

SENATE—Friday, February 11, 1994

(Legislative day of Tuesday, January 25, 1994)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

That which we have seen and heard declare we unto you, that ye also may have fellowship with us: and truly our fellowship is with the Father, and with his Son Jesus Christ.—I John 1:3.

Eternal God our Father, help us comprehend the meaning of "fellowship" which is the central reality of Biblical truth—another way of saying, "Love God and love your neighbor." We have lost our connectedness. As relationships in the family and the community have disappeared, we find ourselves alienated from each other. At the heart of homelessness, gangs, and violence is alienation. And the root problem in history is self-alienation from God.

Gracious Father, we remember with profound gratitude the faith in which our national life was grounded and the strength of the words, "E Pluribus Unum." People from many nations composed America. We were one people. Now we are like a tossed salad, no longer like a melting pot, fragmented in home, community, and race. Desperately we need the reconciliation that comes from God that brings us together in fellowship with one another and with the Father and His Son.

Mighty God, help us find our way back to the unity which bonded us together and made us great as a nation.

We pray in Jesus' name who is the Great Reconciler. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 11, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KENT CONRAD, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, it is my hope that the Senate can proceed promptly to take final action with respect to the emergency supplemental appropriations bill approved yesterday in the Senate and the subject of a conference committee between the House and Senate, which has met throughout the day.

It is my understanding that the conferees have completed their action and that the matter will shortly go before the House of Representatives. I have proposed that the Senate act on the matter now.

I note the presence of the distinguished Republican leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR FISCAL YEAR 1994

Mr. MITCHELL. Mr. President, I am advised that we can proceed with the emergency appropriations bill and one other matter, and therefore I now ask unanimous consent, notwithstanding the adjournment or recess of the Senate, that when the Senate receives the conference report on H.R. 3759, the supplemental appropriations bill, the conference report be considered to have been agreed to; the motion to reconsider laid on the table; and any statements thereon appear in the RECORD at the appropriate place as though read.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATION AND RESCISSION

Mr. BYRD. Mr. President, conferees met this morning and completed action on H.R. 3759, the emergency supplemental appropriation and rescission bill. At this time, I will briefly set forth the key elements of the pending measure, after which time I will yield to Senator HATFIELD for any remarks that he wishes to make.

As reported, H.R. 3759 contains four titles. For title I, the conference agreement recommends emergency disaster assistance and other emergency funding totalling just over \$10 billion. The

vast majority of these funds are to provide disaster assistance to the victims of the California earthquake. In addition, the President requested and the conference agreement provides additional funding for the victims of the Midwest floods. The major items included in title I are:

FEMA disaster relief—\$4.7 billion;
SBA disaster loans—\$1.1 billion;
Emergency highway funding—\$1.3 billion;

Impact aid and student financial assistance—\$245 million;

HUD assisted housing—\$325 million;
Unanticipated needs fund—\$500 million; and

Midwest flood—\$685 million.

In addition, the President requested and the conference agreement recommends \$1.2 billion for the Department of Defense peacekeeping activities as an emergency.

Title II of the conference agreement contains regular fiscal year 1994 supplemental appropriations requested by the President. Of these amounts, three of the conference agreement's recommendations provide for mandatory funding of very important programs:

Veterans compensation and pensions—\$698 million;

Veterans readjustment benefits—\$103 million; and

Advances for unemployment trust fund—\$61.4 million.

In addition to these mandatory appropriations, the bill contains various discretionary fiscal year 1994 supplementals requested by the President for items such as salaries and expenses for certain agencies, certain items for the National Park Service and Bureau of Indian Affairs, et cetera. These discretionary appropriations total under \$160 million and are all accommodated within each subcommittee's 602(b) allocation.

Title III contains rescissions totalling \$3.25 billion. The conference agreement, like the Senate-passed bill, contains the congressional response to the President's rescission messages of November 1, 1993, and February 7, 1994. The total of those two Presidential rescission requests was \$3.17 billion. Therefore, the conference agreement includes rescissions totalling \$78 million in greater cuts than requested by the President.

In addition, an item of interest to Members would be the fact that the House accepted the Senate amendment to ensure that emergency funds contained in this measure to prohibit benefits for individuals not lawfully in this

country with a modification intended to ensure that no discrimination occurs in the implementation of this section.

Another provision of interest to all Senators is the amendment extending the statute of limitation of criminal prosecution on the Resolution Trust Corporation. The House receded to this amendment, which was passed by the Senate by a vote of 95-0.

Mr. President, I thank all Members of the Senate for their cooperation in the expeditious passage of this measure. As always, their expertise and hard work were present throughout the entire consideration of this measure.

STATEMENT REGARDING CONFERENCE REPORT ON H.R. 3759

Mr. D'AMATO. Mr. President, I rise to express my appreciation to my fellow conferees for retaining the RTC statute of limitations extension that the Senate adopted Wednesday evening.

In retaining this provision in the conference report, my colleagues have demonstrated their sense of fairness to the American people. The savings and loan bailout was a financial disaster for the taxpayer; this amendment should alleviate some of the costs of that disaster. We are talking about real money here. On the day that Madison Savings and Loan was taken over by the regulators, 35 other savings and loans were declared insolvent—this 1 day alone cost the taxpayers billions of dollars in bail-out costs.

I particularly would like to thank Senators METZENBAUM and MURKOWSKI for their hard work on this issue. Senator METZENBAUM has been a tireless advocate on this issue. In fact, the amendments that Senator MURKOWSKI and I offered Wednesday were nearly identical to draft legislation that Senator METZENBAUM forwarded to me on Tuesday for my consideration.

The amendment will extend the statute of limitations under which a suit may be brought against individuals who have committed fraud involving failed savings and loans. Under the amendment, the 5-year time limit is extended until December 31, 1995, or the date that the RTC terminates, if later.

This kind of congressional action shows the American people and the taxpayer that we are on the job—we're here looking out for their best interests. The statute of limitations on Madison and many other busted savings and loans was about to run out. When this amendment is enacted into law, we will have added valuable time back on to the ticking clock.

TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS AMENDMENTS ACT—MESSAGE FROM THE HOUSE

Mr. MITCHELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2339, the Technology-Related Assistance for Individuals Amendments Act of 1993.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2339) entitled "An Act to revise and extend the programs of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, and for other purposes", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE*.—This Act may be cited as the "Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References.
- Sec. 3. Findings, purposes, and policy.
- Sec. 4. Definitions.

TITLE I—GRANTS TO STATES

- Sec. 101. Program authorized.
- Sec. 102. Development grants.
- Sec. 103. Extension grants.
- Sec. 104. Progress criteria and reports.
- Sec. 105. Administrative provisions.
- Sec. 106. Authorization of appropriations.
- Sec. 107. Repeals.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

- Sec. 201. National classification system.
- Sec. 202. Training and demonstration projects.

