretary shall reserve for*  
 2           *each fiscal year 10 percent, or \$400,000 (whichever is*  
 3           *greater), of the amount appropriated pursuant to sub-*  
 4           *section (a) to carry out—*

5                     *(A) section 209 (relating to the provision of*  
 6                     *technical assistance and information to States);*  
 7                     *and*

8                     *(B) section 210 (relating to the conduct of*  
 9                     *evaluations).*

10           (2) *SPECIAL RULE.*—*For each year that the*  
 11           *amount appropriated pursuant to subsection (a) is*  
 12           *\$10,000,000 or greater, the Secretary may reserve 5*  
 13           *percent of such amount to carry out section 211.*

14 ***TITLE III—PROGRAM FOR DI-***  
 15 ***RECT SUPPORT WORKERS***  
 16 ***WHO ASSIST INDIVIDUALS***  
 17 ***WITH DEVELOPMENTAL DIS-***  
 18 ***ABILITIES***

19 ***SEC. 301. FINDINGS.***

20           *Congress finds that—*

21                     *(1) direct support workers, especially young*  
 22                     *adults, have played essential roles in providing the*  
 23                     *support needed by individuals with developmental*  
 24                     *disabilities and expanding community options for*  
 25                     *those individuals;*

1           (2) 4 factors have contributed to a decrease in  
 2       the available pool of direct support workers,  
 3       specifically—

4               (A) the small population of individuals who  
 5       are age 18 through 25, an age group that has  
 6       been attracted to direct support work in the past;

7               (B) the rapid expansion of the service sec-  
 8       tor, which attracts individuals who previously  
 9       would have elected to pursue employment as di-  
 10      rect support workers;

11              (C) the failure of wages in the human serv-  
 12      ices sector to keep pace with wages in other serv-  
 13      ice sectors; and

14              (D) the lack of quality training and career  
 15      advancement opportunities available to direct  
 16      support workers; and

17           (3) individuals with developmental disabilities  
 18      benefit from assistance from direct support workers  
 19      who are well trained, and benefit from receiving serv-  
 20      ices from professionals who have spent time as direct  
 21      support workers.

22   **SEC. 302. DEFINITIONS.**

23       *In this title:*

1           (1) *DEVELOPMENTAL DISABILITY*.—*The term*  
 2           *“developmental disability” has the meaning given the*  
 3           *term in section 102.*

4           (2) *INSTITUTION OF HIGHER EDUCATION*.—*The*  
 5           *term “institution of higher education” has the mean-*  
 6           *ing given the term in section 1201 of the Higher Edu-*  
 7           *cation Act of 1965 (20 U.S.C. 1141).*

8           (3) *SECRETARY*.—*The term “Secretary” means*  
 9           *the Secretary of Health and Human Services.*

10 **SEC. 303. REACHING UP SCHOLARSHIP PROGRAM.**

11           (a) *PROGRAM AUTHORIZATION*.—*The Secretary may*  
 12           *award grants to eligible entities, on a competitive basis, to*  
 13           *enable the entities to carry out scholarship programs by*  
 14           *providing vouchers for postsecondary education to direct*  
 15           *support workers who assist individuals with developmental*  
 16           *disabilities residing in diverse settings. The Secretary shall*  
 17           *award the grants to pay for the Federal share of the cost*  
 18           *of providing the vouchers.*

19           (b) *ELIGIBLE ENTITY*.—*To be eligible to receive a*  
 20           *grant under this section, an entity shall be—*

21                   (1) *an institution of higher education;*

22                   (2) *a State agency; or*

23                   (3) *a consortium of such institutions or agencies.*

24           (c) *APPLICATION REQUIREMENTS*.—*To be eligible to*  
 25           *receive a grant under this section, an eligible entity shall*

1 *submit to the Secretary an application at such time, in*  
2 *such manner, and containing such information as the Sec-*  
3 *retary may require, including a description of—*

4 *(1) the basis for awarding the vouchers;*

5 *(2) the number of individuals to receive the*  
6 *vouchers; and*

7 *(3) the amount of funds that will be made avail-*  
8 *able by the eligible entity to pay for the non-Federal*  
9 *share of the cost of providing the vouchers.*

10 *(d) SELECTION CRITERIA.—In awarding a grant*  
11 *under this section for a scholarship program, the Secretary*  
12 *shall give priority to an entity submitting an application*  
13 *that—*

14 *(1) specifies that individuals who receive vouch-*  
15 *ers through the program will be individuals—*

16 *(A) who are direct support workers who as-*  
17 *sist individuals with developmental disabilities*  
18 *residing in diverse settings, while pursuing post-*  
19 *secondary education; and*

20 *(B) each of whom verifies, prior to receiving*  
21 *the voucher, that the worker has completed 250*  
22 *hours as a direct support worker in the past 90*  
23 *days;*

(3) provides an assurance that the eligible entity (or another specified entity that is not a voucher recipient) will contribute the non-Federal share of the cost of providing the vouchers; and

8                   (4) meets such other conditions as the Secretary  
9                   may specify.

