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FolderID:

Folder Title:
Developmental Disabilities Act

Stack:
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Row:
113

Section:
7

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STATEMENT BY THE PRESIDENT

Today, I am pleased to sign into law S. 1809, the "Developmental Disabilities Assistance and Bill of Rights Act of 2000." This legislation reauthorizes programs that support people with developmental disabilities to help them achieve their maximum potential through increased self-determination, independence, productivity, and integration in all facets of life. The Act also adds important new authority to provide services and activities for families of individuals with developmental disabilities and the dedicated workers who assist them.

Since 1963, the Developmental Disabilities Assistance and Bill of Rights Act has made a crucial difference in the lives and futures of individuals with developmental disabilities and their families. Through this Act, Federal funds support the development and operation of State Councils, Protection and Advocacy Systems, University Centers (formerly known as university affiliated programs), and projects of national significance. This crucial investment has provided the structure to assist people with developmental disabilities to pursue meaningful and productive lives. These programs have made community living possible for individuals with the most severe disabilities across our Nation. Its purpose has led to further Federal legislation in support of all people with disabilities. Therefore, it is only fitting that I am signing this legislation in the same year as the 25th anniversary of the Individuals with Disabilities Education Act and the 10th anniversary of the Americans with Disabilities

OFFICE OF MANAGEMENT AND BUDGET
Legislative Reference Division
Labor-Welfare-Personnel Branch

62256

TO: Mitchell Aronowitz

62256

FROM:

R. Blank

Date: 09 / 22 / 00

Time: _____ **AM/PM**

Comments:

Re HR 4920 -
HHS Item 51809 (developmental
disabilities)

Number of Pages (including cover sheet): 3



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

November 2, 1999

The Honorable James M. Jeffords
Chairman, Committee on Health, Education, Labor
and Pensions
U.S. Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We take this opportunity to inform you of the views of the Department of Health and Human Services (HHS) on S. 1809, the "Developmental Disabilities Assistance and Bill of Rights Act of 1999".

The Administration appreciates the progress that has been made in the 106th Congress toward the reauthorization of the programs under the Developmental Disabilities Assistance and Bill of Rights Act, due in large part to the role that you, Senator Kennedy and Senator Harkin have played in supporting these vital programs for people with developmental disabilities and their families. We support your efforts and look forward to continuing to work with you and your colleagues in a bipartisan fashion to complete final action on this important legislation.

We would like to express our deep appreciation for incorporating into S. 1809 so many of the provisions put forth by the Administration in our proposal. Of particular note is the inclusion of performance-based accountability requirements for these programs to facilitate our compliance with the Government Performance and Results Act (GPRA).

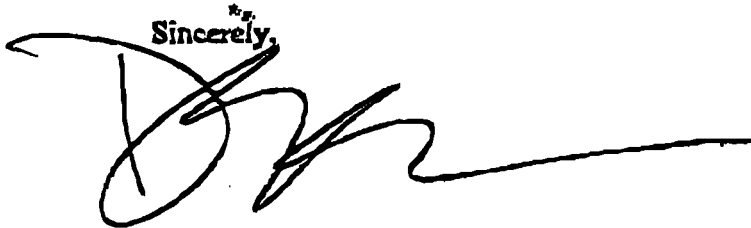
The bill adopts other Administration proposals such as an extended reauthorization period; improved coordination and collaboration among the Councils on Developmental Disabilities, Protection and Advocacy and University Affiliated Programs; the reorganization and streamlining of the University Affiliated Programs (renamed University Centers for Excellence in Developmental Disabilities); and the authority to enter into interagency agreements with other Federal agencies to carry out Projects of National Significance activities.

We thank you again for your outstanding leadership throughout this process. We look forward to working with you on remaining issues to achieve our mutual goal of reauthorizing the Developmental Disabilities Assistance and Bill of Rights Act.

The Honorable James M. Jeffords-page 2

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

Sincerely,

A handwritten signature in black ink, appearing to be "Donna E. Shalala", written over the word "Sincerely,".

Donna E. Shalala
Secretary

From: Karen N. Blank on 09/26/2000 05:55:55 PM

Record Type: Record

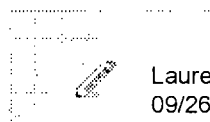
To: Michelle M. Aronowitz/WHO/EOP@EOP

cc: Mary L. Smith/WHO/EOP@EOP, Jonathan M. Young/WHO/EOP@EOP, Ingrid M. Schroeder/OMB/EOP@EOP, Christina M. Lagdameo/OMB/EOP@EOP

Subject: Re: Developmental Disabilities Act

The attached message relates to the HB privacy concerns with the bill

----- Forwarded by Karen N. Blank/OMB/EOP on 09/26/2000 05:55 PM -----



Lauren B. Steinfeld
09/26/2000 05:11:55 PM

Record Type: Record

To: Andrew J. Scott/OMB/EOP@EOP

cc: See the distribution list at the bottom of this message

bcc:

Subject: Re: Developmental Disabilities Act 

Andrew / Karen --

Olga and I have spoken to Lisa Rovin at HHS and have the following suggestion.

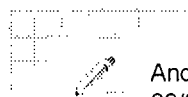
Please add the following language as a new (IV) on p. 104 and a new (VI) on p. 105:

"and the records will only be used for purposes of investigating such abuse or neglect."

Please let us know if you have any questions / comments.

Thanks.

Lauren
Andrew J. Scott



Andrew J. Scott
09/26/2000 11:39:47 AM

Record Type: Record

To: Lauren B. Steinfeld/OMB/EOP@EOP

cc: Gaylee L. Morgan/OMB/EOP@EOP, Karen N. Blank/OMB/EOP@EOP, Jeffrey A.
Farkas/OMB/EOP@EOP, Diana Espinosa/OMB/EOP@EOP
Subject: Developmental Disabilities Act

Attached is the reauthorization of the Developmental Disabilities Assistance and Bill of Rights Act. I noted that on pages 103-106 there is language dealing with the state's access to the medical records of disabled individuals. The language is relatively broad, and I want to make sure that it is not in conflict with the Administration's position on privacy. If you could take a quick look and let either me or Karen Blank know if you have any objections, I would appreciate it. I believe LRD is trying to finalize any comments by this afternoon.