TITLE III—ALTERNATIVE FINANCING MECHANISMS

- Sec. 301. Alternative financing mechanisms authorized.

TITLE IV—AMENDMENTS TO OTHER ACTS

- Sec. 401. Individuals with Disabilities Education Act.
- Sec. 402. Rehabilitation Act of 1973.
- Sec. 403. Administrative requirements under the Head Start Act.
- Sec. 404. Technical and conforming amendments.

TITLE V—EFFECTIVE DATE

- Sec. 501. Effective date.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.).

SEC. 3. FINDINGS, PURPOSES, AND POLICY.

(a) *SECTION HEADING*.—Section 2 (29 U.S.C. 2201) is amended by striking the heading and inserting the following:

"SEC. 2. FINDINGS, PURPOSES, AND POLICY."

(b) *FINDINGS*.—Section 2(a) (29 U.S.C. 2201(a)) is amended to read as follows:

"(a) *FINDINGS*.—The Congress finds as follows:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

"(A) live independently;

"(B) enjoy self-determination;

"(C) make choices;

"(D) pursue meaningful careers; and

"(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.

"(2) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of all residents of the United States. Technology can provide important tools for making the performance of tasks quicker and easier.

"(3) For some individuals with disabilities, assistive technology devices and assistive technology services are necessary to enable the individuals—

"(A) to have greater control over their lives;

"(B) to participate in, and contribute more fully to, activities in their home, school, and work environments, and in their communities;

"(C) to interact to a greater extent with individuals who do not have disabilities; and

"(D) to otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

"(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing equipment, that significantly benefit individuals with disabilities of all ages. Such devices can be used to increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

"(5) Most States have technology-related assistance programs carried out under this Act. In spite of the efforts made by such programs, there remains a need to support systems change and advocacy activities in order to assist States to develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance for individuals with disabilities of all ages.

"(6) Notwithstanding the efforts of such State technology-related assistance programs, there is still a lack of—

"(A) resources to pay for assistive technology devices and assistive technology services;

"(B) trained personnel to assist individuals with disabilities to use such devices and services;

"(C) information among individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related service personnel, technology experts (including engineers), employers, and other appropriate individuals about the availability and potential of technology for individuals with disabilities;

"(D) aggressive outreach to underrepresented populations and rural populations;

"(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly with respect to children;

"(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

"(G) capacity in such programs to provide the necessary technology-related assistance.

"(7) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information

systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

"(8) There are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

"(9) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services to individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals."

(c) PURPOSES.—Section 2(b) (29 U.S.C. 2201(b)) is amended to read as follows:

"(b) PURPOSES.—The purposes of this Act are as follows:

"(1) To provide financial assistance to the States to support systems change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

"(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

"(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the planning, development, implementation, and evaluation of such a program;

"(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, or authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

"(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the two populations to enjoy the benefits of programs carried out to accomplish purposes described in this paragraph to the same extent as other populations;

"(E) increase and promote coordination among State agencies, and between State agencies and private entities, that are involved in carrying out activities under this title, particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another subparagraph of this paragraph;

"(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

"(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of assistive technology devices and assistive technology services;

"(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living;

"(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

"(I) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among—

"(i) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(ii) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(iii) educators and related services personnel;

"(iv) technology experts (including engineers);

"(v) employers; and

"(vi) other appropriate individuals;

"(J) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages; and

"(K) increase the awareness of the needs of individuals with disabilities for assistive technology devices and for assistive technology services.

"(2) To identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment.

"(3) To enhance the ability of the Federal Government to provide States with—

"(A) technical assistance, information, training, and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and

"(B) funding for demonstration projects."

(d) POLICY.—Section 2 (29 U.S.C. 2201) is amended by adding at the end the following:

"(c) POLICY.—It is the policy of the United States that all programs, projects, and activities receiving assistance under this Act shall be consumer-responsive and shall be carried out in a manner consistent with the principles of—

"(1) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

"(2) respect for the privacy, rights, and equal access (including the use of accessible formats), of such individuals;

"(3) inclusion, integration, and full participation of such individuals;

"(4) support for the involvement of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such support; and

"(5) support for individual and systems advocacy and community involvement."

SEC. 4. DEFINITIONS.

Section 3 (29 U.S.C. 2202) is amended—

(1) by redesignating paragraphs (1) through (8) as paragraphs (2), (3), (7), (8), (10), (11), (13), and (14), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ADVOCACY SERVICES.—The term 'advocacy services', except as used as part of the term 'protection and advocacy services', means services—

"(A) provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services; and

"(B) provided through—

"(i) individual case management for individuals with disabilities;

"(ii) representation of individuals with disabilities (other than representation within the definition of protection and advocacy services);

"(iii) training of individuals with disabilities and their family members, guardians, advocates,

and authorized representatives to successfully conduct advocacy for themselves; or

"(iv) dissemination of information.";

(3) in paragraph (3)(E) (as redesignated by paragraph (1)), by striking "family" and all that follows and inserting "the family members, guardians, advocates, or authorized representatives of such an individual; and";

(4) by inserting after paragraph (3) (as redesignated by paragraph (1)) the following:

"(4) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term 'comprehensive statewide program of technology-related assistance' means a statewide program of technology-related assistance developed and implemented by a State under title I that—

"(A) addresses the needs of all individuals with disabilities, including members of underrepresented populations and members of rural populations;

"(B) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such individuals, or the particular major life activity for which such individuals need the assistance; and

"(C) addresses such needs without requiring that the assistance be provided through any particular agency or service delivery system.

"(5) CONSUMER-RESPONSIVE.—The term 'consumer-responsive' means, with respect to an entity, program, or activity, that the entity, program, or activity—

"(A) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

"(B) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

"(C) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

"(i) decisions relating to the provision of assistive technology devices and assistive technology services; and

"(ii) the planning, development, implementation, and evaluation of the comprehensive statewide program of technology-related assistance.

"(6) DISABILITY.—The term 'disability' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.";

(5) by striking paragraph (7) (as redesignated by paragraph (1)) and inserting the following:

"(7) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

"(A) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means any individual—

"(i) who has a disability; and

"(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

"(B) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than one individual with a disability."

(6) in paragraph (8) (as redesignated by paragraph (1))—

(A) by striking "section 435(b)" and inserting "section 1201(a)"; and

(B) by striking "1965" and inserting "1965 (20 U.S.C. 1141(a))";

(7) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

"(9) PROTECTION AND ADVOCACY SERVICES.—The term 'protection and advocacy services' means services that—

"(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

"(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services."