(e) *FEDERAL SHARE*.—The Federal share of the cost of providing the vouchers shall be not more than 80 percent.

12 **SEC. 304. STAFF DEVELOPMENT CURRICULUM AUTHORIZA-**  
13 **TION.**

14      (a) *FUNDING.*—

(1) *IN GENERAL.*—The Secretary shall award funding, on a competitive basis, through a grant, cooperative agreement, or contract, to a public or private entity or a combination of such entities, for the development, evaluation, and dissemination of a staff development curriculum, and related guidelines, for computer-assisted, competency-based, multimedia, interactive instruction, relating to service as a direct support worker.

(2) *PARTICIPANTS.*—*The curriculum shall be developed for individuals who—*

1           (A) seek to become direct support workers  
 2           who assist individuals with developmental dis-  
 3           abilities or are such direct support workers; and  
 4           (B) seek to upgrade their skills and com-  
 5           petencies related to being a direct support work-  
 6           er.

7           (b) *APPLICATION REQUIREMENTS.*—To be eligible to  
 8           receive an award under this section, an entity shall submit  
 9           to the Secretary an application at such time, in such man-  
 10          ner, and containing such information as the Secretary may  
 11          require, including—

12           (1) a comprehensive analysis of the content of di-  
 13          rect support roles;

14           (2) information identifying an advisory group  
 15          that—

16           (A) is comprised of individuals with experi-  
 17          ence and expertise with regard to the support  
 18          provided by direct support workers, and effective  
 19          ways to provide the support, for individuals with  
 20          developmental disabilities in diverse settings;  
 21          and

22           (B) will advise the entity throughout the de-  
 23          velopment, evaluation, and dissemination of the  
 24          staff development curriculum and guidelines;

25          (3) information describing how the entity will—

1           (A) develop, field test, and validate a staff  
2 development curriculum that—

3           (i) relates to the appropriate reading  
4 level for direct service workers who assist  
5 individuals with disabilities;

6           (ii) allows for multiple levels of in-  
7 struction;

8           (iii) provides instruction appropriate  
9 for direct support workers who work in di-  
10 verse settings; and

11           (iv) is consistent with subsections (b)  
12 and (c) of section 101 and section 109;

13           (B) develop, field test, and validate guide-  
14 lines for the organizations that use the cur-  
15 riculum that provide for—

16           (i) providing necessary technical and  
17 instructional support to trainers and men-  
18 tors for the participants;

19           (ii) ensuring easy access to and use of  
20 such curriculum by workers that choose to  
21 participate in using, and agencies that  
22 choose to use, the curriculum;

23           (iii) evaluating the proficiency of the  
24 participants with respect to the content of  
25 the curriculum;

1                   (iv) providing necessary support to the  
 2 participants to assure that the participants  
 3 have access to, and proficiency in using, a  
 4 computer in order to participate in the de-  
 5 velopment, testing, and validation process;

6                   (v) providing necessary technical and  
 7 instructional support to trainers and men-  
 8 tors for the participants in conjunction  
 9 with the development, testing, and valida-  
 10 tion process;

11                  (vi) addressing the satisfaction of par-  
 12 ticipants, individuals with developmental  
 13 disabilities and their families, providers of  
 14 services for such individuals and families,  
 15 and other relevant entities with the cur-  
 16 riculum; and

17                  (vii) developing methods to maintain a  
 18 record of the instruction completed, and the  
 19 content mastered, by each participant under  
 20 the curriculum; and

21                  (C) nationally disseminate the curriculum  
 22 and guidelines, including dissemination  
 23 through—

24                   (i) parent training and information  
 25 centers funded under part D of the Individ-



1                    *uals with Disabilities Education Act (20*  
 2                    *U.S.C. 1451 et seq.);*

3                    *(ii) community-based organizations of*  
 4                    *and for individuals with developmental dis-*  
 5                    *abilities and their families;*

6                    *(iii) entities funded under title I;*

7                    *(iv) centers for independent living;*

8                    *(v) State educational agencies and*  
 9                    *local educational agencies;*

