

(1) in subsection (a), by striking “, not to exceed \$70,000,000.”;

(2) in subsection (b), by striking “, not to exceed \$15,000,000.”; and

(3) in subsection (c), by striking “, not to exceed \$15,000,000.”.

(b) PERIOD OF AUTHORIZATION.—Section 4(a) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(a)) is amended in the second sentence by striking “2009” and inserting “2019”.

#### AMENDING FISH AND WILDLIFE ACT OF 1956

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 673, H.R. 2408.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2408) to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. INHOFE. I ask unanimous consent that the bill be read a third time and passed; the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2408) was read the third time and passed.

#### IMPROVING ACCESS TO ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES ACT OF 2004

Mr. INHOFE. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H.R. 4278, the assistive technology bill, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4278) to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GREGG. Mr. President, today, I join my colleague, the Senator from Iowa, Mr. HARKINS, and other Members, in seeking final passage of the Assistive Technology Act of 2004.

Senator HARKIN and I were determined to make the reauthorization of this piece of legislation a bipartisan process from the beginning. We have worked closely with the House of Representatives, Departments of Education, Labor, and Commerce, and the Small Business Administration as well as the, business, and research and development communities, the Assistive Technology Act Projects, the Alternative Financing Programs, and the disability community. Together we

have successfully crafted a bipartisan and bicameral bill that we are all proud of. This bill follows the administration's lead, and the goals that President Bush set forth in the New Freedom Initiative. We are confident that the bill will be overwhelmingly supported by the President and increase access to assistive technologies for thousands of individuals with disabilities. I am also submitting several letters of support for the bill, from various groups, for the RECORD.

On February 1, 2001, President Bush announced the New Freedom Initiative—a comprehensive program to promote the full participation of people with disabilities in all areas of society by expanding education and employment opportunities, promoting increased access into daily community life, and increasing access to assistive and universally designed technologies. By the Senate finally naming conferees for the Individuals with Disabilities Education Act earlier this month, and by seeking passage of the Assistive Technology Act of 2004 today, we are helping the President fulfill America's promise of “tearing down the barriers to equality that face many of the 54 million Americans with disabilities.”

One quarter of the President's New Freedom Initiative focuses on technology, and the technology objective is comprised of two key components.

The first is to expand Federal investment in assistive technology research and development by increasing the budgets of the Rehabilitative Engineering Research Centers' for assistive technologies, creating a new fund to help bring assistive technologies to market, and better coordinate the Federal effort in prioritizing immediate assistive and universally designed technology needs in the disability community.

The second is to enhance access to assistive technology by reducing costs associated with purchasing assistive technology and funding for low-interest loan programs to purchase assistive technologies.

The Assistive Technology Act of 2004 before us today is designed to strengthen and build upon these two components. Our efforts focus on enhancing access to technology, reducing the costs associated with purchasing such devices, and increasing technical assistance to entities that serve students with disabilities that receive transition services, adults with disabilities maintaining or transitioning to community living and to employers. Specifically, we accomplish these goals by: reducing bureaucracy; fostering private/public sector relationships; and coordinating Federal initiatives.

Current law focuses on system change activities, and providing information and referral services to people with disabilities and their families. Systems change efforts and information and referral services are important, as people are being born with or acquiring disabilities daily. However,

according to several Federal agencies, an individual with a disability may be considered eligible for, and could benefit from, more than 20 Federal programs that directly or indirectly provide assistive technology. Additionally, there are over 25 Federal laws on the financing of assistive technology, all of which impacts local access to such technology.

Considering the number of Federal and State laws that a person has to navigate in order to access services, how long will it take for systems change efforts to remove barriers for accessing assistive technologies for a person with a disability living in Lincoln, NH? Systems change efforts, while worthwhile, do not immediately impact and help a person with a disability obtain assistive technology that he or she may need today. Therefore, this bill modifies the current list of authorized activities by expanding the authority of the State Assistive Technology Act projects to increase the ability of persons with disabilities to experience or obtain assistive technology. Our bill provides the State projects with a tangible set of activities, yet at the same time provides State flexibility to address emerging State needs.

Under this bill, States will provide citizens with access to device loan, reutilization, and financing programs, and equipment demonstration centers by developing such programs, or collaborating with other entities in the State currently operating such programs. In public forums that were held with the disability community, we consistently heard about the abandonment of equipment by persons with disabilities simply because the purchaser did not have an opportunity to try it out or see it demonstrated prior to purchasing the device. The purpose of device loan and reutilization programs, and equipment demonstration centers is to provide individuals with disabilities the opportunity to receive proper assessments and evaluations for assistive technology, test and obtain information about various devices, and borrow devices and equipment before it is purchased. The financing programs provide access to low interest loans allowing an individual to purchase the device for him or herself or a family member, without having to wait for, rely on, or navigate through the red tape created by our bureaucratic Government systems. Each of these new requirements will help make the most of limited public resources in an environment that emphasizes consumer choice in and control of assistive technology services and funding.