(8) in paragraph (11) (as redesignated by paragraph (1))—

(A) by striking "several States" and inserting "several States of the United States";

(B) by striking "Virgin Islands" and inserting "United States Virgin Islands"; and

(C) by striking "the Trust Territory of the Pacific Islands" and inserting "the Republic of Palau (until the Compact of Free Association with Palau takes effect)";

(9) by inserting after such paragraph (11) the following:

"(12) SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—The term 'systems change and advocacy activities' means efforts that result in laws, regulations, policies, practices, or organizational structures that promote consumer-responsive programs or entities and that facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services on a permanent basis, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the work force."

(10) in paragraph (13) (as redesignated by paragraph (1))—

(A) by striking "functions performed and activities carried out under section 101" and inserting "assistance provided through systems change and advocacy activities"; and

(B) by inserting "any of subparagraphs (A) through (K) of" before "section 2(b)(1)"; and

(11) by amending paragraph (14) (as redesignated by paragraph (1)) to read as follows:

"(14) UNDERREPRESENTED POPULATION.—The term 'underrepresented population' includes a population such as minorities, the poor, and persons with limited-English proficiency."

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) GRANTS TO STATES.—Section 101(a) (29 U.S.C. 2211(a)) is amended—

(1) by inserting after "provisions of this title" the following: "to support systems change and advocacy activities designed"; and

(2) by striking "to develop and implement" and inserting "in developing and implementing".

(b) ACTIVITIES.—Section 101 (29 U.S.C. 2211) is amended by striking subsections (b) and (c) and inserting the following:

"(b) ACTIVITIES.—Any State that receives a grant under section 102 or 103 shall use the funds made available through the grant to accomplish the purposes described in section 2(b)(1) and, in accomplishing such purposes, may carry out any of the following systems change and advocacy activities:

"(1) MODEL SYSTEMS AND ALTERNATIVE STATE-FINANCED SYSTEMS.—The State may support activities to increase access to, and funding for, assistive technology, including—

"(A) the development, and evaluation of the efficacy, of model delivery systems that provide assistive technology devices and assistive technology services to individuals with disabilities, that pay for such devices and services, and that, if successful, could be replicated or generally applied, such as—

"(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

"(ii) the establishment of alternative State or privately financed systems of subsidies for the

provision of assistive technology devices and assistive technology services, such as—

"(I) a loan system for assistive technology devices;

"(II) an income-contingent loan fund;

"(III) a low-interest loan fund;

"(IV) a revolving loan fund;

"(V) a loan insurance program; or

"(VI) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices and the provision of assistive technology services;

"(B) the demonstration of assistive technology devices, including—

"(i) the provision of a location or locations within the State where—

"(I) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(II) education, rehabilitation, health care, and other service providers;

"(III) individuals who work for Federal, State, or local government entities; and

"(IV) employers,

can see and touch assistive technology devices, and learn about the devices from personnel who are familiar with such devices and their applications;

"(ii) the provision of counseling and assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives to determine individual needs for assistive technology devices and assistive technology services; and

"(iii) the demonstration or short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

"(C) the establishment of information systems about, and recycling centers for, the redistribution of assistive technology devices and equipment that may include device and equipment loans, rentals, or gifts.

"(2) INTERAGENCY COORDINATION.—The State may support activities—

"(A) to identify and coordinate Federal and State policies, resources, and services, relating to the provision of assistive technology devices and assistive technology services, including entering into interagency agreements;

"(B) to convene interagency work groups to enhance public funding options and coordinate access to funding for assistive technology devices and assistive technology services for individuals with disabilities of all ages, with special attention to the issues of transition (such as transition from school to work, and transition from participation in programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), to participation in programs under part B of such Act (20 U.S.C. 1411 et seq.)) home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; or

"(C) to document and disseminate information about interagency activities that promote coordination with respect to assistive technology devices and assistive technology services, including evidence of increased participation of State and local special education, vocational rehabilitation, and State medical assistance agencies and departments.

"(3) OUTREACH.—The State may carry out activities to encourage the creation or maintenance of, support, or provide assistance to, statewide and community-based organizations, or systems, that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services.

Such activities may include outreach to consumer organizations and groups in the State to coordinate the activities of the organizations and groups with efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities and their family members, guardians, advocates, or authorized representatives, to obtain funding for, and access to, assistive technology devices and assistive technology services.

"(4) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need.

"(5) STATEWIDE NEEDS ASSESSMENT.—The State may conduct a statewide needs assessment that may be based on data in existence on the date on which the assessment is initiated and may include—

"(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

"(B) in the case of an assessment carried out under a development grant, a description of efforts, during the fiscal year preceding the first fiscal year for which the State received such a grant, to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

"(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

"(ii) a description of the devices and services provided;

"(C) information on the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

"(D) information on the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

"(E) a description of State and local public resources and private resources (including insurance) that are available to establish a consumer-responsive comprehensive statewide program of technology-related assistance;

"(F) information identifying Federal and State laws, regulations, policies, practices, procedures, and organizational structures, that facilitate or interfere with the operation of a consumer-responsive comprehensive statewide program of technology-related assistance;

"(G) a description of the procurement policies of the State and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance made available through a grant made under section 102 or 103 are compatible with other technology devices, including technology devices designed primarily for use by—

"(i) individuals who are not individuals with disabilities;

"(ii) individuals who are elderly; or

"(iii) individuals with particular disabilities; and

"(H) information resulting from an inquiry about whether a State agency or task force (composed of individuals representing the State and individuals representing the private sector) should study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

"(i) the purchase, lease, or other acquisition of assistive technology devices; or

"(ii) the use of assistive technology services.

"(6) PUBLIC AWARENESS PROGRAM.—

"(A) IN GENERAL.—The State may—

"(i) support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for—

"(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(II) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(III) educators and related services personnel;

"(IV) technology experts (including engineers);

"(V) employers; and

"(VI) other appropriate individuals and entities; or

"(ii) establish and support such a program if no such program exists.

"(B) CONTENTS.—Such a public awareness program may include—

"(i) the development and dissemination of information relating to—

"(I) the nature of assistive technology devices and assistive technology services;

"(II) the appropriateness, cost, and availability of, and access to, assistive technology devices and assistive technology services; and

"(III) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

"(ii) the development of procedures for providing direct communication among public providers of assistive technology devices and assistive technology services and between public providers and private providers of such devices and services (including employers); and

"(iii) the development and dissemination of information relating to the use of the program by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, professionals who work in a field related to an activity described in this section, and other appropriate individuals.