Thanks for your help.



hr4920-EH.pdf

Message Copied To:

gaylee l. morgan/omb/eop@eop
karen n. blank/omb/eop@eop
jeffrey a. farkas/omb/eop@eop
diana espinosa/omb/eop@eop
lrovin@osaspe.dhhs.gov

From: Karen N. Blank on 09/27/2000 10:59:59 AM

Record Type: Record

To: Michelle M. Aronowitz/WHO/EOP@EOP

cc: See the distribution list at the bottom of this message

Subject: Re: Developmental Disabilities Act - H.R. 4920/S. 1809

----- Forwarded by Karen N. Blank/OMB/EOP on 09/27/2000 11:00 AM -----

From: Karen N. Blank on 09/27/2000 10:58:37 AM

Record Type: Record

To: velma.taylor@usdoj.gov @ inet

cc:

Subject: Re: Developmental Disabilities Act - H.R. 4920/S. 1809

Velma, with regard to states' access to the medical records of disabled individuals under this bill, a recommendation has been made to seek to have the language below added to both the House and Senate versions (both available on Thomas). The inserts would go in section 143 - "System Required", after subparagraphs (a)(2)(I)(ii)(III) and (a)(2)(I)(iii)(V). Please let me know asap today if DOJ concurs. Thanks, and please call if you have any questions.

Add new (IV) and a new (VI) as indicated above:

"and the records will only be used for purposes of investigating such abuse or neglect."

Message Copied To:

Lauren B. Steinfeld/OMB/EOP@EOP
Olga O. Garcia/OMB/EOP@EOP
Andrew J. Scott/OMB/EOP@EOP
Mary L. Smith/WHO/EOP@EOP
Christina M. Lagdameo/OMB/EOP@EOP

OFFICE OF MANAGEMENT AND BUDGET
Legislative Reference Division
Labor-Welfare-Personnel Branch

TO: Mary Smith FAX ~~456~~ 61647
Michelle Anonowitz FAX 456 2256
Gary Cuccini

FROM: K. Blum

Date: 9 / 27 / 00

Time: _____:_____ AM/PM

Comments:

Rec'd 9/26
DOI Comments re HX 4920 - Developmental
disabilities

Number of Pages (including cover sheet): 2

Overview and Recommendation

The Act proposed in H.R. 4920 is titled "Developmental Disabilities Assistance and Bill of Rights Act of 2000" and is intended to assure that individuals with developmental disabilities, and their families participate in the design and have access to needed community services, individualized supports and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life, through culturally competent programs. Those programs include: (a) State Councils on Developmental Disabilities in each State; (b) protection and advocacy systems in each State; (c) University Centers for Excellence in Developmental Disabilities Education, Research and Service-which provide community services that provide training and technical assistance for individuals with developmental disabilities, and those associated with those individuals, and which also provide services, support and assistance for persons with developmental disabilities; and (d) funding for national initiatives and technical assistance. I recommend that we draft some wording which will include both BIA funded schools and assistance, if needed. I recommend that we watch this legislation and that we get some feedback from the Department of Education on this matter.

Present Interpretation of the Act

Unfortunately, it appears that this legislation, does not address or provide funding for any BIA funded school or any BIA funded assistance programs, nor does the legislation address any monies which might be set-aside specifically for the BIA as provided in P.L. 103-882. The only definition concerning Indians defines an "American Indian Consortium" which severely limits tribal participation to only 4/5 Tribes. Moreover, those 4-5 Tribes only become eligible when and if they compact with each other to create an "American Indian Consortium". Moreover, I am concerned with the limitations in regard to Tribes and the exclusion of any funding to BIA funded schools or BIA funded programs. In regard to Education, I agree with Mr. Whitehorn's analysis that this legislation has the potential and probability of being read in conjunction with the Individuals with Disabilities Act, 20 U.S.C. §1404 et seq., (IDEA), therefore, it would affect the Office of Indian Education Programs (OIEP) with regard to implementation. Mr. Whitehorn also correctly foresees a potential problem that the Department of Education will include this legislation as an extension of IDEA. For example, the implementation issues associated with the Americans with Disabilities Act (ADA) which does not directly affect the BIA but does affect the BIA through Sec. 504(Accessibility) could result in the same sort of implementation issues which occurred under Sec. 504. It is apparent that the legislation address the BIA and funding sources which affects funding to the BIA.

Suggested Revisions of the Act

While we have tentatively discussed optional language for this legislation, I believe we should initiate a conference call in regard to better wording for this legislation. We have discussed the possibility of using and adapting the wording in IDEA and or P.L. 103-382-Improving America's Schools Act of 1994.



"Huntington, Clare" <Clare.Huntington@usdoj.gov>

09/20/2000 07:41:38 PM

Record Type: Record

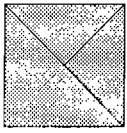
To: "Norton, Helen" <Helen.Norton@intmail.usdoj.gov>, Michelle M. Aronowitz/WHO/EOP

cc:

Subject: H.R. 4920, the Developmental Disabilities Assistance and Bill of Rights Act of 2000

I wanted to let you know that we're looking at H.R. 4920, the Developmental Disabilities Assistance and Bill of Rights Act of 2000, and may have some concerns with sections 102(32); 124(c)(5)(i); 152(d)(3); 154(a)(3)(E)(iii); 204(e)(3). These provisions, particularly the definition in section 102(32), raise some of the issues we discussed in relation to the Health Care Fairness Act. We have not yet decided whether to comment, but will discuss it further in our office on Thursday. Thanks.





U.S. Department of Justice

Office of Legal Counsel

Washington, D.C. 20530

September 22, 2000

**MEMORANDUM FOR ROBERT RABEN
ASSISTANT ATTORNEY GENERAL
OFFICE OF LEGISLATIVE AFFAIRS**

From: Evan H. Caminker
Deputy Assistant Attorney General

Re: H.R. 4920 – Developmental Disabilities Assistance and Bill of Rights Act of 2000

Attn: Velma Taylor

This memorandum provides the views of the Office of Legal Counsel on H.R. 4920, the Developmental Disabilities Assistance and Bill of Rights Act of 2000. Several provisions in the bill may raise constitutional concerns.

First, section 102 contains the following definition:

(32) **UNSERVED AND UNDERSERVED.** The term “unserved and underserved” includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with developmental disabilities, including individuals who require assistive technology in order to participate in and contribute to community life.

Under a subsequent provision that authorizes grants to “University Centers for Excellence in Developmental Disabilities Education, Research, and Service,” *see* § 151(a), the Secretary of Health and Human Services would possess the discretion to make additional grants to Centers or to additional Centers

(d) for States or populations that are unserved or underserved by Centers due to such factors as

- (1) population;
- (2) a high concentration of rural or urban areas; or
- (3) a high concentration of unserved or underserved populations.

We believe that if “such as” in section 102(32) were interpreted simply to permit the Secretary to determine, when deciding how to award the grants, that certain racial and ethnic minority groups are unserved or underserved and therefore should receive services, then the provision does not raise constitutional concerns. Thus, in implementing section 152(d), the Secretary could ensure that a Center receiving funds because of a high concentration of racial and ethnic minorities was receiving those funds only because the Secretary determined that such minorities were unserved or underserved. If, however, the provision is interpreted to mean that individuals from racial and ethnic minority backgrounds automatically qualify as unserved and underserved populations, we believe it likely that a court would require the government to demonstrate that the provision is narrowly tailored to serve a compelling government interest. *See Adarand Constructors Inc. v. Peña*, 515 U.S. 200, 237 (1995).