Another major theme of this reauthorization is the reduction of costs associated with assistive technologies and to enhance research and development opportunities in this area. In December of 2003, we began meeting with individuals within the disability community, the State Assistive Technology Act projects, large and small

technology companies, trade associations, and research, development and marketing entities to learn about costs associated with developing assistive technology, and what could be done within this reauthorization to assist with this issue. We learned that many companies, most of which are small businesses, that produce assistive technologies develop products that benefit people that have a specific disability, or a low incidence disability, such as a visual impairment, a hearing loss, or a significant cognitive impairment. Because of the limited number of people that can benefit from these valuable and life-altering devices, the cost of the product remains high. Furthermore, the costs associated with creating a device are high. On the other side, prices for such devices are so expensive that people that need them cannot afford to buy them, and often go without, therefore creating a vicious cycle.

We also learned that numerous companies have product ideas that are "on the drawing board," but the company does not have the funds necessary to develop products and send them to market in a timely fashion. Additionally, we learned that industry has not created their own standards to which assistive technology should be designed. As an example, companies create products that have their own operating systems and/or ports. This is a benefit for the proprietor, as no one else knows exactly what is in the operating system code, no one else can modify it, and people have to purchase the proprietors cord or other item to go with the device. The downside is that an individual with multiple pieces of technology cannot be assured that the various products he or she has can or will work together. Using a Braille Notetaker, for example, the notetaker does not use standard software, and therefore cannot be connected to a computer using an ordinary, over-the-counter cable. Instead, the user must buy the cord separately or purchase additional software, often leaving people unable to work using versions of software that their colleagues use; all of which increases the number of dollars the consumer must spend in order to function in today's society.

To address these concerns, the bill strengthens relationships between federally funded programs, the disability community, private-sector employers, and assistive technology vendors and researchers. It encourages market-based solutions and approaches to developing standards and increasing the number of products and the speed in which products go to market. This will, in-turn, make assistive technologies more affordable. The bill authorizes the Office of Special Education and Rehabilitation Services at the Department of Education to make grants available to for-profit and nonprofit entities resulting in two specific results. The first grant promotes the development of new or improved commer-

cially available assistive technologies that are quick to reach the consumer market and easier for individuals with disabilities to learn to use, customize, fix or update. The second is to encourage the development of innovative and efficient technical practices and strategies for assistive technology products so that they will more reliably interact with the latest and future mainstream information technology, telecommunications products, and other assistive technology such as computer software and hardware.

The final major theme of this reauthorization is providing technical assistance to entities that serve students with disabilities that receive transition services, adults with disabilities maintaining or transitioning to community living, and to employers. We do not want, nor expect States to duplicate programs by creating additional financial loan, equipment loan, reutilization programs and demonstration centers for these populations. That would be a foolish use of federal dollars and would be in violation of a duplication clause in the bill. Our intent is for the State assistive technology projects to inform these specific groups about the beneficial aspects of assistive technology.

The bill accomplishes this task by strengthening relationships between federally funded programs, such as the Assistive Technology Act projects, and private-sector employers by directing the Office of Special Education and Rehabilitation Services at the Department of Education to make a grant available to for-profit and nonprofit entities to enhance public/private partnerships. This grant opportunity supports the development of public service announcements, which can be modified for regional use, to reach out to small businesses, the aging population, and people with disabilities about the benefits of assistive technology.

On July 23 of this year, the U.S. Access Board issued its first comprehensive revision of the Americans with Disabilities Act Accessibility Guidelines, ADAAG, since publishing the original ADAAG in 1991. Among other things, the new ADAAG contains changes to the requirements for employee work areas that will affect many employers once these requirements are issued as regulations by the Department of Justice. Many employers are not aware of the extent to which the Americans with Disabilities Act may require them to make their workplaces accessible. The newly issued ADA Accessibility Guidelines have toughened these requirements, making it more important than ever for employers to know what their obligations are, and to plan accordingly. This bill aggressively engages businesses, especially small businesses, by providing them with greater access to technical assistance and technology so that they can accommodate employees with disabilities and adhere to ADAAG. Additionally, we place an emphasis on the State projects to provide technical

assistance that meets the needs of aging workers that are acquiring disabilities and who may need assistive technology to maintain their current level of productivity.

In developing this bill, we have learned from the progressive thinking of the President and the resourcefulness of our Federal agencies and have taken measures to complement their actions. During the Bush administration, funding for special education has increased by more than \$3.7 billion for the Part B State Grants program. In fiscal year 2004, nearly \$10.1 billion is available for this program, which represents an increase of 59 percent since 2001. Additionally, the Senate version of the Individuals with Disabilities Education Act promotes the involvement of the State vocational rehabilitation system with students with disabilities while still in secondary school. Title IV of the Workforce Investment Act, the "Rehabilitation Act," which passed the Senate in November of last year contains similar conforming language.

In 1999, the Supreme Court handed down the *Olmstead* decision, which affirmed the right of individuals with disabilities to live in the community, rather than in institutions. However, it was not until President Bush was sworn into office that that decision was implemented on the Federal level. President Bush realized that making the promise of full integration a reality for people with disabilities does not only mean changing existing practices that favor institutionalization over community-based treatment. It also means providing the affordable housing, transportation, and access to assistive technology and State and local government programs and activities that make community life possible. On July 18, 2001, President Bush issued Executive Order 13217, requiring coordination among numerous Federal agencies that administer programs affecting access to the community for people with disabilities of all ages.