10                  *(vi) entities operating appropriate*  
 11                  *medical facilities;*

12                  *(vii) postsecondary education entities;*

13                  *and*

14                  *(viii) other appropriate entities; and*

15                  *(4) such other information as the Secretary may*  
 16                  *require.*

17    **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

18                  *(a) SCHOLARSHIPS.—There are authorized to be ap-*  
 19                  *propriated to carry out section 303 \$800,000 for fiscal year*  
 20                  *2000 and such sums as may be necessary for each of fiscal*  
 21                  *years 2001 through 2006.*

22                  *(b) STAFF DEVELOPMENT CURRICULUM.—There are*  
 23                  *authorized to be appropriated to carry out section 304*  
 24                  *\$800,000 for fiscal year 2000 and such sums as may be*  
 25                  *necessary for each of fiscal years 2001 and 2002.*

**TITLE IV—REPEAL****SEC. 401. REPEAL.**

(a) *IN GENERAL.*—*The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) is repealed.*

(b) *CONFORMING AMENDMENTS.*—

(1) *INDIVIDUALS WITH DISABILITIES EDUCATION ACT.*—*Sections 644(b)(4) and 685(b)(4) of the Individuals with Disabilities Education Act (20 U.S.C. 1444(b)(4), 1484a(b)(4)) are amended by striking “the Developmental Disabilities Assistance and Bill of Rights Act” and inserting “the Developmental Disabilities Assistance and Bill of Rights Act of 1999”.*

(2) *NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT OF 1996.*—*Section 4(17)(C) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(17)(C)) is amended by striking “as defined in” and all that follows and inserting “as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 1999.”.*

(3) *REHABILITATION ACT OF 1973.*—

(A) *Section 105(c)(6) of the Rehabilitation Act of 1973 (29 U.S.C. 725(c)(6)) is amended by striking “the State Developmental Disabilities*

1        *Council described in section 124 of the Develop-*  
 2        *mental Disabilities Assistance and Bill of Rights*  
 3        *Act (42 U.S.C. 6024)” and inserting “the State*  
 4        *Council on Developmental Disabilities estab-*  
 5        *lished under section 125 of the Developmental*  
 6        *Disabilities Assistance and Bill of Rights Act of*  
 7        *1999”.*

8                *(B) Sections 202(h)(2)(D)(iii) and*  
 9        *401(a)(5)(A) of the Rehabilitation Act of 1973*  
 10        *(29 U.S.C. 762(h)(2)(D)(iii), 781(a)(5)(A)) are*  
 11        *amended by striking “Developmental Disabilities*  
 12        *Assistance and Bill of Rights Act (42 U.S.C.*  
 13        *6000 et seq.)” and inserting “Developmental Dis-*  
 14        *abilities Assistance and Bill of Rights Act of*  
 15        *1999”.*

16                *(C) Subsections (a)(1)(B)(i), (f)(2), and*  
 17        *(m)(1) of section 509 of the Rehabilitation Act of*  
 18        *1973 (29 U.S.C. 794e) are amended by striking*  
 19        *“part C of the Developmental Disabilities Assist-*  
 20        *ance and Bill of Rights Act (42 U.S.C. 6041 et*  
 21        *seq.)” and inserting “subtitle C of the Develop-*  
 22        *mental Disabilities Assistance and Bill of Rights*  
 23        *Act of 1999”.*

24                *(D) Section 509(f)(5)(B) of the Rehabilita-*  
 25        *tion Act of 1973 (29 U.S.C. 794e(f)(5)(B)) is*

1        *amended by striking “Developmental Disabilities*  
 2        *Assistance and Bill of Rights Act (42 U.S.C.*  
 3        *6000 et seq.)” and inserting “Developmental Dis-*  
 4        *abilities Assistance and Bill of Rights Act of*  
 5        *1999”.*

6        (4) *ASSISTIVE TECHNOLOGY ACT OF 1998.—*

7                (A) *Section 3(a)(11)(A) of the Assistive*  
 8        *Technology Act of 1998 (29 U.S.C.*  
 9        *3002(a)(11)(A)) is amended by striking “part C*  
 10        *of the Developmental Disabilities Assistance and*  
 11        *Bill of Rights Act (42 U.S.C. 6041 et seq.)” and*  
 12        *inserting “subtitle C of the Developmental Dis-*  
 13        *abilities Assistance and Bill of Rights Act of*  
 14        *1999”.*