Title II of the bill contains a similar provision. Under section 204(a) the Secretary would award grants to states to serve families of children with developmental disabilities. *See* § 204(a). Section 204(e)(3) would establish the following priorities for the grants:

- (e) PRIORITIES FOR DISTRIBUTION. To the extent practicable, the Secretary shall award grants to States under this section in a manner that
- (1) is geographically equitable;
 - (2) distributes the grants among States that have differing levels of development of statewide systems of family support services for families of children with disabilities; and
 - (3) distributes the grants among States that attempt to meet the needs of unserved and underserved populations, such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, and individuals from underserved geographic areas (rural or urban).

As with section 152(d), if section 204(e)(3) were interpreted simply to permit the Secretary to determine, when deciding how to award the grants, that certain racial and ethnic minority groups are unserved or underserved and therefore should receive services, then the provision does not raise constitutional concerns. If, however, the provision is interpreted to mean that individuals from racial and ethnic minority backgrounds automatically qualify as unserved and underserved populations, then we believe it likely that a court would hold that the provision triggers strict scrutiny.¹

¹ Alternatively, if section 204(e)(3) were interpreted to mean that racial and ethnic minorities automatically qualify, but that the phrase “attempt” refers to outreach efforts rather than the provision of direct benefits to such populations, then section 204(e)(3) would not be subject to the *Adarand* standard. *See* Memorandum for General Counsels, from Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, Re: Legal Guidance on the Implications of the Supreme Court’s Decision in *Adarand Constructors Inc. v. Peña* at 9 (Jun. 28, 1995). But if section 204(e)(3) means that racial and ethnic minorities automatically qualify and “attempt” means the provision of benefits, then the section likely would be subject to the *Adarand* standard.

Second, section 154(a)(3)(E)(iii) would require an entity seeking funding as a “University Center for Excellence in Developmental Disabilities Education, Research, and Service” to submit an application to the Secretary. That application must include an assurance that the Center would “establish a consumer advisory committee” that, *inter alia*, “reflects the racial and ethnic diversity of the State” in which the center would be located. This requirement might be viewed as a race-based classification. If a court did view the provision in such a manner, the government would have to demonstrate that the provision is narrowly tailored to serve a compelling government interest. *See Adarand*, 515 U.S. at 237. With respect to tailoring the provision, we note that the provision is less narrowly tailored than the existing law that it would replace. *See* 42 U.S.C. § 6063(d) (“The consumer advisory committee shall reflect the racial and ethnic diversity of the geographic area served by the [Center].”). We also note that if the provision were rewritten to require the advisory committee to “reflect the demographic diversity” of the state or area served by the program, such a provision likely would not trigger strict scrutiny.

106TH CONGRESS
2D SESSION

H. R. 4920

AN ACT

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

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

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

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

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

Sec. 1. Short title; table of contents.

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

Subtitle A—General Provisions

Sec. 101. Findings, purposes, and policy.

Sec. 102. Definitions.

Sec. 103. Records and audits.

Sec. 104. Responsibilities of the Secretary.

Sec. 105. Reports of the Secretary.

Sec. 106. State control of operations.

Sec. 107. Employment of individuals with disabilities.

Sec. 108. Construction.

Sec. 109. Rights of individuals with developmental disabilities.

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

Sec. 121. Purpose.

Sec. 122. State allotments.

Sec. 123. Payments to the States for planning, administration, and services.

Sec. 124. State plan.

Sec. 125. State Councils on Developmental Disabilities and designated State
 agencies.

Sec. 126. Federal and non-Federal share.

Sec. 127. Withholding of payments for planning, administration, and services.

Sec. 128. Appeals by States.

Sec. 129. Authorization of appropriations.

Subtitle C—Protection and Advocacy of Individual Rights

Sec. 141. Purpose.

Sec. 142. Allotments and payments.

Sec. 143. System required.

Sec. 144. Administration.

Sec. 145. Authorization of appropriations.

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

Sec. 151. Grant authority.

Sec. 152. Grant awards.

Sec. 153. Purpose and scope of activities.

Sec. 154. Applications.

Sec. 155. Definition.

Sec. 156. Authorization of appropriations.

Subtitle E—Projects of National Significance

Sec. 161. Purpose.

Sec. 162. Grant authority.

Sec. 163. Authorization of appropriations.

TITLE II—FAMILY SUPPORT

Sec. 201. Short title.

Sec. 202. Findings, purposes, and policy.

Sec. 203. Definitions and special rule.

Sec. 204. Grants to States.

Sec. 205. Application.

Sec. 206. Designation of the lead entity.

Sec. 207. Authorized activities.

Sec. 208. Reporting.

Sec. 209. Technical assistance.

Sec. 210. Evaluation.

Sec. 211. Projects of national significance.

Sec. 212. Authorization of appropriations.

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

Sec. 301. Findings.

Sec. 302. Definitions.

Sec. 303. Reaching up scholarship program.

Sec. 304. Staff development curriculum authorization.

Sec. 305. Authorization of appropriations.

TITLE IV—REPEAL

Sec. 401. Repeal.

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

4 **Subtitle A—General Provisions**

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

6 (a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (C) pursue meaningful and productive
13 lives;

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (B) to provide community services—

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

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

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

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

20 (4) funding for—

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

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

6 (C) other nationally significant activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **SEC. ~~102~~ DEFINITIONS.**

18 In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (8) DEVELOPMENTAL DISABILITY.—

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

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

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

12 (iii) is likely to continue indefinitely;

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

16 (I) Self-care.

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

19 (III) Learning.

20 (IV) Mobility.

21 (V) Self-direction.

22 (VI) Capacity for independent
23 living.