The Executive Order has prompted various branches of the Federal Government to make disability issues a priority. In the fiscal year 2001 Department of Labor appropriation, Congress approved an Office of Disability Employment Policy, ODEP, to be headed by an Assistant Secretary. ODEP's mission is to provide leadership to increase employment opportunities for adults and youth with disabilities. The Secretary of Health and Human Services created the Office of Disability in October 2002. The Director of the Office reports to the Secretary and serves as an advisor on HHS activities relating to disabilities. The Office on Disability oversees the implementation and coordination of disability programs, policies and special initiatives for 54 million persons with disabilities. In July of 2003, the Department of Commerce unveiled an initiative to support the development of assistive technologies and to promote the U.S. assistive technology industry.

Moreover, in December of 2003, leaders from the Department of Labor, DOL, and the Small Business Administration, SBA, signed a Strategic Alliance Memo. This document formalized an agreement between the two entities to implement a coordinated, inter-agency initiative to improve opportunities for people with disabilities to be employed by small businesses, for people acquiring disabilities due to the aging process and wanting to maintain employment, or for people with disabilities to become small business owners. Finally, a little over 6 weeks ago, the Rehabilitation Services Administration at the Department of Education hosted a National Employment Conference. The conference focused on State vocational rehabilitation staff creating and maintaining employer development, business relations, large-scale job placement, and developing of vocational rehabilitation's national network that provides qualified job candidates and employment services to business.

Individuals with disabilities were not a priority in a Presidential administration's domestic policy goals and objects since 1993. This changed when President Bush became President of the United States in 2001, and he signed the Olmstead Executive Order and announced the New Freedom Initiative. The current administration recognizes and believes in the full participation of people with disabilities in all areas of society. This belief has been put into action in numerous ways that I have previously explained. Through this bill, Congress is continuing and enhancing the administration's efforts by increasing access to assistive and universally designed technologies, expanding educational and employment opportunities, promoting increased access into daily community life, and helping members of this misunderstood and underutilized group of citizens achieve and succeed.

Although this reauthorization focuses on three major objectives, the bill takes an important step forward by establishing a grant to the American Indian Consortium for a Protection and Advocacy for Assistive Technology program, PAAT. The Native American Protection & Advocacy Project was established in 1994 to carry out protection and advocacy system programs. The Consortium encompasses 25,351 square miles in Arizona, New Mexico, and Utah and it provides legal representation to Native Americans with disabilities and serves the Navajo Nation, the Hopi Nation and five smaller tribes. We were pleased to make some modifications to the PAAT program as it is a major force in ensuring that children and adults with disabilities can get access to critically needed assistive technology in a variety of settings—school, home, and at work.

Additionally, we stabilized funding for the State programs by supporting State efforts to improve the provision of assistive technology for individuals

with disabilities. To ensure that the Federal commitment to independent living and the full participation of individuals with disabilities in society guaranteed through the President's New Freedom Initiative is upheld, the bill removes the sunset provision in the 1998 Act, therefore creating a typical reauthorization cycle. The bill also sets a minimum State allotment of \$410,000 per year in order to offset the costs for the additional requirements placed on States to maintain the comprehensive Statewide programs of technology-related assistance for individuals with disabilities of all ages. However, Congress expects States to take ownership of and expand upon the comprehensive Statewide programs of technology-related assistance.

I thank Senator HARKIN, and his staff, particularly Mary Giliberti, for their hard work and dedication in putting together a bipartisan bill that will assist thousands of individuals with disabilities access services and devices that they so desperately need. Next, I would also like to thank my staff, Denzel McGuire and Aaron Bishop, for their hard work in helping put together a bipartisan and bicameral bill. I also thank Senators ROBERTS, DEWINE, WARNER, ENSIGN, ENZI, KENNEDY, REED, MCCAIN, and SPECTER, and their staff members, Jennifer Swenson, Mary Beth Luna, John Robinson, Lindsay Lovlien, Scott Fleming, Michelle Dirst, Connie Garner, Kent Mitchell, Elyse Wasch, Seth Gerson, Ken Lasala, Mark Laisch, and Jennifer Castagna for their tireless effort through this bipartisan process. Next, I would like to thank Congressmen BOEHNER, and KILDEE, and their respective staff, David Cleary and Alex Nock for their willingness ability to negotiate a bipartisan and bicameral bill that will affect the lives of thousands of individuals with disabilities.

Additionally, I thank the various entities that provided Senate staff with invaluable technical assistance. This includes: Liz King, assistant council for the Senate's Office of Legislative Counsel for working with our staff and drafting this legislation, and the research of Sidath Panangala, policy analyst for Congressional Record Service. I also thank members of various Federal Departments that were instrumental in providing us technical assistance while putting this bill together. From the Department of Education: Dr. Troy Justesen, the Assistant Secretary of the Office of Special Education and Rehabilitative Services, OSERS, at the Department of Education, and Carol Cichowski, and Wava Gregory staff of the Budget Office, and Eric Shulz in Office of Legislation and Congressional Affairs. From the Department of Commerce: Phillip J. Bond, Under Secretary of Commerce for Technology, Ben Wu, Deputy Under Secretary of Commerce for Technology, and Angela Ewell-Madison, Director of the Office of Congressional Affairs. From the Department of

Labor: W. Roy Grizzard, Jr., Ed.D., Assistant Secretary of the Office for Disability Employment Policy at the Department of Labor, his chief of staff, J. Kim Cook, Brian Parsons, supervisory policy advisor, and Blake Hanlon, Office of Congressional and Intergovernmental Affairs. Finally, I thank the fine team at the Small Business Administration: Porter Montgomery, associate administrator for policy and planning, Geoff Green, senior analyst, and Michael Berkholtz, assistant administrator for congressional affairs.