"(7) TRAINING AND TECHNICAL ASSISTANCE.—The State may carry out directly, or may provide support to a public or private entity to carry out, training and technical assistance activities—

"(A) that—

"(i) are provided for individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals; and

"(ii) may include—

"(I) training in the use of assistive technology devices and assistive technology services;

"(II) the development of written materials, training, and technical assistance describing the means by which agencies consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing, for the individual, any individualized education program described in section 614(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(5)), any individualized written rehabilitation program described in section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722), any individualized family service plan described in section 677 of the Individuals with Disabilities Education Act (20 U.S.C. 1477), and any other individualized plans or programs;

"(III) training regarding the rights of the persons described in clause (i) to assistive technology devices and assistive technology services under any law other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such persons; and

"(IV) training to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

"(B) that—

"(i) enhance the assistive technology skills and competencies of—

"(I) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

"(II) educators and related services personnel;

"(III) technology experts (including engineers);

"(IV) employers; and

"(V) other appropriate personnel; and

"(ii) include taking actions to facilitate the development of standards, or, when appropriate, the application of such standards, to ensure the availability of qualified personnel.

"(8) PROGRAM DATA.—The State may support the compilation and evaluation of appropriate data related to a program described in subsection (a).

"(9) ACCESS TO TECHNOLOGY-RELATED INFORMATION.—

"(A) IN GENERAL.—The State may develop, operate, or expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such assistance, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities.

"(B) ACCESS.—Access to the system may be provided through community-based entities, including public libraries, centers for independent living (as defined in section 702(1) of the Rehabilitation Act of 1973 (29 U.S.C. 796a(1))), and community rehabilitation programs (as defined in section 7(25) of such Act (29 U.S.C. 706(25))).

"(C) SYSTEM.—In developing, operating, or expanding a system described in subparagraph (A), the State may—

"(i) develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information that can be used in telephone-based information systems, and such other media as technological innovation may make appropriate;

"(ii) identify and classify existing funding sources, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

"(iii) identify existing support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection; and

"(iv) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in subparagraph (A), and of the nature of such inquiries.

"(D) LINKAGES.—The information system may be organized on an interstate basis or as part of a regional consortium of States in order to facilitate the establishment of compatible, linked information systems.

"(10) INTERSTATE ACTIVITIES.—

"(A) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

"(B) ELECTRONIC COMMUNICATION.—The State may operate or participate in a computer system through which the State may electronically communicate with other States to gain technical

assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

"(11) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

"(A) the development, demonstration, and dissemination of assistive technology devices; and

"(B) the ongoing provision of information about new products to assist individuals with disabilities.

"(12) ADVOCACY SERVICES.—The State may provide advocacy services.

"(13) OTHER ACTIVITIES.—The State may utilize amounts made available through grants made under section 102 or 103 for any systems change and advocacy activities, other than the activities described in another paragraph of this subsection, that are necessary for developing, implementing, or evaluating the consumer-responsive comprehensive statewide program of technology-related assistance.

"(c) NONSUPPLANTATION.—In carrying out systems change and advocacy activities under this title, the State shall ensure that the activities supplement, and not supplant, similar activities that have been carried out pursuant to other Federal or State law."

SEC. 102. DEVELOPMENT GRANTS.

Section 102 (29 U.S.C. 2212) is amended—

(1) in subsection (a)—

(A) by striking "3-year grants" and inserting "3-year grants to support systems change and advocacy activities described in section 101(b) (including activities described in subsection (e)(7))"; and

(B) by striking "to develop and implement statewide programs" and inserting "in developing and implementing consumer-responsive comprehensive statewide programs";

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in subsection (b) (as redesignated in paragraph (3))—

(A) in paragraph (3)(C), by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program"; and

(B) in paragraph (5)—

(i) in subparagraph (A)—

(I) by striking "(A)" and inserting "(A) STATE.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(B) TERRITORY.—";

(II) by inserting "United States" before "Virgin Islands"; and

(III) by striking "Trust Territory of the Pacific Islands" and inserting "Republic of Palau (until the Compact of Free Association takes effect)";

(5) in paragraph (2) of subsection (c) (as redesignated in paragraph (3)) by striking "statewide programs" and inserting "consumer-responsive comprehensive statewide programs";

(6) by inserting after such subsection (c) the following:

"(d) DESIGNATION OF THE LEAD AGENCY.—

"(1) DESIGNATION.—The Governor of any State that desires to receive a grant under this section shall designate the office, agency, entity, or individual (referred to in this Act as the 'lead agency') responsible for—

"(A) submitting the application described in subsection (e) on behalf of the State;

"(B) administering and supervising the use of amounts made available under the grant;

"(C)(i) coordinating efforts related to, and supervising the preparation of, the application;

"(ii) coordinating the planning, development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

"(iii) coordinating efforts related to, and supervising, the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

"(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals.

"(2) QUALIFICATIONS.—In designating the lead agency, the Governor may designate—

"(A) a commission appointed by the Governor;

"(B) a public-private partnership or consortium;

"(C) a university-affiliated program;

"(D) a public agency;

"(E) a council established under Federal or State law; or

"(F) another appropriate office, agency, entity, or individual.

"(3) ABILITIES OF LEAD AGENCY.—The State shall provide, in accordance with subsection (e)(1), evidence that the lead agency has the ability—

"(A) to respond to assistive technology needs across disabilities and ages;

"(B) to promote the availability throughout the State of assistive technology devices and assistive technology services;

"(C) to promote and implement systems change and advocacy activities;

"(D) to promote and develop public-private partnerships;

"(E) to exercise leadership in identifying and responding to the technology needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

"(F) to promote consumer confidence, responsiveness, and advocacy; and

"(G) to exercise leadership in implementing effective strategies for capacity building, staff and consumer training, and enhancement of access to funding for assistive technology devices and assistive technology services across agencies.";

(7) in subsection (e)—

(A) by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) DESIGNATION OF THE LEAD AGENCY.—Information identifying the lead agency designated by the Governor under subsection (d)(1), and the evidence described in subsection (d)(3).

"(2) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies, including the State insurance department, in the preparation of the application and the continuing role of each agency in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance, including the identification of the available resources and financial responsibility of each agency for paying for assistive technology devices and assistive technology services.