24 (VII) Economic self-sufficiency;
25 and

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

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

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

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

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

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

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

20 (12) FAMILY SUPPORT SERVICES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (B) are designed to—

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

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

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

23 (C) include—

24 (i) early intervention services;

25 (ii) respite care;

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

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

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

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

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

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

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

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

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

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

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

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

6 (22) PROTECTION AND ADVOCACY SYSTEM.—

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

10 (23) QUALITY ASSURANCE ACTIVITIES.—The

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (31) TRANSPORTATION-RELATED ACTIVITIES.—

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

20 (32) UNSERVED AND UNDERSERVED.—The

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

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

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

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

10 (1) records that fully disclose—

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

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

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

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

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

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

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

4 (a) PROGRAM ACCOUNTABILITY.—

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

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

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

6 (3) INDICATORS OF PROGRESS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (c) INTERAGENCY COMMITTEE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **SEC. 108. CONSTRUCTION.**

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

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

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

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

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

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

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

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

12 (B) meet minimum standards relating to—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **SEC. 121. PURPOSE.**

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

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

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

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

25 (a) ALLOTMENTS.—

1 (1) IN GENERAL.—

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

7 (i) the population;

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

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

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

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

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

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

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

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

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

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

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

2
3 (Λ) IN GENERAL.—In any case in which
4 the total amount appropriated under section
5 129 for a fiscal year is more than \$70,000,000,
6 the allotment under this section for such fiscal
7 year—

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

12
13 (ii) to any State not described in
14 clause (i) may not be less than \$450,000.

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

21
22 (5) STATE SUPPORTS, SERVICES, AND OTHER
23 ACTIVITIES.—In determining, for purposes of paragraph (1)(Λ)(ii), the extent of need in any State for
24 services for individuals with developmental disabilities—
25

ities, 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 in-

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

3 (B) the total amount appropriated under
4 section 129 (or a corresponding provision) for
5 the immediately preceding fiscal year,
6 bears to the total amount appropriated under section
7 129 (or a corresponding provision) for such pre-
8 ceding fiscal year.

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

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

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

25 (e) REALLOTMENTS.—

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

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

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

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

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

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

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

(b) DESIGNATED STATE AGENCY EXPENDITURES.—

The Secretary may make payments to a State for the portion described in section 124(c)(5)(B)(vi) in advance or by way of reimbursement, and in such installments as the Secretary may determine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (III) support and expand partici-
10 pation of individuals with develop-
11 mental disabilities in cross-disability
12 and culturally diverse leadership coali-
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 2002, shall be consistent with applicable
19 indicators of progress described in section
20 104(a)(3);

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

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

25 (5) ASSURANCES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (b) COUNCIL MEMBERSHIP.—

15 (1) COUNCIL APPOINTMENTS.—

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

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

1 the non-State agency members of the Council.

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

6 (C) REPRESENTATION.—The membership
7 of the Council shall be geographically represent-
8 ative of the State and reflect the diversity of
9 the State with respect to race and ethnicity.

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

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

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

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

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

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

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

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

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

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

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

6 (II) Centers in the State; and

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

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

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

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

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

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

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

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

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

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

19 (6) INSTITUTIONALIZED INDIVIDUALS.—

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

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

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

6 (c) COUNCIL RESPONSIBILITIES.—

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

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

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

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

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

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

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

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

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

16 (5) STATE PLAN IMPLEMENTATION.—

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

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

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

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

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

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

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

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

10 (ii) through education; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (6) REVIEW OF DESIGNATED STATE AGENCY.—

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

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

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

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

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

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

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

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

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

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

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

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

16 (H) a description of—

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

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

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

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

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

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

13 (ii) as determined in Council policy—

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

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

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

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

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

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

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

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

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

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

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

3 (d) DESIGNATED STATE AGENCY.—

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

13 (2) DESIGNATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (A) CONDITION FOR FEDERAL FUNDING.—

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

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

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

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

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

4 (a) AGGREGATE COST.—

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

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

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

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

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

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

11 (c) NON-FEDERAL SHARE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (b) RESERVATION FOR TECHNICAL ASSISTANCE.—

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

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

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

3 **SEC. 141. PURPOSE.**

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

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

10 (a) ALLOTMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (2) such system shall—

22 (A) have the authority to—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (I) have access to all records of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (Λ) 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(c) of the Social Security Act (42
19 U.S.C. 1396n(c))) receive; and

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

22 (Λ) 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-

cluding notice regarding the good cause for
such redesignation, and given the agency an opportunity to respond to the assertion that good cause has been shown;

(C) the State has given timely notice and an opportunity for public comment in an accessible format to individuals with developmental disabilities or their representatives; and

(D) the system has an opportunity to appeal the redesignation to the Secretary, on the basis that the redesignation was not for good cause.

(b) AMERICAN INDIAN CONSORTIUM.—Upon application to the Secretary, an American Indian consortium established to provide protection and advocacy services under this subtitle, shall receive funding pursuant to section 142(a)(6) to provide the services. Such consortium shall be considered to be a system for purposes of this subtitle and shall coordinate the services with other systems serving the same geographic area. The tribal council that designates the consortium shall carry out the responsibilities and exercise the authorities specified for a State in this subtitle, with regard to the consortium.

(c) RECORD.—In this section, the term “record” 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 (Λ) that shall advise the system on policies
2 and priorities to be carried out in protecting
3 and advocating the rights of individuals with
4 developmental disabilities; and

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

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

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

14 (b) LEGAL ACTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (a) EXISTING CENTERS.—

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

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

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

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

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

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

(1) population;

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

(3) a high concentration of unserved or underserved populations.

SEC. 153. PURPOSE AND SCOPE OF ACTIVITIES.

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

(1) IN GENERAL.—In order to provide leadership in, advise Federal, State, and community policymakers about, and promote opportunities for individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life, the Secretary shall award grants to eli-

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

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

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

21 (B) Provision of community services—

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

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

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

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

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

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

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

viduals with developmental disabilities and their families, the Secretary shall award, under section 151(b), supplemental grants to Centers to pay for the Federal share of the cost of training initiatives related to the unmet needs of individuals with developmental disabilities and their families. The Secretary shall make the grants on a competitive basis, and for periods of not more than 5 years.

(2) ESTABLISHMENT OF CONSULTATION PROCESS BY THE SECRETARY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a consultation process that, on an ongoing basis, allows the Secretary to identify and address, through supplemental grants authorized under paragraph (1), training initiatives related to the unmet needs of individuals with developmental disabilities and their families.