Finally, I thank the State Assistive Technology Act projects, and especially the New Hampshire Technology Partnership Project, for providing us with information as we developed this bill. Additionally, I thank the research and development industry, businesses and employers, service providers, and the various and multiple members of the disability community that worked tirelessly, helping us develop an excellent piece of legislation.

Mr. President, I look forward to the final passage of this bill.

I ask unanimous consent letters of support for the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 30, 2004.

Hon. JUDD GREGG,  
*Chairman, Senate Committee on Health, Education, Labor and Pensions, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN GREGG: On behalf of Microsoft Corporation, I am writing in strong support of legislation at the desk, H.R. 4278, which would reauthorize the Assistive Technology (AT) Act of 1998. The bill would provide critical federal funding for state grant programs that increase access to assistive and accessible technology and related services. The AT Act expires today and without enactment of the reauthorization bill, access to assistive technology for Americans with disabilities could be severely compromised.

Attached is an op-ed piece that appeared in The Hill on July 6, 2004 that discusses the importance of the reauthorization legislation. We urge Congress to act today.

Sincerely,

Laura Ruby,  
*Regulatory & Industry Affairs,  
Microsoft—Accessible Technology Group.*

GIVE AMERICA'S DISABLED THE TECHNOLOGY THEY NEED

(By Laura Ruby)

Will America keep its promise to provide equal access to information, education and employment to millions of people with disabilities? If so, then Congress must act quickly to reauthorize the Assistive Technology (AT) Act, which provides federal funding for state grant programs that increase access to assistive and accessible technology and related services.

Ensuring accessibility for people with disabilities is not just a matter of curb cuts, ramps and elevators to eliminate architectural barriers to public buildings and places of employment. Today, it is just as important to provide technology that enables people with disabilities to use personal computers and the Internet, such as devices that read computer text aloud to people who are blind or enable people who can't move their

arms to type and issue computer commands using only their breath or eye movements.

Assistive and accessible technology (AT) can help people of all abilities realize their full potential, but for people with disabilities there is no middle ground. According to the National Council on Disability, "For Americans without disabilities, technology makes things easier. For Americans with disabilities, technology makes things possible." The goal of the AT Act is to ensure that people have access to the technology they need.

On June 23, the Senate, led by Sens. Judd Gregg (R-N.H.) and Tom Harkin (D-Iowa), introduced its bill S. 2595 to reauthorize the AT Act. Earlier this year, Reps. Howard McKeon (R-Calif.), John Boehner (R-Ohio) and Dale Kildee (D-Mich.) shepherded the House bill for AT Act reauthorization (H.R. 4278) through floor passage. The Senate and House must now work together to ensure reauthorization of the act before the end of the current session.

Both bills would strengthen state AT programs. These programs and services are critical, because they ensure technology will be available where people need it—in schools, on the job and in their communities. The AT Act also funds research and development projects, information-system improvements, loan and reutilization programs, and demonstrations that teach people what kind of AT devices are available and how to use them.

Critics may argue that after 15 years of federal investment in this program, people who need assistive technology products and services—along with service providers, school personnel, and employers should already be aware of them. The population that needs AT is not static, however, and it is growing.

A 2003 research study commissioned by Microsoft and conducted by Forrester Data found that 57 percent of working-age computer users could benefit from accessible technology. As the U.S. work force continues to age, the need for AT as a mainstream business resource will increase even more. By 2010, more than half the U.S. population will be 45 or older, age-related impairments will affect more people, and employers will need resources to help workers maintain peak performance.

As the need for AT increases, it will be vital to establish a seamless network of resources and training that can meet people's evolving needs at every stage of life and ensure that all Americans have the help they need with education, employment and independent living. The AT Act helps to do just that by aligning its priorities and provisions with those set forth in other federal legislation, including the Individuals with Disabilities Education Act, the Workforce Investment Act and the Americans with Disabilities integration mandate in Olmstead.

The AT Act will expire on Sept. 30. Without enactment of a reauthorization bill, access to assistive technology for Americans with disabilities could be severely compromised.

Congress now has a chance to remedy this situation, so that Americans with disabilities will know that the services they need will continue to support them in their efforts to work, learn and participate in their communities.

The Senate and House should quickly negotiate a compromise bill and send it to the president for signature. As we approach the 14th anniversary of the Americans with Disabilities Act—signed into law by the first President Bush—Americans need to know our representatives in Congress will not turn their backs on citizens with disabilities. By putting this issue above politics, and reauthorizing the AT Act this year, Congress can deliver on America's promise.

SOCIETY FOR  
HUMAN RESOURCE MANAGEMENT,  
Alexandria, VA, September 30, 2004.  
Hon. JUDD GREGG,  
U.S. Senate, Chairman, Senate Health, Education, Labor, and Pensions Committee,  
Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN GREGG: On behalf of the more than 190,000 human resource professionals of the Society for Human Resource Management (SHRM), I am writing to express our support and enthusiastic endorsement of H.R. 4278, the Improving Access to Assistive Technology (AT) for Individuals with Disabilities Act of 2004. SHRM implores the U.S. Senate to swiftly pass this legislation which will re-authorize this vitally important program.

