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**Folder Title:**  
HR 2339 Technology - Related Assistance for Individuals with Disabilities Act Amendments of 1994

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THE PRESIDENT HAS SEEN 3/9

THE WHITE HOUSE

WASHINGTON

March 9, 1994

APPROVED  
MAR - 9 1994

MEMORANDUM FOR THE PRESIDENT

FROM:

JOHN PODESTA *JJP*

SUBJECT:

ENROLLED BILL H.R. 2339 -- TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT AMENDMENTS OF 1994

Attached for your signature is H.R. 2339, the reauthorization of the Technology-Related Assistance for Individuals with Disabilities Act. Highlights of the bill include:

- o Total of \$68 million in FY 94 and such sums as necessary in FY95 - FY98 authorized for technology-related assistance programs;
- o \$50 million of FY 94 total in grants to states to provide information on and access to assistive technology devices and services to people with disabilities; each State receiving grants required to develop State-wide consumer responsive program;
- o \$10 million of FY 94 total for demonstration projects with an emphasis on recycling previously used assistive devices; and
- o \$8 million of FY 94 total in matching grants to establish State-based low interest loan programs for purchasing assistive devices.

The bill has been cleared by all affected agencies. Education, the National Council on Disability and Carol Rasco all recommend approval.

I recommend you sign the bill.

PHOTOCOPY  
WJC HANDWRITING



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503  
March 3, 1994

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THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 2339 - Technology-Related  
Assistance for Individuals With Disabilities Act  
Amendments of 1994  
Sponsor - Rep. Owens (D) New York

Last Day for Action

March 9, 1994 - Wednesday

Purpose

(1) Authorizes appropriations for FYs 1994-1998 for programs under the Technology-Related Assistance for Individuals with Disabilities Act of 1988, under which States provide technology assistance to individuals with disabilities, and (2) makes changes to improve these and related programs.

Agency Recommendations

Office of Management and Budget	Approval
Department of Education (ED)	Approval
National Council on Disability (NCD)	Approval (Informally)
Department of Justice	No objection (Informally)
Department of the Treasury	No objection (Informally)
Department of the Interior	No objection (Informally)
Office of Science and Technology Policy	No objection (Informally)
Office of Consumer Affairs	No objection (Informally)
Department of Health and Human Services (HHS)	Defers to ED
National Science Foundation	Defers to ED

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## Discussion

Under P.L. 100-407, the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (the Act), the Federal Government supports States in developing and implementing programs of technology-related assistance. Such programs promote access to new technologies -- "assistive technology devices" -- used to maintain or improve the functional capabilities of individuals with disabilities.

On July 16, 1993, ED transmitted to Congress legislation to reauthorize and amend the Act. H.R. 2339 differs from the Administration's bill in several respects, as described in the ED views letter. The major provisions of the enrolled bill are described below.

### Major Provisions of H.R. 2339

H.R. 2339 would continue Federal support for and improve the provision of technology-related services to individuals with disabilities. The enrolled bill would authorize appropriations totalling \$68 million in FY 1994 and such sums as may be necessary for FYs 1995-1998.

Title I Grants to States. The enrolled bill would authorize the appropriation of \$50 million in FY 1994 and "such sums" for FYs 1995-1998 for the basic State competitive grant program. Such grants help States, through designated lead agencies, to establish programs to assist individuals with disabilities by providing information on, and access to, assistive technology devices and services.

In addition, Title I would modify current law by:

- Authorizing additional extension grants for States, beyond the currently authorized basic and extension grants. In addition, each State would be limited to a total of 10 years of grants under this program, with a gradual phase-out of the Federal share. States would be expected to continue their programs permanently after Federal funding ceases.
- Requiring each State receiving grants to (1) develop and implement a consumer-responsive, comprehensive State-wide program of technology-related assistance, and (2) take specified corrective action upon failure to make significant progress in developing such a program.
- Specifying minimum levels that States must spend on protection and advocacy services.