(c) TECHNICAL ASSISTANCE.—In order to strengthen and support the national network of Centers, the Secretary may enter into 1 or more cooperative agreements or contracts to—

(1) assist in national and international dissemination of specific information from multiple Centers and, in appropriate cases, other entities whose work

1 affects the lives of individuals with developmental
2 disabilities;

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

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

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

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

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

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

5 **SEC. 154. APPLICATIONS.**

6 (a) APPLICATIONS FOR CORE CENTER GRANTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (c) PEER REVIEW.—

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

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

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

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 (Δ) the extent to which the goals were
5 achieved;

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

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

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

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

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

20 **SEC. 155. DEFINITION.**

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

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

2 (a) AUTHORIZATION AND RESERVATIONS.—

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

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

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

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

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

1 \$300,000 and not more than 2 percent of the
2 amount appropriated under paragraph (1) to
3 fund technical assistance activities under sec-
4 tion 153(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 2001, more than \$300,000 of
14 the funds made available under subsection (a); and

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

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

3 **SEC. 161. PURPOSE.**

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

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

11 (2) support the development of national and
12 State policies that reinforce and promote, with the
13 support of families, guardians, advocates, and com-
14 munities, of individuals with developmental disabili-
15 ties, 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 (Λ) **AUTHORITY.**—The Secretary may—

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

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

19 (B) **RELATION TO PROGRAM PURPOSES.**—

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

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

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

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

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

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

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

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

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

3 (b) USE OF FUNDS.—

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

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

10 (2) ADMINISTRATIVE COSTS.—Not more than 1
11 percent of the amount appropriated under sub-
12 section (a) for each fiscal year may be used to pro-
13 vide for the administrative costs (other than com-
14 pensation of Federal employees) of the Administra-
15 tion on Developmental Disabilities for administering
16 this subtitle and subtitles B, C, and D, including
17 monitoring the performance of and providing tech-
18 nical assistance to, entities that receive funds under
19 this title.

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

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

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

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

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

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

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

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

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

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

4 **TITLE II—FAMILY SUPPORT**

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

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

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

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

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

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

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

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

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

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

16 (6) The goals of the Nation properly include the
17 goal of providing to families of children with 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-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (c) **AMOUNT OF GRANTS.**—

14 (1) **GRANTS TO STATES.**—

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

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

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



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

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

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

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

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

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

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

(3) distributes the grants among States that attempt to meet the needs of unserved and underserved populations, such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited English proficiency, and individuals from underserved geographic areas (rural or urban).

8 SEC. 205. APPLICATION.

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

17 SEC. 206. DESIGNATION OF THE LEAD ENTITY.

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

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

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

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

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

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

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

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

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

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

21 (3) a public agency;

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

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

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

2 (a) IN GENERAL.—A State that receives a grant
3 under section 204 shall use the funds made available
4 through the grant to carry out systems change activities
5 that accomplish the purposes of this title.

6 (b) SPECIAL RULE.—In carrying out activities au-
7 thorized under this title, a State shall ensure that such
8 activities address the needs of families of children with dis-
9 abilities from unserved or underserved populations.

10 **SEC. 208. REPORTING.**

11 A State that receives a grant under this title shall
12 prepare and submit to the Secretary, at the end of the
13 grant period, a report containing the results of State ef-
14 forts to develop and implement, or expand and enhance,
15 a statewide system of family support services for families
16 of children with disabilities.

17 **SEC. 209. TECHNICAL ASSISTANCE.**

18 (a) IN GENERAL.—The Secretary shall enter into
19 contracts or cooperative agreements with appropriate pub-
20 lic or private agencies and organizations, including institu-
21 tions of higher education, with documented experience, ex-
22 pertise, and capacity, for the purpose of providing tech-
23 nical assistance and information with respect to the devel-
24 opment and implementation, or expansion and enhance-
25 ment, of a statewide system of family support services for
26 families of children with disabilities.

1 (b) PURPOSE.—An agency or organization that pro-
2 vides technical assistance and information under this sec-
3 tion in a State that receives a grant under this title shall
4 provide the technical assistance and information to the
5 lead entity of the State, family members of children with
6 disabilities, organizations, service providers, and policy-
7 makers involved with children with disabilities and their
8 families. Such an agency or organization may also provide
9 technical assistance and information to a State that does
10 not receive a grant under this title.

11 (c) REPORTS TO THE SECRETARY.—An entity pro-
12 viding technical assistance and information under this sec-
13 tion shall prepare and submit to the Secretary periodic
14 reports regarding Federal policies and procedures identi-
15 fied within the States that facilitate or impede the delivery
16 of family support services to families of children with dis-
17 abilities. The report shall include recommendations to the
18 Secretary regarding the delivery of services, coordination
19 with other programs, and integration of the policies de-
20 scribed in section 202 in Federal law, other than this title.

21 **SEC. 210. EVALUATION.**

22 (a) IN GENERAL.—The Secretary shall conduct a na-
23 tional evaluation of the program of grants to States au-
24 thorized by this title.

25 (b) PURPOSE.—

1 (1) IN GENERAL.—The Secretary shall conduct
2 the evaluation under subsection (a) to assess the sta-
3 tus and effects of State efforts to develop and imple-
4 ment, or expand and enhance, statewide systems of
5 family support services for families of children with
6 disabilities in a manner consistent with the provi-
7 sions of this title. In particular, the Secretary shall
8 assess the impact of such efforts on families of chil-
9 dren with disabilities, and recommend amendments
10 to this title that are necessary to assist States to ac-
11 complish fully the purposes of this title.

12 (2) INFORMATION SYSTEMS.—The Secretary
13 shall work with the States to develop an information
14 system designed to compile and report, from infor-
15 mation provided by the States, qualitative and quan-
16 titative descriptions of the impact of the program of
17 grants to States authorized by this title on—

18 (A) families of children with disabilities,
19 including families from unserved and under-
20 served populations;

21 (B) access to and funding for family sup-
22 port services for families of children with dis-
23 abilities;

1 (C) interagency coordination and collabora-
2 tion between agencies responsible for providing
3 the services; and

4 (D) the involvement of families of children
5 with disabilities at all levels of the statewide
6 systems.

7 (c) REPORT TO CONGRESS.—Not later than 2½
8 years after the date of enactment of this Act, the Sec-
9 retary shall prepare and submit to the appropriate com-
10 mittees of Congress a report concerning the results of the
11 evaluation conducted under this section.

12 **SEC. 211. PROJECTS OF NATIONAL SIGNIFICANCE.**

13 (a) STUDY BY THE SECRETARY.—The Secretary
14 shall review Federal programs to determine the extent to
15 which such programs facilitate or impede access to, provi-
16 sion of, and funding for family support services for fami-
17 lies of children with disabilities, consistent with the poli-
18 cies described in section 202.

19 (b) PROJECTS OF NATIONAL SIGNIFICANCE.—The
20 Secretary shall make grants or enter into contracts for
21 projects of national significance to support the develop-
22 ment of national and State policies and practices related
23 to the development and implementation, or expansion and
24 enhancement, of family-centered and family-directed sys-

1 tems of family support services for families of children
2 with disabilities.

3 **SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated to carry out this title such sums as may be nec-
6 essary for each of fiscal years 2001 through 2007.

7 (b) RESERVATION.—

8 (1) IN GENERAL.—The Secretary shall reserve
9 for each fiscal year 10 percent, or \$400,000 (which-
10 ever is greater), of the amount appropriated pursu-
11 ant to subsection (a) to carry out—

12 (A) section 209 (relating to the provision
13 of technical assistance and information to
14 States); and

15 (B) section 210 (relating to the conduct of
16 evaluations).