The human resource professional is the architect of fair policies and practices ensuring a fair and equitable employment process and workplace. Human resource professionals also play a critical role in responding to requests for workplace accommodations for employees with disabilities. If enacted, H.R. 4278 will help human resource professionals and their organizations seek sound solutions in accommodating prospective and current employees with assistive technology devices. Programs such as these support the creation and promotion of workplace diversity and represent a win-win situation for employers and employees alike. SHRM values diversity as an investment in business excellence. We believe that the workplace environment promotes the inclusion of individual similarities and differences that enhance efficiency and success.

Employment rates of persons with disabilities have always been lower than those of individuals without disabilities. H.R. 4278 authorizes federal funds to provide states, and their respective AT programs, with federal block grants that support activities that provide assistive technology devices to employees with disabilities. SHRM believes that reauthorization of the AT programs represents an important continued commitment to ensure that people with disabilities have access to technology that assists them in seeking and gaining full employment, participation, and accommodation in the workplace.

In addition, H.R. 4278 makes several program improvements that build upon current state activities. For example, the legislation would create a competitive grant for development of a national public awareness toolkit. The goal of the national toolkit is to provide a resource for each state project to expand public awareness of the AT program to targeted individuals and entities such as local media representatives, employer groups, and employee organizations. SHRM believes this provision of H.R. 4278 is of vital importance because it will serve as a tool to reach across broader communities to provide information and resources on how to access the state programs and their various benefits.

H.R. 4278 also establishes grants for research, development and evaluation, as well as alternative financing systems. The first program provides federal and state governments the opportunity to gain access to cutting edge research that analyzes the effectiveness of assistive technology devices and the state projects that administer related AT programs. The development of alternative financing systems would give states flexibility in offering competitive device loan programs, such as: revolving loan funds; loan guarantees or insurance programs; purchase, lease, or acquisition programs; and low interest loan funds. This allows the state AT projects to offer different avenues to gain access to AT devices, which affords the dis-

ability community choices in determining which AT device is most effective for their needs. These programs are crucial tools for human resource professionals in meeting the needs of employees with disabilities in the workforce.

HR professionals will continue to play a critical role in the development and execution of workplace policies and procedures in our nation's workplaces. It is vitally important that the federal government enact legislative proposals such as H.R. 4278 that contribute to and promote the successful employment of people with disabilities. Once again, I would like to underscore our strong support for H.R. 4278 and urge quick action by this body on this important measure.

Sincerely,

KATHRON COMPTON,  
Chief External Affairs Officer.

THE ARC OF THE UNITED STATES,  
Washington, DC, September 30, 2004.

Hon. JUDD GREGG,  
Chairman, Senate HELP Committee,  
U.S. Senate, Washington, DC.

Hon. EDWARD KENNEDY,  
Ranking Member, Senate HELP Committee,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN GREGG AND SENATOR KENNEDY: The Arc of the United States, the nation's largest national organization representing children and adults with cognitive and other developmental disabilities, would like to thank you for your remarkable bipartisan work on HR 4278, the reauthorization of the Assistive Technology Act. The bill before you today makes important strides forward for the AT Act and, ultimately, for the people with cognitive and other disabilities who will be able to go to work, to school and out into their communities. Their increased access to assistive technologies will make it possible for them to participate more fully in every aspect of daily life.

The Arc appreciates the hard work that has gone into every phase of the process of developing and negotiating this vital legislation. We are especially pleased that the bill clearly delineates the authorization of appropriations so that state grants will have defined and equitable minimum allotment levels. We also appreciate the fact that the bill provides flexibility to states to design locally responsive programs while still assuring a focus on activities that will get assistive technology into the hands of the people that need it. We are pleased, as well, that the bill establishes a grant to the American Indian Consortium for a Protection and Advocacy for Assistive Technology (PAAT) program and has enhanced provisions for Research and Development efforts.

We urge you to pass HR 4278 now, and we look forward to working with you as you continue to work to ensure that the future holds nothing but enhancements of the programs and services authorized by this legislation.

Thank you for your support of people with disabilities and their families who will now see increased benefits from the vast technological advances the 21st century will bring. Thank you again for your bipartisan work and your leadership.

Sincerely,

STEVE EIDELMAN,  
Executive Director.

EASTER SEALS,  
OFFICE OF PUBLIC AFFAIRS,  
Washington, DC, September 30, 2004.

Hon. JUDD GREGG,  
Chairman, Committee on Health, Education,  
Labor and Pensions, U.S. Senate, Washington, DC.

DEAR SENATOR GREGG: On behalf of Easter Seals, I am writing to express our support

for passage of the Assistive Technology Act of 2004. We are pleased that we have reached this bipartisan solution to supporting the assistive technology needs of individuals with disabilities.

In order for this bill to reach its main objective, truly increasing access to assistive technology for people with disabilities, we will be working to make sure that adequate funding is provided to support all aspects of the bill, the state projects, existing strong alternative financing programs, protection and advocacy services, projects of national significance on research and development. We look forward to working with you to achieve this goal.

Thank you for your efforts to support assistive technology.

Sincerely,

JENNIFER DEXTER,  
*Senior Government Relations Specialist.*

Mr. KENNEDY. Mr. President, I am proud to join my colleagues in support of final passage of this important bill. The Assistive Technology Act of 2004 will continue and expand the Nation's effort to improve access to assistive technology for all who need it.