"(3) INVOLVEMENT.—

"(A) CONSUMER INVOLVEMENT.—A description of procedures that provide for—

"(i)(I) the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals, in the development, implementation, and evaluation of the program; and

"(II) the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices or assistive technology services, in decisions relating to such devices and services; and

"(ii) mechanisms for determining consumer satisfaction and participation of individuals with disabilities who represent a variety of ages and types of disabilities, in the consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) PUBLIC INVOLVEMENT.—A description of the nature and extent of—

"(i) the involvement, in the designation of the lead agency under subsection (d), and in the development of the application, of—

"(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(II) other appropriate individuals who are not employed by a State agency; and

"(III) organizations, providers, and interested parties, in the private sector; and

"(ii) the continuing role of the individuals and entities described in clause (i) in the program.";

(B) in paragraph (4), by striking "underserved groups" and inserting "underrepresented populations or rural populations";

(C) in paragraphs (4) and (5), by striking "statewide program" each place the term appears and inserting "consumer-responsive comprehensive statewide program";

(D) by striking paragraphs (6), (7), and (17);

(E) by redesignating paragraphs (8) and (9) as paragraphs (17) and (18), respectively, and transferring such paragraphs to the end of the subsection;

(F) by inserting after paragraph (5) the following:

"(6) GOALS, OBJECTIVES, ACTIVITIES, AND OUTCOMES.—Information on the program with respect to—

"(A) the goals and objectives of the State for the program;

"(B) the systems change and advocacy activities that the State plans to carry out under the program; and

"(C) the expected outcomes of the State for the program, consistent with the purposes described in section 2(b)(1).

"(7) PRIORITY ACTIVITIES.—

"(A) IN GENERAL.—An assurance that the State will use funds made available under this section or section 103 to accomplish the purposes described in section 2(b)(1) and the goals, objectives, and outcomes described in paragraph (6), and to carry out the systems change and advocacy activities described in paragraph (6)(B), in a manner that is consumer-responsive.

"(B) PARTICULAR ACTIVITIES.—An assurance that the State, in carrying out such systems change and advocacy activities, shall carry out activities regarding—

"(i) the development, implementation, and monitoring of State, regional, and local laws, regulations, policies, practices, procedures, and organizational structures, that will improve access to, provision of, funding for, and timely acquisition and delivery of, assistive technology devices and assistive technology services;

"(ii) the development and implementation of strategies to overcome barriers regarding access to, provision of, and funding for, such devices and services, with priority for identification of barriers to funding through State education (including special education) services, vocational rehabilitation services, and medical assistance services or, as appropriate, other health and human services, and with particular emphasis on overcoming barriers for underrepresented populations and rural populations;

"(iii) coordination of activities among State agencies, in order to facilitate access to, provi-

sion of, and funding for, assistive technology devices and assistive technology services;

"(iv) the development and implementation of strategies to empower individuals with disabilities and their family members, guardians, advocates, and authorized representatives, to successfully advocate for increased access to, funding for, and provision of, assistive technology devices and assistive technology services, and to increase the participation, choice, and control of such individuals with disabilities and their family members, guardians, advocates, and authorized representatives in the selection and procurement of assistive technology devices and assistive technology services;

"(v) the provision of outreach to underrepresented populations and rural populations, including identifying and assessing the needs of such populations, providing activities to increase the accessibility of services to such populations, training representatives of such populations to become service providers, and training staff of the consumer-responsive comprehensive statewide program of technology-related assistance to work with such populations; and

"(vi) the development and implementation of strategies to ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly for children,

unless the State demonstrates through the progress reports required under section 104 that significant progress has been made in the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, and that other systems change and advocacy activities will increase the likelihood that the program will accomplish the purposes described in section 2(b)(1).

"(8) ASSESSMENT.—An assurance that the State will conduct an annual assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, in order to determine—

"(A) the extent to which the State's goals and objectives for systems change and advocacy activities, as identified in the State plan under paragraph (6), have been achieved; and

"(B) the areas of need that require attention in the next year.

"(9) DATA COLLECTION.—A description of—

"(A) the data collection system used for compiling information on the program, consistent with such requirements as the Secretary may establish for such systems, and, when a national classification system is developed pursuant to section 201, consistent with such classification system; and

"(B) procedures that will be used to conduct evaluations of the program.";

(G) in paragraphs (11)(B)(i) and (12)(B) by striking "individual with disabilities" and inserting "individual with a disability";

(H) in paragraph (16)(A), by striking "the families or representatives of individuals with disabilities" and inserting "their family members, guardians, advocates, or authorized representatives"; and

(I) by adding at the end the following:

"(19) AUTHORITY TO USE FUNDS.—An assurance that the lead agency will have the authority to use funds made available through a grant made under this section or section 103 to comply with the requirements of this section or section 103, respectively, including the ability to hire qualified staff necessary to carry out activities under the program.

"(20) PROTECTION AND ADVOCACY SERVICES.—

Either—

"(A) an assurance that the State will annually provide, from the funds made available to the State through a grant made under this section or section 103, an amount calculated in accordance with subsection (f)(4), in order to make

a grant to, or enter into a contract with, an entity to support protection and advocacy services through the systems established to provide protection and advocacy under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); or

"(B) at the discretion of the State, a request that the Secretary annually reserve, from the funds made available to the State through a grant made under this section or section 103, an amount calculated in accordance with subsection (f)(4), in order for the Secretary to make a grant to or enter into a contract with such a system to support protection and advocacy services.

"(21) TRAINING ACTIVITIES.—An assurance that the State—

"(A) will develop and implement strategies for including personnel training regarding assistive technology within existing Federal- and State-funded training initiatives, in order to enhance assistive technology skills and competencies; and

"(B) will document such training.

"(22) LIMIT ON INDIRECT COSTS.—An assurance that the percentage of the funds received under the grant that is used for indirect costs shall not exceed 10 percent.

"(23) COORDINATION WITH STATE COUNCILS.—An assurance that the lead agency will coordinate the activities funded through a grant made under this section or section 103 with the activities carried out by other councils within the State, including—

"(A) any council or commission specified in the assurance provided by the State in accordance with section 101(a)(36) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(36));

"(B) the Statewide Independent Living Council established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d);

"(C) the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

"(D) the State Interagency Coordinating Council established under section 682 of the Individuals with Disabilities Education Act (20 U.S.C. 1482);

"(E) the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024);

"(F) the State mental health planning council established under section 1914 of the Public Health Service Act (42 U.S.C. 300r-3); and

"(G) any council established under section 204, 206(g)(2)(A), or 712(a)(3)(H) of the Older Americans Act of 1965 (42 U.S.C. 3015, 3017(g)(2)(A), or 3058g(a)(3)(H)).

"(24) COORDINATION WITH OTHER SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—An assurance that there will be coordination between the activities funded through the grant and other related systems change and advocacy activities funded by either Federal or State sources.

"(25) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the Secretary may reasonably require."; and

(8) by adding at the end the following:

"(f) PROTECTION AND ADVOCACY REQUIREMENTS.—

"(1) REQUIREMENTS.—A State that, as of June 30, 1993, has provided for protection and advocacy services through an entity that—

"(A) is capable of performing the functions that would otherwise be performed under subsection (e)(20) by the system described in subsection (e)(20); and

"(B) is not a system described in such subsection,

shall be considered to meet the requirements of such subsection. Such entity shall receive fund-

ing to provide such protection and advocacy services in accordance with paragraph (4), and shall comply with the same requirements of this title (other than the requirements of such subsection) as a system that receives funding under such subsection.