Title II would authorize the appropriation of \$10 million in FY 1994 and "such sums" for FYs 1995-1998 for grants to States or private entities for training and demonstration projects. These could include demonstration centers where individuals with disabilities may examine assistive devices and recycling programs for disabled persons to obtain previously used devices. The Secretary of ED would be required to develop a national classification system for assistive technology devices and services and collect uniform data across public programs.

Title III would authorize the appropriation of \$8 million in FY 1994 and "such sums" for FYs 1995-1998 for ED to award one-time matching grants of up to \$500,000 to States to establish alternative financing mechanisms (e.g., low-interest loans) for the purchase of assistive technology devices and services.

Title IV would modify related acts that assist individuals with disabilities. It would amend the Individuals With Disabilities Education Act and the Rehabilitation Act of 1993 to include training in technology-related assistance as an authorized activity. In addition, it would amend the Head Start Act to expand retroactively, to January 1, 1987, HHS's authority to use Federal financial assistance to purchase Head Start facilities. In its views letter, HHS states that it objected to this retroactive funding authority while the legislation was pending in Congress. However, although this provision is in the enrolled bill, HHS defers to ED on the overall merits of the bill.

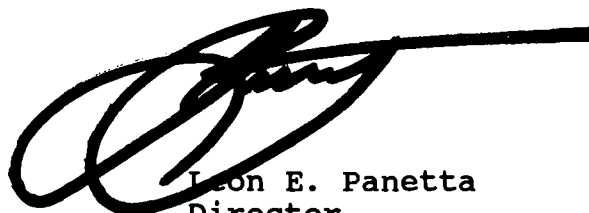
#### Pay-As-You-Go Scoring

H.R. 2339 would affect direct spending and receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990 (OBRA). OMB estimates that the pay-as-you-go effect of the bill is zero.

#### Conclusion and Recommendations

ED recommends approval of H.R. 2339 because it "offers an effective means to achieve systemic reform" in the provision of services to individuals with disabilities. While ED cites provisions of the bill that are duplicative or are similar to services authorized in current law, ED states that positive features of the bill outweigh such weaknesses.

We join ED and NCD in recommending approval of H.R. 2339,  
which passed both Houses of Congress by voice vote.

A handwritten signature in black ink, appearing to read "Panetta", with a long horizontal stroke extending to the right.

Leon E. Panetta  
Director

Enclosures



UNITED STATES DEPARTMENT OF EDUCATION

THE SECRETARY

February 18, 1994

Honorable Leon E. Panetta  
Director  
Office of Management and Budget  
Washington, DC 20503

Dear Mr. Panetta:

I am writing in response to your request for my views on enrolled bill H.R. 2339, the "Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994." This bill would amend and extend through fiscal year 1998 the Technology-Related Assistance for Individuals With Disabilities Act of 1988. I recommend that the President sign H.R. 2339.

I strongly support reauthorization of the Act as a means to improve the access of individuals with disabilities to assistive technology, which can be the key to independence, full inclusion in community life, and realization of education and employment goals. Consistent with the Administration's reauthorization proposal, H.R. 2339 would: (1) focus State grants on systems change activities States must undertake to achieve a consumer-responsive, comprehensive, statewide system for providing assistive technology; and (2) authorize an additional extension grant, which would provide not more than 5 years of additional funding to States making significant progress in meeting the purposes of the Act. These two features of H.R. 2339 would encourage States to undertake the systemic reform needed to serve individuals with disabilities efficiently and effectively without continuing Federal financial assistance.

I also support provisions of H.R. 2339 that would strengthen accountability. For example, the bill would require the agency designated by the State to administer the program (the "lead agency") to demonstrate its ability to respond to the assistive technology needs of individuals with disabilities and to carry out a comprehensive, statewide program. The bill would also strengthen protection and advocacy services in each State.