15                (B) *Paragraphs (1) and (2) of section*  
 16        *102(a) of the Assistive Technology Act of 1998*  
 17        *(29 U.S.C. 3012(a)) are amended by striking*  
 18        *“Developmental Disabilities Assistance and Bill*  
 19        *of Rights Act (42 U.S.C. 6000 et seq.)” and in-*  
 20        *serting “Developmental Disabilities Assistance*  
 21        *and Bill of Rights Act of 1999”.*

22        (5) *HEALTH PROGRAMS EXTENSION ACT OF*  
 23        *1973.—Section 401(e) of the Health Programs Exten-*  
 24        *sion Act of 1973 (42 U.S.C. 300a–7(e)) is amended*  
 25        *by striking “or the” and all that follows through*

1       “may deny” and inserting “or the Developmental  
2       Disabilities Assistance and Bill of Rights Act of 1999  
3       may deny”.

4           (6) *SOCIAL SECURITY ACT.*—

5               (A) *Section 1919(c)(2)(B)(iii)(III) of the*  
6       *Social Security Act (42 U.S.C.*  
7       *1396r(c)(2)(B)(iii)(III)) is amended by striking*  
8       *“part C of the Developmental Disabilities Assist-*  
9       *ance and Bill of Rights Act” and inserting “sub-*  
10       *title C of the Developmental Disabilities Assist-*  
11       *ance and Bill of Rights Act of 1999”.*

12            (B) *Section 1930(d)(7) of the Social Secu-*  
13       *urity Act (42 U.S.C. 1396u(d)(7)) is amended by*  
14       *striking “State Planning Council established*  
15       *under section 124 of the Developmental Disabil-*  
16       *ities Assistance and Bill of Rights Act, and the*  
17       *Protection and Advocacy System established*  
18       *under section 142 of such Act” and inserting*  
19       *“State Council on Developmental Disabilities es-*  
20       *tablished under section 125 of the Developmental*  
21       *Disabilities Assistance and Bill of Rights Act of*  
22       *1999 and the protection and advocacy system es-*  
23       *tablished under subtitle C of that Act”.*

24           (7) *UNITED STATES HOUSING ACT OF 1937.*—*Sec-*  
25       *tion 3(b)(3)(E)(iii) of the United States Housing Act*

1       of 1937 (42 U.S.C. 1437a(b)(3)(E)(iii)) is amended  
 2       by striking “developmental disability” and all that  
 3       follows and inserting “developmental disability as de-  
 4       fined in section 102 of the Developmental Disabilities  
 5       Assistance and Bill of Rights Act of 1999.”.

6               (8) *HOUSING ACT OF 1949.*—The third sentence of  
 7       section 501(b)(3) of the Housing Act of 1949 (42  
 8       U.S.C. 1471(b)(3)) is amended by striking “develop-  
 9       mental disability” and all that follows and inserting  
 10       “developmental disability as defined in section 102 of  
 11       the Developmental Disabilities Assistance and Bill of  
 12       Rights Act of 1999.”.

13              (9) *OLDER AMERICANS ACT OF 1965.*—

14               (A) Section 203(b)(17) of the Older Ameri-  
 15       cans Act of 1965 (42 U.S.C. 3013(b)(17)) is  
 16       amended by striking “Developmental Disabilities  
 17       and Bill of Rights Act” and inserting “Develop-  
 18       mental Disabilities Assistance and Bill of Rights  
 19       Act of 1999”.

20               (B) Section 427(a) of the Older Americans  
 21       Act of 1965 (42 U.S.C. 3035f(a)) is amended by  
 22       striking “part A of the Developmental Disabil-  
 23       ities Assistance and Bill of Rights Act (42  
 24       U.S.C. 6001 et seq.)” and inserting “subtitle C

1           *of the Developmental Disabilities Assistance and*  
 2           *Bill of Rights Act of 1999”.*

3           (C) *Section 429F(a)(1) of the Older Ameri-*  
 4           *cans Act of 1965 (42 U.S.C. 3035n(a)(1)) is*  
 5           *amended by striking “section 102(5) of the De-*  
 6           *velopmental Disabilities Assistance and Bill of*  
 7           *Rights Act (42 U.S.C. 6001(5))” and inserting*  
 8           *“section 102 of the Developmental Disabilities*  
 9           *Assistance and Bill of Rights Act of 1999”.*

10           (D) *Section 712(h)(6)(A) of the Older Amer-*  
 11           *icans Act of 1965 (42 U.S.C. 3058g(h)(6)(A)) is*  
 12           *amended by striking “part A of the Develop-*  
 13           *mental Disabilities Assistance and Bill of Rights*  
 14           *Act (42 U.S.C. 6001 et seq.)” and inserting “sub-*  
 15           *title C of the Developmental Disabilities Assist-*  
 16           *ance and Bill of Rights Act of 1999”.*