"(2) PROTECTION AND ADVOCACY SERVICE PROVIDER REPORT.—

"(A) PREPARATION.—A system that receives funds under subsection (e)(20) to carry out the protection and advocacy services described in subsection (e)(20)(A) in a State, or an entity described in paragraph (1) that carries out such services in the State, shall prepare reports that contain such information as the Secretary may require, including the following:

"(i) A description of the activities carried out by the system or entity with such funds.

"(ii) Documentation of significant progress, in providing protection and advocacy services, in each of the following areas:

"(I) Conducting activities that are consumer-responsive, including activities that will lead to increased access to funding for assistive technology devices and assistive technology services.

"(II) Executing legal, administrative, and other appropriate means of representation to implement systems change and advocacy activities.

"(III) Developing and implementing strategies designed to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully advocate for assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act.

"(IV) Coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the systems change and advocacy activities carried out by the State lead agency.

"(B) SUBMISSION.—The system or entity shall submit the reports to the program described in subsection (a) in the State not less often than every 6 months.

"(C) UPDATES.—The system or entity shall provide monthly updates to the program described in subsection (a) concerning the activities and information described in subparagraph (A).

"(3) CONSULTATION WITH STATE PROGRAMS.—Before making a grant or entering into a contract under subsection (e)(20)(B) to support the protection and advocacy services described in subsection (e)(20)(A) in a State, the Secretary shall solicit and consider the opinions of the lead agency in the State with respect to the terms of the grant or contract.

"(4) CALCULATION OF EXPENDITURES.—

"(A) IN GENERAL.—For each fiscal year, for each State receiving a grant under this section or section 103, the Secretary shall specify a minimum amount that the State shall use to provide protection and advocacy services.

"(B) INITIAL YEARS OF GRANT.—Except as provided in subparagraph (C) or (D)—

"(i) the Secretary shall calculate such minimum amount for a State based on the size of the grant, the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State; and

"(ii) such minimum amount shall be not less than \$40,000 and not more than \$100,000.

"(C) FOURTH YEAR OF SECOND EXTENSION GRANT.—If a State receives a second extension grant under section 103(a)(2), the Secretary shall specify a minimum amount under subparagraph (A) for the fourth year (if any) of the grant period that shall equal 75 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

"(D) FIFTH YEAR OF SECOND EXTENSION GRANT.—If a State receives a second extension

grant under section 103(a)(2), the Secretary shall specify a minimum amount under subparagraph (A) for the fifth year (if any) of the grant period that shall equal 50 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

"(E) PROHIBITION.—After the fifth year (if any) of the grant period, no Federal funds may be made available under this title by the State to a system described in subsection (e)(20) or an entity described in paragraph (1)."

SEC. 103. EXTENSION GRANTS.

Section 103 (29 U.S.C. 2213) is amended to read as follows:

"SEC. 103. EXTENSION GRANTS.

"(a) EXTENSION GRANTS.—

"(1) INITIAL EXTENSION GRANT.—The Secretary may award an initial extension grant, for a period of 2 years, to any State that meets the standards specified in subsection (b)(1).

"(2) SECOND EXTENSION GRANT.—The Secretary may award a second extension grant, for a period of not more than 5 years, to any State that meets the standards specified in subsection (b)(2).

"(b) STANDARDS.—

"(1) INITIAL EXTENSION GRANT.—In order for a State to receive an initial extension grant under this section, the designated lead agency of the State shall—

"(A) provide the evidence described in section 102(d)(3); and

"(B) demonstrate that the State has made significant progress, and has carried out systems change and advocacy activities that have resulted in significant progress, toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102.

"(2) SECOND EXTENSION GRANT.—

"(A) RESPONSIBILITIES OF DESIGNATED LEAD AGENCY.—In order for a State to receive a second extension grant under this section, the designated lead agency shall—

"(i) provide the evidence and make the demonstration described in paragraph (1);

"(ii) describe the steps the State has taken or will take to continue on a permanent basis the consumer-responsive comprehensive statewide program of technology-related assistance with the ability to maintain, at a minimum, the outcomes achieved by the systems change and advocacy activities; and

"(iii) identify future funding options and commitments for the program from the public and private sector and the key individuals, agencies, and organizations to be involved in, and to direct future efforts of, the program.

"(B) DETERMINATION OF COMPLIANCE.—In making any award to a State for a second extension grant, the Secretary shall (except as provided in section 105(a)(2)(A)(iii)) make such award contingent on a determination, based on the onsite visit required under section 105(a)(2)(A)(ii), that the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance. If the Secretary determines that the State is not making such progress, the Secretary may take an action described in section 105(b)(2), in accordance with the applicable procedures described in section 105.

"(c) AMOUNTS OF GRANTS.—

"(1) INITIAL EXTENSION GRANTS.—

"(A) IN GENERAL.—

"(i) STATES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay an amount that is not less than \$500,000 and not greater than \$1,500,000 to each State (other than a State described in clause (ii)) that receives an initial extension grant under subsection (a)(1).

"(ii) TERRITORIES.—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay an amount that is not greater than \$150,000 to any of the following States that receives an initial extension grant under subsection (a)(1):

"(I) The United States Virgin Islands.

"(II) Guam.

"(III) American Samoa.

"(IV) The Commonwealth of the Northern Mariana Islands.

"(V) The Republic of Palau (until the Compact of Free Association takes effect).

"(B) CALCULATION OF AMOUNT.—The Secretary shall calculate the amount described in clause (i) or (ii) of subparagraph (A) with respect to a State on the basis of—

"(i) amounts available for making grants pursuant to subsection (a)(1);

"(ii) the population of the State;

"(iii) the types of assistance to be provided in the State; and

"(iv) the amount of resources committed by the State and available to the State from other sources.

"(C) PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.—Amounts appropriated in any fiscal year for purposes of carrying out subsection (a)(1) shall first be made available to States that received assistance under this section during the fiscal year preceding the fiscal year concerned.

"(D) INCREASES.—In providing any increases in initial extension grants under subsection (a)(1) above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to—

"(i) the States (other than the States described in subparagraph (A)(ii)) that have the largest populations, based on the most recent census data; and

"(ii) the States (other than the States described in subparagraph (A)(ii)) that are sparsely populated, with a wide geographic spread,

where such characteristics have impeded the development of a consumer-responsive, comprehensive statewide program of technology-related assistance.