Unfortunately, there are provisions in the bill that would divert limited resources from the State grant program, under title I of the bill, where they are most needed. For example, title II of H.R. 2339 would mandate grants for training, an activity that is authorized under title I of the bill and other Acts as well, such as the Rehabilitation Act of 1973. Title II of the bill would also require the Secretary to fund recycling projects, another activity authorized under title I of the bill. Finally, title III of the bill would require the Secretary to make

Page 2 -- Honorable Leon E. Panetta

competitive grants to States to establish and administer alternative financing mechanisms, thereby duplicating an activity that is authorized under the development and extension grant programs in title I of the bill. Nevertheless, I believe these weaknesses in the bill are outweighed by its positive features.

In sum, H.R. 2339 offers an effective means to achieve systemic reform in providing assistive technology devices and services to individuals with disabilities. Thus, the bill warrants Presidential approval.

Yours sincerely,

  
Richard W. Riley

## APPENDIX

### Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994

#### Title I: Grants to States

Title I of the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994 (H.R. 2339) sets forth a State grant program that is similar to the Administration's reauthorization proposal. Both bills would focus funds on implementing the systemic reform needed for States to achieve a consumer-responsive, comprehensive, statewide system for providing assistive technology devices and services to individuals with disabilities. Both bills would also--

- (1) reauthorize the Technology-Related Assistance for Individuals With Disabilities Act of 1988 ("Act") through fiscal year 1998, although H.R. 2339 authorizes fiscal year 1994 funding at a higher level (\$50 million rather than the Administration's \$37.7 million);
- (2) provide for an additional extension grant for States (subsequent to successful completion of the initial extension grant currently authorized) of not more than 5 years, after which grant the State would be unable to receive additional funding under the Act;
- (3) retain grant levels established under the Act for States and territories, but decrease Federal funding to a State for the fourth and fifth year of the State's additional extension grant (H.R. 2339 sets Federal spending at 75 percent and 50 percent of third year spending, respectively, while the Administration's proposal sets the limit at 80 percent and 60 per cent);
- (4) provide for protection and advocacy services for individuals with disabilities;
- (5) expand the level of technical assistance and technology training in current law by establishing a setaside of funds (2 per cent of appropriations or \$1.5 million, whichever is greater) in the State grant program;
- (6) strengthen accountability requirements; and
- (7) strengthen the consumer-responsive requirements for the State agency designated to administer the grant program.

In general, the Administration's proposal for the title I program is less burdensome and complex than its counterpart in H.R. 2339. For example, unlike the Administration's proposal, H.R. 2339 would require a monitoring panel if a State becomes subject to a corrective action order, and would mandate an elaborate procedure for the State to redesignate its lead agency

## Title II: Programs of National Significance

Unlike the Administration's proposal, which would not authorize additional projects at the national level, title II of the enrolled bill would require the Secretary to fund a number of small categorical programs that, in part, duplicate activities that could be carried out under the State grant programs in title I or under other authorities. The bill would authorize \$10 million for title II activities for fiscal year 1994 and "such sums" through fiscal year 1998.

Subtitle A of this title would require the Secretary to initiate, in fiscal year 1995, a system development project to develop a national classification system for assistive technology devices and assistive technology services. The goal of the system would be to obtain uniform data (facilitated by adopting a single taxonomy and nomenclature) on these devices and services.

Subtitle B of this title would require the Secretary to fund additional projects for technology training, including education programs for students interested in careers in technology-related assistance. An "adequate amount" would be reserved for grants to historically black colleges and universities.

This subtitle would also require the Secretary to fund recycling projects through public or private entities or institutions of higher education. Under the Administration's proposal, States would be authorized under the title I grant program to use funds to support recycling centers and redistribution information systems.

Finally, this subtitle would authorize the Secretary to make grants to: (1) individuals with disabilities to establish or operate enterprises that develop or market assistive technology devices or services; and (2) enterprises and institutions of higher education for research and development of products of universal design. Recipients of funds under this subtitle would be held to the same consumer-responsive standards as recipients of funds under the title I programs.