17           (10) *CRIME VICTIMS WITH DISABILITIES AWARE-*  
 18           *NESS ACT.—Section 3 of the Crime Victims With Dis-*  
 19           *abilities Awareness Act (42 U.S.C. 3732 note) is*  
 20           *amended by striking “term” and all that follows and*  
 21           *inserting the following “term in section 102 of the De-*  
 22           *velopmental Disabilities Assistance and Bill of Rights*  
 23           *Act of 1999.”.*

24           (11) *CRANSTON-GONZALEZ NATIONAL AFFORD-*  
 25           *ABLE HOUSING ACT.—The third sentence of section*

1       811(k)(2) of the Cranston-Gonzalez National Afford-  
 2       able Housing Act (42 U.S.C. 8013(k)(2)) is amended  
 3       by striking “as defined” and all that follows and in-  
 4       serting “as defined in section 102 of the Develop-  
 5       mental Disabilities Assistance and Bill of Rights Act  
 6       of 1999.”.

7           (12) STATE DEPENDENT CARE DEVELOPMENT  
 8       GRANTS ACT.—Section 670G(3) of the State Depend-  
 9       ent Care Development Grants Act (42 U.S.C.  
 10      9877(3)) is amended by striking “section 102(7) of  
 11      the Developmental Disabilities Assistance and Bill of  
 12      Rights Act” and inserting “section 102 of the Devel-  
 13      opmental Disabilities Assistance and Bill of Rights  
 14      Act of 1999”.

15          (13) PROTECTION AND ADVOCACY FOR MENTALLY  
 16      ILL INDIVIDUALS ACT OF 1986.—

17           (A) Section 102(2) of the Protection and  
 18      Advocacy for Mentally Ill Individuals Act of  
 19      1986 (42 U.S.C. 10802(2)) is amended by strik-  
 20      ing “part C of the Developmental Disabilities  
 21      Assistance and Bill of Rights Act” and inserting  
 22      “subtitle C of the Developmental Disabilities As-  
 23      sistance and Bill of Rights Act of 1999”.

24           (B) Section 114 of the Protection and Advo-  
 25      cacy for Mentally Ill Individuals Act of 1986 (42



1           U.S.C. 10824) is amended by striking “section  
 2           107(c) of the Developmental Disabilities Assist-  
 3           ance and Bill of Rights Act” and inserting “sec-  
 4           tion 105 of the Developmental Disabilities Assist-  
 5           ance and Bill of Rights Act of 1999”.

6           (14) STEWART B. MCKINNEY HOMELESS ASSIST-  
 7           ANCE ACT.—Section 422(2)(C) of the Stewart B.  
 8           McKinney Homeless Assistance Act (42 U.S.C.  
 9           11382(2)(C)) is amended by striking “as defined”  
 10          and all that follows and inserting “as defined in sec-  
 11          tion 102 of the Developmental Disabilities Assistance  
 12          and Bill of Rights Act of 1999, or”.

13          (15) ASSISTED SUICIDE FUNDING RESTRICTION  
 14          ACT OF 1997.—

15                (A) Section 4 of the Assisted Suicide Fund-  
 16                ing Restriction Act of 1997 (42 U.S.C. 14403) is  
 17                amended—

18                       (i) by striking the section heading and  
 19                       inserting the following:

20           **“SEC. 4. RESTRICTION ON USE OF FEDERAL FUNDS UNDER**  
 21           **CERTAIN GRANT PROGRAMS.”;**

22                       and

23                       (ii) by striking “part B, D, or E of the  
 24                       Developmental Disabilities Assistance and  
 25                       Bill of Rights Act” and inserting “subtitle

1                   *B, D, or E of the Developmental Disabil-*  
2                   *ities Assistance and Bill of Rights Act of*  
3                   *1999”.*

4                   *(B) Section 5(b)(1) of the Assisted Suicide*  
5                   *Funding Restriction Act of 1997 (42 U.S.C.*  
6                   *14404(b)(1)) is amended by striking subpara-*  
7                   *graph (A) and inserting the following:*

8                   *“(A) PROTECTION AND ADVOCACY SYSTEMS*  
9                   *UNDER THE DEVELOPMENTAL DISABILITIES AS-*  
10                  *SISTANCE AND BILL OF RIGHTS ACT OF 1999.—*  
11                  *Subtitle C of the Developmental Disabilities As-*  
12                  *sistance and Bill of Rights Act of 1999.”.*