"(2) SECOND EXTENSION GRANTS.—

"(A) AMOUNTS AND PRIORITY.—The amounts of, and the priority of applicants for, the second extension grants awarded under subsection (a)(2) shall be determined by the Secretary, except that—

"(i) the amount paid to a State for the fourth year (if any) of the grant period shall be 75 percent of the amount paid to the State for the third year of the grant period;

"(ii) the amount paid to a State for the fifth year (if any) of the grant period shall be 50 percent of the amount paid to the State for the third year of the grant period; and

"(iii) after the fifth year of the grant period, no Federal funds may be made available to the State under this title.

"(B) INCREASES.—In providing any increases in second extension grants under subsection (a)(2) above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to States described in paragraph (1)(D).

"(d) APPLICATION.—A State that desires to receive an extension grant under this section shall submit an application to the Secretary that contains the following information and assurances with respect to the consumer-responsive comprehensive statewide program of technology-related assistance in the State:

"(1) INFORMATION AND ASSURANCES.—The information and assurances described in section 102(e), except the preliminary needs assessment described in section 102(e)(4).

"(2) NEEDS; PROBLEMS; STRATEGIES; OUTREACH.—

"(A) NEEDS.—A description of needs relating to technology-related assistance of individuals

with disabilities (including individuals from underrepresented populations or rural populations) and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals within the State.

"(B) PROBLEMS.—A description of any problems or gaps that remain with the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance in the State.

"(C) STRATEGIES.—A description of the strategies that the State will pursue during the grant period to remedy the problems or gaps with the development and implementation of such a program.

"(D) OUTREACH ACTIVITIES.—A description of outreach activities to be conducted by the State, including dissemination of information to eligible populations, with special attention to underrepresented populations and rural populations.

"(3) ACTIVITIES AND PROGRESS UNDER PREVIOUS GRANT.—A description of—

"(A) the specific systems change and advocacy activities described in section 101(b) (including the activities described in section 1012(e)(7)) carried out under the development grant received by the State under section 102, or, in the case of an application for a grant under subsection (a)(2), under an initial extension grant received by the State under this section, including—

"(i) a description of systems change and advocacy activities that were undertaken to produce change on a permanent basis for individuals with disabilities of all ages;

"(ii) a description of activities undertaken to improve the involvement of individuals with disabilities in the program, including training and technical assistance efforts to improve individual access to assistive technology devices and assistive technology services as mandated under other laws and regulations as in effect on the date of the application, and including actions undertaken to improve the participation of underrepresented populations and rural populations, such as outreach efforts; and

"(iii) an evaluation of the impact and results of the activities described in clauses (i) and (ii);

"(B) the relationship of such systems change and advocacy activities to the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(C) the progress made toward the development and implementation of such a program.

"(4) PUBLIC INVOLVEMENT.—

"(A) REPORT.—In the case of an application for a grant under subsection (a)(1), a report on the hearing described in subsection (e)(1) or, in the case of an application for a grant under subsection (a)(2), a report on the hearing described in subsection (e)(2).

"(B) OTHER STATE ACTIONS.—A description of State actions, other than such a hearing, designed to determine the degree of satisfaction of individuals with disabilities, and their family members, guardians, advocates, or authorized representatives, public service providers and private service providers, educators and related services providers, technology experts (including engineers), employers, and other appropriate individuals and entities with—

"(i) the degree of their ongoing involvement in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance;

"(ii) the specific systems change and advocacy activities described in section 101(b) (including the activities described in section 102(e)(7)) carried out by the State under the development grant or the initial extension grant;

"(iii) progress made toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

"(iv) the ability of the lead agency to carry out the activities described in section 102(d)(3).

"(5) COMMENTS.—A summary of any comments received concerning the issues described in paragraph (4) and response of the State to such comments, solicited through a public hearing referred to in paragraph (4) or through other means, from individuals affected by the consumer-responsive comprehensive statewide program of technology-related assistance, including—

"(A) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

"(B) public service providers and private service providers;

"(C) educators and related services personnel;

"(D) technology experts (including engineers);

"(E) employers; and

"(F) other appropriate individuals and entities.

"(6) COMPATIBILITY AND ACCESSIBILITY OF ELECTRONIC EQUIPMENT.—An assurance that the State, or any recipient of funds made available to the State under section 102 of this section, will comply with guidelines established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

"(e) PUBLIC HEARING.—

"(1) INITIAL EXTENSION GRANT.—To be eligible to receive a grant under subsection (a)(1), a State shall hold a public hearing in the third year of a program carried out under a grant made under section 102, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

"(2) SECOND EXTENSION GRANT.—To be eligible to receive a grant under subsection (a)(2), a State shall hold a public hearing in the second year of a program carried out under a grant made under subsection (a)(1), after providing the notice described in paragraph (1)."

SEC. 104. PROGRESS CRITERIA AND REPORTS.

Section 104 (29 U.S.C. 2214) is amended to read as follows:

"SEC. 104. PROGRESS CRITERIA AND REPORTS.

"(a) GUIDELINES.—The Secretary shall develop guidelines to be used in assessing the extent to which a State that received a grant under section 102 or 103 is making significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance consistent with section 2(b)(1).

"(b) REPORTS.—Each State that receives a grant under section 102 or 103 to carry out such a program shall submit annually to the Secretary a report that documents significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2(b)(1), 101, and 102(e), and that documents the following:

"(1) The progress the State has made, as determined in the State's annual assessment described in section 102(e)(8) (consistent with the guidelines established by the Secretary under subsection (a)), in achieving the State's goals, objectives, and outcomes as identified in the State's application as described in section 102(e)(6), and areas of need that require attention in the next year, including unanticipated problems with the achievement of the goals, objectives, and outcomes described in the application, and the activities the State has undertaken to rectify these problems.

"(2) The systems change and advocacy activities carried out by the State including—

"(A) an analysis of the laws, regulations, policies, practices, procedures, and organizational structures that the State has changed, has attempted to change, or will attempt to

change during the next year, to facilitate and increase timely access to, provision of, or funding for, assistive technology devices and assistive technology services; and

"(B) a description of any written policies and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services, particularly policies and procedures regarding access to, provision of, and funding for, such devices and services under education (including special education), vocational rehabilitation, and medical assistance programs.

"(3) The degree of involvement of various State agencies, including the State insurance department, in the development, implementation, and evaluation of the program, including any interagency agreements that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services such as agreements that identify available resources for assistive technology devices and assistive technology services and the responsibility of each agency for paying for such devices and services.

"(4) The activities undertaken to collect and disseminate information about the documents or activities analyzed or described in paragraphs (1) through (3), including outreach activities to underrepresented populations and rural populations and efforts to disseminate information by means of electronic communication.

"(5) The involvement of individuals with disabilities who represent a variety of ages and types of disabilities in the planning, development, implementation, and assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, including activities undertaken to improve such involvement, such as consumer training and outreach activities to underrepresented populations and rural populations.