## Title III: Alternative Financing Mechanisms

Title III of H.R. 2339 would require the Secretary to award grants to States to pay for the Federal share of the cost of establishing and administering, or expanding and administering,

alternative financing mechanisms to allow individuals with disabilities to purchase assistive technology devices and assistive technology services. Authorized at \$8 million for fiscal year 1994 (and such sums through fiscal year 1998), this program would provide, on a competitive basis, one year of funding to States that are receiving, or have received, a grant under title I of the Act. This title of the bill would also require the Secretary to provide information and technical assistance to States regarding alternative funding mechanisms, and to report to Congress each year on the progress of the program.


Instead of a mandate for the Secretary to provide an alternative funding mechanisms program to States, the Administration's proposal would allow States to use their development and extension grants to support development and implementation of alternative State-financed systems of subsidies and loan mechanisms. This provision is similar to an activity authorized in both the current Act (section 101(c)(2)(G)) and the enrolled bill (section 101(b)(1)(A)).

**NATIONAL COUNCIL ON DISABILITY**

*An independent federal agency working with the President and the Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.*

**MEMORANDUM**

**TO:** Connie Bowers, OMB

**FROM:** Edward P. Burke, Acting Executive Director 

**SUBJECT:** HR 2339 -- Technology-Related Assistance Act: **RECOMMENDATION**

**DATE:** March 1, 1994

**The National Council on Disability strongly supports the reauthorization of the Technology-Related Assistance Act of 1988. Throughout the reauthorization process, we have worked closely with organizations of persons with disabilities, the private sector, and the Congress in order to ensure that the Act be strengthened as part of the reauthorization process. We believe that the current version of the Act represents a reasonable compromise between the Senate and House versions and would strongly urge the President to sign the Act.**



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

FEB 23 1994

The Honorable Leon E. Panetta  
Director, Office of Management  
and Budget  
Washington, DC 20503

Dear Mr. Panetta:

This is in response to your request for the views of the Department of Health and Human Services (HHS) on H.R. 2339, an enrolled bill entitled the "Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994".

The only provision of the enrolled bill of direct concern to HHS is section 403, which amends section 644(f) of the Head Start Act to expand retroactively the authority to use Federal financial assistance to purchase Head Start facilities. Limited authority to use Federal funds to purchase Head Start facilities was first enacted in P.L. 102-401, the Head Start Improvement Act of 1992, and applied only prospectively. Section 403 of the enrolled bill would make the authority retroactive to January 1, 1987, and would require the Secretary, in determining whether to authorize use of funds for purchases predating the authority, to apply the same rules as for later purchases. This section also requires the Secretary to suspend proceedings pending against any Head Start agency to recover costs incurred in purchasing Head Start facilities until the agency has been afforded an opportunity to obtain an administrative determination on the approvability of the purchase.

We objected to this amendment while the bill was pending, because we believe that the use of grant funds to pay mortgage costs should be authorized only from the time HHS approves the grantee's request.

Our objections to section 403 remain unchanged. However, we recognize that this provision represents only a small fraction of the entire bill, and we defer to the Department of Education on the merits of the bill as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna E. Shalala", written over a horizontal line.

Donna E. Shalala

NATIONAL SCIENCE FOUNDATION  
4201 WILSON BOULEVARD  
ARLINGTON, VIRGINIA 22230



OFFICE OF THE  
DIRECTOR

February 18, 1994

Honorable Leon E. Panetta  
Director  
Legislative Reference  
Office of Management and Budget  
Executive Office of the President  
Washington, D.C. 20503

Delivered to:  
Connie Bowers

Subject: Enrolled Bill Request #205,  
dated February 14, 1994

Dear Mr. Panetta:

The National Science Foundation defers to the views of the Department of Education, which has greater interest in this bill, on the question of whether it should be signed or vetoed.

Thank you for the opportunity to comment on this enrolled bill.

Sincerely,

A handwritten signature in cursive script that reads "Neal Lane".

Neal Lane  
Director