Technology is one of the great equalizing forces in our society. A computer can provide a child with insight and access to a world of information they would otherwise never have, and make the ideal of the American dream a reality for many more.

For people with disabilities of all ages, technology is especially important. It can mean the difference between being immobile in the home and becoming a mobile and contributing member of their community. It can mean the difference between being paralyzed by an inability to communicate and communicating at a level previously thought impossible. Technology breaks down barriers to education, employment, health care, community living, civic participation and countless other activities of daily life that we so often take for granted. It allows people with disabilities to reach their full potential.

Since 1988, the Assistive Technology Act has funded projects in every State and territory to raise awareness about the enormous potential of such technology, give individuals an opportunity to test products, and offer low-cost options for purchasing them. Each project has a different focus, but all are providing these core services, and providing them well.

In Massachusetts, the Assistive Technology Project trains individuals with disabilities to be self-advocates. They monitor implementation of State and Federal laws, and operate an Equipment Exchange Trading Post for individuals to exchange or sell assistive technology products. They deserve great credit, and so do the other projects across the Nation.

The Assistive Technology Act of 2004 makes a commitment to continue these projects, in recognition of all the effective work they have done so far. It also asks them to refocus their efforts on the core objective of getting technology into the hands of people with disabilities. It asks them to perform

device demonstrations, equipment loans, and device refurbishment, and to provide financing systems such as low-cost loan programs.

In addition to these important activities, it asks State projects to continue their work of educating people with disabilities, agencies that serve them, and employers, about the doors of opportunity that technology can open. It asks them to train personnel who work with people with disabilities to assess whether technology is needed and then how to obtain it. It asks them to integrate technology into education, employment and other service plans, and it improves coordination between agencies that serve people with disabilities.

In particular, it asks State projects to focus on a population that needs technology, but often does not get it—students under the Individuals with Disabilities Education Act in transition from school to work or continuing education. For these students, assistive technology is vitally important. It can mean the difference between living independent and productive lives when they leave school, and being left out of their community and unable to contribute. The legislation asks State projects to better facilitate access to technology for this population. It's a big task, but one I know the projects are able to handle, and it will make a world of difference for thousands of students who make the transition every year from the schoolhouse to home, college, or the workplace.

In addition to focusing the projects on new activities, we take steps to provide resources to make it happen. The act sets a minimum allotment of \$410,000 for each State project. This higher minimum will give many smaller States the resources they need to expand and create quality programs. For larger States, any resources above this level will be largely dedicated to helping them meet the increased need they face. We in Congress must do everything we can to see that this legislation receives the funding we know is necessary to implement quality and effective programs State-wide.

This legislation also shifts the authority for administering, monitoring and reporting on the program to the Republican Services Administration. The projects focus on people with disabilities of all ages and on their school, work and basic health and living needs. The RSA is well-equipped to provide the kind of leadership that will allow us to effectively assess their accomplishments, and is required to partner with the Office of Special Education Programs, the National Institute on Disability Research and Rehabilitation and other Federal agencies. I am confident the projects will receive the attention and focus they deserve.

In this legislation, we also continue and expand the work of the protection and advocacy systems that have done so much over the years to make good on the promise of assistive technology.

I commend Senators JUDD GREGG and TOM HARKIN and Representatives JOHN

BOEHNER, GEORGE MILLER and BUCK MCKEON for their excellent bipartisan work on this legislation. I also commend Senator JACK REED, Senator JOHN WARNER, Senator PAT ROBERTS and all of my colleagues on the Health, Education, Labor and Pensions Committee for their excellent work. Senator REED deserves special credit for his focus on improving training of local personnel and expanding research and development on new technologies.

Several staff members deserve particular thanks—Aaron Bishop with Senator GREGG, Mary Giliberti with Senator HARKIN, Elyse Wasch and Erica Swanson with Senator REED, David Cleary with Representative BOEHNER and Alex Nock with Representative MILLER. Without their hard work and the hard work of the disability advocates and project directors and staffs in the states, this legislation would not have been possible.

Mr. HARKIN. Mr. President, today the Senate will pass legislation that is critically important to individuals with disabilities and elderly Americans: the Assistive Technology Act of 2004.

I am delighted that we are completing this bill, which will also shortly be passed in the House. I want to thank Senators GREGG, KENNEDY, ROBERTS, REED, and DEWINE, and Representatives BOEHNER and MILLER, among others, for their excellent bipartisan work to get this accomplished.

Assistive technology is absolutely critical to the lives of people with disabilities. According to an NOD/Harris poll earlier this year, 35 percent of individuals with disabilities say that they would not be able to live independently or take care of themselves at home without assistive technology.

Assistive technology also opens up opportunities in education, employment and civic participation that would not otherwise be available to many individuals with disabilities.

As the National Council on Disability puts it: "For Americans without disabilities, technology makes things easier. For Americans with disabilities, technology makes things possible."

The bill that we are reauthorizing today builds on the successes of the Assistive Technology Act dating back to 1988. The State Assistive Technology programs have been highly effective in providing information, training, and technical assistance to a wide array of individuals, including people with disabilities, their families, educators, health care professionals and others.