17 (2) SPECIAL RULE.—For each year that the
18 amount appropriated pursuant to subsection (a) is
19 \$10,000,000 or greater, the Secretary may reserve 5
20 percent of such amount to carry out section 211.

1 **TITLE III—PROGRAM FOR DI-**
2 **RECT SUPPORT WORKERS**
3 **WHO ASSIST INDIVIDUALS**
4 **WITH DEVELOPMENTAL DIS-**
5 **ABILITIES**

6 **SEC. 301. FINDINGS.**

7 Congress finds that—

8 (1) direct support workers, especially young
9 adults, have played essential roles in providing the
10 support needed by individuals with developmental
11 disabilities and expanding community options for
12 those individuals;

13 (2) 4 factors have contributed to a decrease in
14 the available pool of direct support workers,
15 specifically—

16 (A) the small population of individuals who
17 are age 18 through 25, an age group that has
18 been attracted to direct support work in the
19 past;

20 (B) the rapid expansion of the service sec-
21 tor, which attracts individuals who previously
22 would have elected to pursue employment as di-
23 rect support workers;

1 (C) the failure of wages in the human serv-
2 ices sector to keep pace with wages in other
3 service sectors; and

4 (D) the lack of quality training and career
5 advancement opportunities available to direct
6 support workers; and

7 (3) individuals with developmental disabilities
8 benefit from assistance from direct support workers
9 who are well trained, and benefit from receiving
10 services from professionals who have spent time as
11 direct support workers.

12 **SEC. 302. DEFINITIONS.**

13 In this title:

14 (1) DEVELOPMENTAL DISABILITY.—The term
15 “developmental disability” has the meaning given
16 the term in section 102.

17 (2) INSTITUTION OF HIGHER EDUCATION.—The
18 term “institution of higher education” has the
19 meaning given the term in section 1201 of the High-
20 er Education Act of 1965 (20 U.S.C. 1141).

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

23 **SEC. 303. REACHING UP SCHOLARSHIP PROGRAM.**

24 (a) PROGRAM AUTHORIZATION.—The Secretary may
25 award grants to eligible entities, on a competitive basis,

1 to enable the entities to carry out scholarship programs
2 by providing vouchers for postsecondary education to di-
3 rect support workers who assist individuals with develop-
4 mental disabilities residing in diverse settings. The Sec-
5 retary shall award the grants to pay for the Federal share
6 of the cost of providing the vouchers.

7 (b) ELIGIBLE ENTITY.—To be eligible to receive a
8 grant under this section, an entity shall be—

- 9 (1) an institution of higher education;
10 (2) a State agency; or
11 (3) a consortium of such institutions or agen-
12 cies.

13 (c) APPLICATION REQUIREMENTS.—To be eligible to
14 receive a grant under this section, an eligible entity shall
15 submit to the Secretary an application at such time, in
16 such manner, and containing such information as the Sec-
17 retary may require, including a description of—

- 18 (1) the basis for awarding the vouchers;
19 (2) the number of individuals to receive the
20 vouchers; and
21 (3) the amount of funds that will be made
22 available by the eligible entity to pay for the non-
23 Federal share of the cost of providing the vouchers.

24 (d) SELECTION CRITERIA.—In awarding a grant
25 under this section for a scholarship program, the Sec-

1 retary shall give priority to an entity submitting an appli-
2 cation that—

3 (1) specifies that individuals who receive vouch-
4 ers through the program will be individuals—

5 (A) who are direct support workers who
6 assist individuals with developmental disabilities
7 residing in diverse settings, while pursuing
8 postsecondary education; and

9 (B) each of whom verifies, prior to receiv-
10 ing the voucher, that the worker has completed
11 250 hours as a direct support worker in the
12 past 90 days;

13 (2) states that the vouchers that will be pro-
14 vided through the program will be in amounts of not
15 more than \$2,000 per year;

16 (3) provides an assurance that the eligible enti-
17 ty (or another specified entity that is not a voucher
18 recipient) will contribute the non-Federal share of
19 the cost of providing the vouchers; and

20 (4) meets such other conditions as the Sec-
21 retary may specify.

22 (e) FEDERAL SHARE.—The Federal share of the cost
23 of providing the vouchers shall be not more than 80 per-
24 cent.

1 **SEC. 304. STAFF DEVELOPMENT CURRICULUM AUTHORIZA-**
2 **TION.**

3 (a) **FUNDING.—**

4 (1) **IN GENERAL.**—The Secretary shall award
5 funding, on a competitive basis, through a grant, co-
6 operative agreement, or contract, to a public or pri-
7 vate entity or a combination of such entities, for the
8 development, evaluation, and dissemination of a staff
9 development curriculum, and related guidelines, for
10 computer-assisted, competency-based, multimedia,
11 interactive instruction, relating to service as a direct
12 support worker.

13 (2) **PARTICIPANTS.**—The curriculum shall be
14 developed for individuals who—

15 (A) seek to become direct support workers
16 who assist individuals with developmental dis-
17 abilities or are such direct support workers; and

18 (B) seek to upgrade their skills and com-
19 petencies related to being a direct support
20 worker.

21 (b) **APPLICATION REQUIREMENTS.**—To be eligible to
22 receive an award under this section, an entity shall submit
23 to the Secretary an application at such time, in such man-
24 ner, and containing such information as the Secretary may
25 require, including—

1 (1) a comprehensive analysis of the content of
2 direct support roles;

3 (2) information identifying an advisory group
4 that—

5 (Λ) 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 (Λ) develop, field test, and validate a staff
17 development curriculum that—

18 (i) relates to the appropriate reading
19 level for direct service workers who assist
20 individuals with disabilities;

21 (ii) allows for multiple levels of in-
22 struction;

23 (iii) provides instruction appropriate
24 for direct support workers who work in di-
25 verse settings; and

1 (iv) is consistent with subsections (b)
2 and (c) of section 101 and section 109;

3 (B) develop, field test, and validate guide-
4 lines for the organizations that use the cur-
5 rriculum that provide for—

6 (i) providing necessary technical and
7 instructional support to trainers and men-
8 tors for the participants;

9 (ii) ensuring easy access to and use of
10 such curriculum by workers that choose to
11 participate in using, and agencies that
12 choose to use, the curriculum;

13 (iii) evaluating the proficiency of the
14 participants with respect to the content of
15 the curriculum;

16 (iv) providing necessary support to the
17 participants to assure that the participants
18 have access to, and proficiency in using, a
19 computer in order to participate in the de-
20 velopment, testing, and validation process;

21 (v) providing necessary technical and
22 instructional support to trainers and men-
23 tors for the participants in conjunction
24 with the development, testing, and valida-
25 tion process;

1 (vi) addressing the satisfaction of par-
2 ticipants, individuals with developmental
3 disabilities and their families, providers of
4 services for such individuals and families,
5 and other relevant entities with the cur-
6 riculum; and

7 (vii) developing methods to maintain a
8 record of the instruction completed, and
9 the content mastered, by each participant
10 under the curriculum; and

11 (C) nationally disseminate the curriculum
12 and guidelines, including dissemination
13 through—

14 (i) parent training and information
15 centers funded under part D of the Indi-
16 viduals with Disabilities Education Act (20
17 U.S.C. 1451 et seq.);

18 (ii) community-based organizations of
19 and for individuals with developmental dis-
20 abilities and their families;

21 (iii) entities funded under title I;

22 (iv) centers for independent living;

23 (v) State educational agencies and
24 local educational agencies;

- 1 (vi) entities operating appropriate
2 medical facilities;
3 (vii) postsecondary education entities;
4 and
5 (viii) other appropriate entities; and
6 (4) such other information as the Secretary
7 may require.

8 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) SCHOLARSHIPS.—There are authorized to be ap-
10 propriated to carry out section 303 \$800,000 for fiscal
11 year 2001 and such sums as may be necessary for each
12 of fiscal years 2002 through 2007.

13 (b) STAFF DEVELOPMENT CURRICULUM.—There are
14 authorized to be appropriated to carry out section 304
15 \$800,000 for fiscal year 2001 and such sums as may be
16 necessary for each of fiscal years 2002 and 2003.

17 **TITLE IV—REPEAL**

18 **SEC. 401. REPEAL.**

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

22 (b) CONFORMING AMENDMENTS.—

23 (1) INDIVIDUALS WITH DISABILITIES EDU-
24 CATION ACT.—Sections 644(b)(4) and 685(b)(4) of
25 the Individuals with Disabilities Education Act (20

1 U.S.C. 1444(b)(4), 1484a(b)(4)) are amended by
2 striking “the Developmental Disabilities Assistance
3 and Bill of Rights Act” and inserting “the Develop-
4 mental Disabilities Assistance and Bill of Rights Act
5 of 1999”.

6 (2) NATIVE AMERICAN HOUSING ASSISTANCE
7 AND SELF-DETERMINATION ACT OF 1996.—Section
8 4(17)(C) of the Native American Housing Assist-
9 ance and Self-Determination Act of 1996 (25 U.S.C.
10 4103(17)(C)) is amended by striking “as defined in”
11 and all that follows and inserting “as defined in sec-
12 tion 102 of the Developmental Disabilities Assist-
13 ance and Bill of Rights Act of 1999.”.

14 (3) REHABILITATION ACT OF 1973.—

15 (A) Section 105(c)(6) of the Rehabilitation
16 Act of 1973 (29 U.S.C. 725(c)(6)) is amended
17 by striking “the State Developmental Disabil-
18 ities Council described in section 124 of the De-
19 velopmental Disabilities Assistance and Bill of
20 Rights Act (42 U.S.C. 6024)” and inserting
21 “the State Council on Developmental Disabil-
22 ities established under section 125 of the Devel-
23 opmental Disabilities Assistance and Bill of
24 Rights Act of 1999”.

1 (B) Sections 202(h)(2)(D)(iii) and
2 401(a)(5)(A) of the Rehabilitation Act of 1973
3 (29 U.S.C. 762(h)(2)(D)(iii), 781(a)(5)(A)) are
4 amended by striking “Developmental Disabil-
5 ities Assistance and Bill of Rights Act (42
6 U.S.C. 6000 et seq.)” and inserting “Develop-
7 mental Disabilities Assistance and Bill of
8 Rights Act of 1999”.

9 (C) Subsections (a)(1)(B)(i), (f)(2), and
10 (m)(1) of section 509 of the Rehabilitation Act
11 of 1973 (29 U.S.C. 794e) are amended by
12 striking “part C of the Developmental Disabil-
13 ities Assistance and Bill of Rights Act (42
14 U.S.C. 6041 et seq.)” and inserting “subtitle C
15 of the Developmental Disabilities Assistance
16 and Bill of Rights Act of 1999”.

17 (D) Section 509(f)(5)(B) of the Rehabilita-
18 tion Act of 1973 (29 U.S.C. 794e(f)(5)(B)) is
19 amended by striking “Developmental Disabil-
20 ities Assistance and Bill of Rights Act (42
21 U.S.C. 6000 et seq.)” and inserting “Develop-
22 mental Disabilities Assistance and Bill of
23 Rights Act of 1999”.

24 (4) ASSISTIVE TECHNOLOGY ACT OF 1998.—

1 (Λ) Section 3(a)(11)(Λ) of the Assistive
2 Technology Act of 1998 (29 U.S.C.
3 3002(a)(11)(Λ)) is amended by striking “part
4 C of the Developmental Disabilities Assistance
5 and Bill of Rights Act (42 U.S.C. 6041 et
6 seq.)” and inserting “subtitle C of the Develop-
7 mental Disabilities Assistance and Bill of
8 Rights Act of 1999”.

9 (B) Paragraphs (1) and (2) of section
10 102(a) of the Assistive Technology Act of 1998
11 (29 U.S.C. 3012(a)) are amended by striking
12 “Developmental Disabilities Assistance and Bill
13 of Rights Act (42 U.S.C. 6000 et seq.)” and in-
14 serting “Developmental Disabilities Assistance
15 and Bill of Rights Act of 1999”.

16 (5) HEALTH PROGRAMS EXTENSION ACT OF
17 1973.—Section 401(e) of the Health Programs Ex-
18 tension Act of 1973 (42 U.S.C. 300a–7(e)) is
19 amended by striking “or the” and all that follows
20 through “may deny” and inserting “or the Develop-
21 mental Disabilities Assistance and Bill of Rights Act
22 of 1999 may deny”.

23 (6) SOCIAL SECURITY ACT.—

24 (Λ) Section 1919(c)(2)(B)(iii)(III) of the
25 Social Security Act (42 U.S.C.

1 1396r(e)(2)(B)(iii)(III)) is amended by striking
2 “part C of the Developmental Disabilities As-
3 sistance and Bill of Rights Act” and inserting
4 “subtitle C of the Developmental Disabilities
5 Assistance and Bill of Rights Act of 1999”.

6 (B) Section 1930(d)(7) of the Social Secu-
7 rity Act (42 U.S.C. 1396u(d)(7)) is amended by
8 striking “State Planning Council established
9 under section 124 of the Developmental Dis-
10 abilities Assistance and Bill of Rights Act, and
11 the Protection and Advocacy System established
12 under section 142 of such Act” and inserting
13 “State Council on Developmental Disabilities
14 established under section 125 of the Develop-
15 mental Disabilities Assistance and Bill of
16 Rights Act of 1999 and the protection and ad-
17 vocacy system established under subtitle C of
18 that Act”.