Let me give you an example from my own State of Iowa. Ben Moore, owner of Moore Construction in Iowa City, learned about universal design—the practice of building homes so that people with and without disabilities can get around in them—because of the work of the Iowa Program for Assistive Technology. He went on to build a universally designed home for two Iowans with disabilities. Now he is encouraging other contractors to use universal design to build beautiful homes

that Iowans can remain in as they grow old. Given Iowa's aging population, this is very important work.

Joy Crimmins from Dubuque, IA, has benefited from the advocacy services funded through the act. She has a newly accessible bedroom and bathroom in her home because the assistive technology program provided legal advocacy to her family to get their home modified.

This wonderful work is not happening just in Iowa. The most recent data available, for Fiscal Year 2002, indicates that these programs are making a substantial difference nationally. In 2002, 92,000 equipment demonstrations were provided; 38,000 AT devices were loaned to individuals with disabilities; and more than 6,000 devices were exchanged or recycled. Also, more than 6 million dollars was loaned to individuals with disabilities so they could purchase assistive technology, ranging from a hearing device to an accessible van. The AT programs also provided timely information to Americans, answering 151,000 requests for assistance, and training more than 172,000 people.

Despite all of these successes, we recognize that there is much more to be done. The NOD/Harris poll indicates that 17 percent of individuals with disabilities still do not have the assistive technology device or equipment that they need. And the biggest barrier is cost. In this reauthorization, we emphasize programs that will improve access to assistive technology devices by providing loans, leases or other financing programs as well as recycled equipment.

While there are many important initiatives in this bill, I will highlight a few of the most significant.

First, the bill for the first time authorizes a \$410,000 State minimum for each of the State projects to ensure that each state has the funds necessary to carry out the requirements of the act.

The bill also provides that the majority of the Federal funds will be spent on activities designed to provide direct access to assistive technology, including equipment loan, device reutilization, device demonstration, and financing systems.

States will continue their successful public awareness and coordination activities. States will also continue to provide technical assistance, with a new focus on individuals with disabilities who are going through transition periods and need assistive technology to be successful. This is particularly important for students with disabilities who are receiving IDEA services and transitioning to higher education, employment and independent living. It is also critical to adults with disabilities and older Americans who need help maintaining independent living or transitioning from a nursing home or institution to the community.

The Senate recently passed the Individuals with Disabilities Act, and we continue to be concerned about imple-

mentation of the ADA and the Olmstead decision. This effort aligns the Assistive Technology Act with these other initiatives.

Because individuals with disabilities still are afforded significantly fewer employment opportunities than individuals without disabilities, the bill places an emphasis on educating employers and employees. One of the projects of national significance authorized in the bill includes development of public service announcements and other means of reaching out to employers, giving them information regarding assistive technology.

The other project of national significance promotes research and development so we can have come up with assistive technologies that can open up more doors for individuals with disabilities.

This reauthorization recognizes the ongoing contribution of protection and advocacy services in making assistive technology available to individuals with disabilities. And it adds the Native American Protection and Advocacy System to those receiving funds under the act. Iowa's successful advocacy program will also be continued under this bill.

These are just a few of the many significant issues addressed in this bill. It is a very comprehensive effort, made possible by the hard work of the many stakeholders that participated.

I want to thank my colleague, Senator GREGG, and his staff, particularly Aaron Bishop and Denzel McGuire, for their excellent work on this bipartisan initiative. I also want to recognize the work of Senators KENNEDY, ROBERTS, REED and DEWINE and their staff members, Kent Mitchell, Connie Garner, Jennifer Swenson, Elyse Wasch, Erica Swanson, and MaryBeth Luna. And I'd like to recognize Congressman BOEHNER and MILLER and their staff members, David Cleary and Alex Nock, for working on this bipartisan, bicameral bill.

As part of this reauthorization process, committee staff have had extensive bipartisan briefings and met with a very wide array of stakeholders. Stakeholders also participated in work groups designed to forge consensus on many of the issues addressed in this bill. As a result, I believe we are passing a very strong bill. I want to thank the many individuals with disabilities, family members, assistive technology programs, vendors, members of the information technology industry, the financial and business community, service providers, advocates, educators and others who gave generously of their time and worked so hard on this bill.

This bill continues the tradition of bipartisan cooperation that has marked every significant disability bill that has been passed by Congress. Just as the ADA, IDEA and other bills have been bipartisan, so is this Assistive Technology Act of 2004. We can all be proud to see it enacted into law.

Mr. REED. Mr. President, I strongly support final passage of H.R. 4278, the

Assistive Technology Reauthorization Act of 2004.

This important legislation, the product of bipartisan and bicameral negotiations, reauthorizes the Assistive Technology Act of 1998 and provides individuals with disabilities increased access to critical assistive technology devices and services, focusing on where they are needed most—in schools, on the job, and in the community. These devices and services afford individuals with disabilities a greater opportunity to participate in educational programs, employment prospects, and community activities and thereby, assist them in leading more full, productive, and independent lives.

As an original cosponsor of the Senate version of this bill, I am pleased that some of its provisions on training and research and development which I authored have been included in the final version of the bill before us today. The bill requires states to carry out training activities to enhance the knowledge, skills, and competencies of individuals in local settings statewide, including educators, early intervention, adult service, and health care providers, and others who work with individuals with disabilities. These provisions ensure that local communities will have trained personnel available to meet the specific assistive technology needs of individuals with disabilities.

The bill also establishes a new authority for competitive grants for research and development of new assistive technology devices and for the adaptation, maintenance, servicing and improvement of those assistive technology devices already in existence, an issue of great interest to colleges in my State. As such, among the eligible recipients for this research and development funding are institutions of higher education, including the nationally recognized University Centers for Excellence in Developmental Disabilities Education, Research, and Service and the engineering programs of such institutions. Regrettably, the compromise restricts the potential funding of this program to a small level that is not sufficient to solve the large and growing need for assistive technology devices, particularly as our population ages. This is a good start, but we must do more to help individuals with disabilities forge ahead and reach their ultimate potential, and so I hope we can grow this funding in the future.

There are other highlights as well. The bill increases the minimum allotment for each State assistive technology program to \$410,000 which could mean an increase of nearly \$110,000 in funding for Rhode Island as appropriations rise, and it repeals the sunset provision included in the Assistive Technology Act of 1998 so that States can continue to be eligible for funding. The bill also shifts emphasis toward getting assistive technology directly into the hands of individuals with disabilities through programs to provide

device demonstration, equipment loan, device reutilization/recycling and financing systems such as low-interest loans for the purchase or lease of assistive technology equipment.

I thank my colleagues, in particular, Chairman GREGG, Senator KENNEDY, Senator HARKIN, and their staffs, for their hard work in producing a bipartisan piece of legislation and moving it toward final passage.

A special thanks is also due to Regina Connor, the Project Director of the Rhode Island Assistive Technology Access Partnership, ATAP, which is Rhode Island's Assistive Technology Act Project, and Tony Antosh, Director of the Paul V. Sherlock Center on Disabilities, for their input and recommendations throughout the legislative process and ensuring that the act contained provisions important to Rhode Island assistive technology users, providers, and advocates.

This is significant legislation for people in Rhode Island and across the Nation, and I am pleased to support it. I look forward to the President quickly signing this bill into law which will hopefully signal a turnaround in his support for assistive technology funding to provide individuals with disabilities the increased support they need and deserve.

Mr. INHOFE. I ask unanimous consent that the substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3943) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 4278), as amended, was read the third time and passed.

#### HONORING THE LIFE AND WORK OF DUKE ELLINGTON

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 501.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 501) honoring the life and work of Duke Ellington, recognizing the 30th anniversary of the Duke Ellington School of the Arts, and supporting the annual Duke Ellington Jazz Festival.

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. INHOFE. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 501) was agreed to.

#### STATE JUSTICE INSTITUTE REAUTHORIZATION ACT OF 2004

Mr. INHOFE. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 2714 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2714) to reauthorize the State Justice Institute.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased the Senate will take up the Leahy-Hatch amendment to reauthorize the highly successful Department of Justice Bulletproof Vest Partnership Grant Program. I thank the Chairman of the Senate Judiciary Committee, Senator HATCH, for joining me on this amendment.

This amendment contains the same legislative language as the Campbell-Leahy-Hatch Bulletproof Vest Partnership Grant Act of 2003, S. 764. The Bulletproof Vest Partnership Grant Act passed the Senate by unanimous consent on July 15, 2003, and has been awaiting consideration by the House of Representatives since then.

This measure marks the third time that I have had the privilege of teaming with my friend and colleague Senator CAMPBELL to work on the Bulletproof Vest Partnership Grant Program. We authored the Bulletproof Vest Grant Partnership Act of 1998, which responded to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border, in which two state troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the state and local law enforcement officers lacked protective vests because of the cost.

Two years later, we successfully passed the Bulletproof Vest Partnership Grant Act of 2000, and I hope we will go 3-for-3 this time around. Senator CAMPBELL brings to our effort invaluable experience in this area and during his time in the Senate he has been a leader in the area of law enforcement. As a former deputy sheriff, he knows the dangers law enforcement officers face when out on patrol. I am pleased that we have been joined in this effort by 12 other Senate cosponsors, including Senator HATCH.

Our bipartisan legislation will save the lives of law enforcement officers across the country by providing more help to State and local law enforcement agencies to purchase body armor. Since its inception in 1999, this highly successful Department of Justice pro-

gram has provided law enforcement officers in 16,000 jurisdictions Nationwide with nearly 350,000 new bulletproof vests. In Vermont, 60 municipalities have been fortunate to receive to receive funding for the purchase of 1,905 vests.

The Bulletproof Vest Partnership Grant Act of 2003 will further the success of the Bulletproof Vest Partnership Grant Program by re-authorizing the program through fiscal year 2007. Our legislation would continue the Federal-State partnership by authorizing up to \$50 million per year for matching grants to State and local law enforcement agencies and Indian tribes at the Department of Justice to buy body armor.

We know that body armor saves lives, but the cost has put these vests out of the reach of many of the officers who need them. This program makes it more affordable for police departments of all sizes. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of this program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

Mr. INHOFE. I ask unanimous consent that the Leahy-Hatch amendment, which is at the desk, be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3944) was agreed to, as follows:

(Purpose: To extend the authorization of the Bulletproof Vest Partnership Grant Program)

On page 3, after line 5, add the following:

#### SEC. 4. LAW ENFORCEMENT ARMOR VESTS.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking "2004" and inserting "2007".

The amendment was ordered to be engrossed and the bill was read the third time and passed.

#### ORDERS FOR FRIDAY, OCTOBER 1, 2004

Mr. INHOFE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, October 1. I further ask unanimous consent that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. 2845, the intelligence reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.