19 (7) UNITED STATES HOUSING ACT OF 1937.—
20 Section 3(b)(3)(E)(iii) of the United States Housing
21 Act of 1937 (42 U.S.C. 1437a(b)(3)(E)(iii)) is
22 amended by striking “developmental disability” and
23 all that follows and inserting “developmental dis-
24 ability as defined in section 102 of the Develop-

1 mental Disabilities Assistance and Bill of Rights Act
2 of 1999.”.

3 (8) HOUSING ACT OF 1949.—The third sentence
4 of section 501(b)(3) of the Housing Act of 1949 (42
5 U.S.C. 1471(b)(3)) is amended by striking “develop-
6 mental disability” and all that follows and inserting
7 “developmental disability as defined in section 102
8 of the Developmental Disabilities Assistance and Bill
9 of Rights Act of 1999.”.

10 (9) OLDER AMERICANS ACT OF 1965.—

11 (A) Section 203(b)(17) of the Older Amer-
12 icans Act of 1965 (42 U.S.C. 3013(b)(17)) is
13 amended by striking “Developmental Disabil-
14 ities and Bill of Rights Act” and inserting “De-
15 velopmental Disabilities Assistance and Bill of
16 Rights Act of 1999”.

17 (B) Section 427(a) of the Older Americans
18 Act of 1965 (42 U.S.C. 3035f(a)) is amended
19 by striking “part A of the Developmental Dis-
20 abilities Assistance and Bill of Rights Act (42
21 U.S.C. 6001 et seq.)” and inserting “subtitle C
22 of the Developmental Disabilities Assistance
23 and Bill of Rights Act of 1999”.

24 (C) Section 429F(a)(1) of the Older Amer-
25 icans Act of 1965 (42 U.S.C. 3035n(a)(1)) is

1 amended by striking “section 102(5) of the De-
2 velopmental Disabilities Assistance and Bill of
3 Rights Act (42 U.S.C. 6001(5))” and inserting
4 “section 102 of the Developmental Disabilities
5 Assistance and Bill of Rights Act of 1999”.

6 (D) Section 712(h)(6)(A) of the Older
7 Americans Act of 1965 (42 U.S.C.
8 3058g(h)(6)(A)) is amended by striking “part
9 A of the Developmental Disabilities Assistance
10 and Bill of Rights Act (42 U.S.C. 6001 et
11 seq.)” and inserting “subtitle C of the Develop-
12 mental Disabilities Assistance and Bill of
13 Rights Act of 1999”.

14 (10) CRIME VICTIMS WITH DISABILITIES
15 AWARENESS ACT.—Section 3 of the Crime Victims
16 With Disabilities Awareness Act (42 U.S.C. 3732
17 note) is amended by striking “term” and all that fol-
18 lows and inserting the following “term in section
19 102 of the Developmental Disabilities Assistance
20 and Bill of Rights Act of 1999.”.

21 (11) CRANSTON-GONZALEZ NATIONAL AFFORD-
22 ABLE HOUSING ACT.—The third sentence of section
23 811(k)(2) of the Cranston-Gonzalez National Afford-
24 able Housing Act (42 U.S.C. 8013(k)(2)) is amend-
25 ed by striking “as defined” and all that follows and

1 inserting “as defined in section 102 of the Develop-
2 mental Disabilities Assistance and Bill of Rights Act
3 of 1999.”.

4 (12) STATE DEPENDENT CARE DEVELOPMENT
5 GRANTS ACT.—Section 670G(3) of the State De-
6 pendent Care Development Grants Act (42 U.S.C.
7 9877(3)) is amended by striking “section 102(7) of
8 the Developmental Disabilities Assistance and Bill of
9 Rights Act” and inserting “section 102 of the Devel-
10 opmental Disabilities Assistance and Bill of Rights
11 Act of 1999”.

12 (13) PROTECTION AND ADVOCACY FOR MEN-
13 TALLY ILL INDIVIDUALS ACT OF 1986.—

14 (A) Section 102(2) of the Protection and
15 Advocacy for Mentally Ill Individuals Act of
16 1986 (42 U.S.C. 10802(2)) is amended by
17 striking “part C of the Developmental Disabil-
18 ities Assistance and Bill of Rights Act” and in-
19 serting “subtitle C of the Developmental Dis-
20 abilities Assistance and Bill of Rights Act of
21 1999”.

22 (B) Section 114 of the Protection and Ad-
23 vocacy for Mentally Ill Individuals Act of 1986
24 (42 U.S.C. 10824) is amended by striking “sec-
25 tion 107(c) of the Developmental Disabilities

1 Assistance and Bill of Rights Act” and insert-
2 ing “section 105 of the Developmental Disabil-
3 ities Assistance and Bill of Rights Act of
4 1999”.

5 (14) STEWART B. MCKINNEY HOMELESS AS-
6 SISTANCE ACT.—Section 422(2)(C) of the Stewart
7 B. McKinney Homeless Assistance Act (42 U.S.C.
8 11382(2)(C)) is amended by striking “as defined”
9 and all that follows and inserting “as defined in sec-
10 tion 102 of the Developmental Disabilities Assist-
11 ance and Bill of Rights Act of 1999, or”.

12 (15) ASSISTED SUICIDE FUNDING RESTRICTION
13 ACT OF 1997.—

14 (A) Section 4 of the Assisted Suicide
15 Funding Restriction Act of 1997 (42 U.S.C.
16 14403) is amended—

17 (i) by striking the section heading and
18 inserting the following:

19 **“SEC. 4. RESTRICTION ON USE OF FEDERAL FUNDS UNDER**
20 **CERTAIN GRANT PROGRAMS.”;**

21 and

22 (ii) by striking “part B, D, or E of
23 the Developmental Disabilities Assistance
24 and Bill of Rights Act” and inserting
25 “subtitle B, D, or E of the Developmental

1 Disabilities Assistance and Bill of Rights
2 Act of 1999”.

3 (B) Section 5(b)(1) of the Assisted Suicide
4 Funding Restriction Act of 1997 (42 U.S.C.
5 14404(b)(1)) is amended by striking subpara-
6 graph (A) and inserting the following:

7 “(A) PROTECTION AND ADVOCACY SYS-
8 TEMS UNDER THE DEVELOPMENTAL DISABIL-
9 ITIES ASSISTANCE AND BILL OF RIGHTS ACT OF
10 1999.—Subtitle C of the Developmental Disabil-
11 ities Assistance and Bill of Rights Act of
12 1999.”.

Passed the House of Representatives July 26, 2000.

Attest:

Clerk.