"(6) The degree of consumer satisfaction with the program, including satisfaction by underrepresented populations and rural populations.

"(7) Efforts to train personnel as well as consumers.

"(8) Efforts to reduce the service delivery time for receiving assistive technology devices and assistive technology services.

"(9) Significant progress in the provision of protection and advocacy services, in each of the areas described in section 102(f)(2)(A)(ii)."

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING STATES.—Section 105(a) (29 U.S.C. 2215(a)) is amended—

(1) in paragraph (1), by inserting before the period the following: "consistent with the guidelines established under section 104(a)";

(2) by striking paragraph (2) and inserting the following:

"(2) ONSITE VISITS.—

"(A) VISITS.—

"(i) DEVELOPMENT GRANT PROGRAM.—The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program.

"(ii) EXTENSION GRANT PROGRAM.—Except as provided in clause (iii), the Secretary shall conduct an additional onsite visit to any State that applies for a second extension grant under section 103(a)(2) and whose initial onsite visit occurred prior to the date of the enactment of the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994. The Secretary shall conduct any such visit to the State not later than 12 months after the date on which the Secretary awards the second extension grant.

"(iii) DETERMINATION.—The Secretary shall not be required to conduct a visit described in clause (ii) if the Secretary determines that the

visit is not necessary to assess whether the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance.

"(B) TEAM.—Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers, who—

"(i) shall not be lead agency personnel;

"(ii) shall be from States other than the State being monitored; and

"(iii) shall include an individual with a disability, or a family member, a guardian, an advocate, or an authorized representative of such an individual.

"(C) COMPENSATION.—

"(i) OFFICERS OR EMPLOYEES.—Members of any onsite monitoring team who are not officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

"(ii) OTHER MEMBERS.—Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"(D) REPORT.—The Secretary shall prepare a report of findings from the onsite visit. The Secretary shall consider the findings in determining whether to continue funding the program either with or without changes. The report shall be available to the public."

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(4) by inserting after paragraph (2) the following:

"(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of the onsite visit and solicit public comment through such notice from individuals with disabilities and their family members, guardians, advocates, and authorized representatives, public service providers and private service providers, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals and entities, regarding the State program funded through a grant made under section 102 or 103. The public comment solicitation notice shall be included in the onsite visit report described in paragraph (2)."; and

(5) in paragraph (4) (as redesignated in paragraph (3)) by striking "statewide program" and inserting "consumer-responsive comprehensive statewide program".

(b) CORRECTIVE ACTION PLAN.—Section 105(b) (29 U.S.C. 2215(b)) is amended—

(1) in paragraph (2)—

(A) in the heading, by striking "PENALTIES" and inserting "CORRECTIVE ACTIONS";

(B) in the matter preceding subparagraph (A), by striking "penalties" and inserting "corrective actions";

(C) by striking "or" at the end of subparagraph (B);

(D) by striking the period at the end of subparagraph (C) and inserting "; or"; and

(E) by adding at the end the following:

"(D) required redesignation of the lead agency, in accordance with subsection (c)."; and

(2) in paragraph (3), by striking "subsection (a)(4)" and inserting "subsection (a)(5)".

(c) REDESIGNATION.—Section 105 (29 U.S.C. 2215) is amended—

(1) by striking subsection (c); and

(2) by adding at the end the following:

"(c) REDESIGNATION OF LEAD AGENCY.—

"(1) MONITORING PANEL.—

"(A) APPOINTMENT.—Once a State becomes subject to a corrective action plan pursuant to subsection (b), the Governor of the State, subject to approval by the Secretary, shall appoint, within 30 days after the submission of the plan to the Secretary, a monitoring panel consisting of the following representatives:

"(i) The head of the lead agency designated by the Governor.

"(ii) 2 representatives from different public or private nonprofit organizations that represent the interests of individuals with disabilities.

"(iii) 2 consumers who are users of assistive technology devices and assistive technology services and who are not—

"(I) members of the advisory council, if any, of the consumer-responsive comprehensive statewide program of technology-related assistance; or

"(II) employees of the State lead agency.

"(iv) 2 service providers with knowledge and expertise in assistive technology devices and assistive technology services.

"(B) MEMBERSHIP AND CHAIRPERSON.—The monitoring panel shall be ethnically diverse. The panel shall select a chairperson from among the members of the panel.

"(C) INFORMATION.—The panel shall receive periodic reports from the State regarding progress in implementing the corrective action plan and shall have the authority to request additional information necessary to determine compliance.

"(D) MEETINGS.—The meetings of the panel to determine compliance shall be open to the public (subject to confidentiality concerns) and held at locations that are accessible to individuals with disabilities.

"(E) PERIOD.—The panel shall carry out the duties of the panel for the entire period of the corrective action plan, as determined by the Secretary.

"(F) FUNDING.—The panel shall be funded by a portion of the funds received by the State under this title, as directed by the Secretary.

"(2) FAILURE TO APPOINT MONITORING PANEL.—A failure by a Governor of a State to comply with the requirements of paragraph (1) shall result in the termination of funding for the State under this title.

"(3) DETERMINATION.—

"(A) PANEL.—Based on its findings, a monitoring panel may determine that a lead agency designated by a Governor has not accomplished the purposes described in section 2(b)(1) and that there is good cause for redesignation of the agency and the temporary loss of funds by the State under this title.

"(B) GOOD CAUSE.—In this paragraph, the term 'good cause' includes—

"(i) lack of progress with employment of qualified staff;

"(ii) lack of consumer-responsive activities;

"(iii) lack of resource allocation to systems change and advocacy activities;

"(iv) lack of progress with meeting the assurances in section 102(e); or

"(v) inadequate fiscal management.

"(C) RECOMMENDATION AND ACTION.—If a monitoring panel makes such a determination, the panel shall recommend to the Secretary that further remedial action be taken or that the Secretary order the Governor to redesignate the lead agency within 90 days or lose funds under

this title. The Secretary, based on the findings and recommendations of the monitoring panel, and after providing to the public notice and an opportunity for comment, shall make a final determination regarding whether to order the Governor to redesignate the lead agency. The Governor shall make any such redesignation in accordance with the requirements that apply to designations under section 102(d).

"(d) CHANGE OF PROTECTION AND ADVOCACY SERVICES PROVIDER.—

"(1) DETERMINATION.—The Governor of a State, based on input from individuals with disabilities and their family members, guardians, advocates, or authorized representatives, may determine that the entity providing protection and advocacy services required by section 102(e)(20) (referred to in this subsection as the 'first entity') has not met the protection and advocacy service needs of the individuals with disabilities and their family members, guardians, advocates, or authorized representatives, for securing funding for and access to assistive technology devices and assistive technology services, and that there is good cause to provide the protection and advocacy services for the State through a contract with a second entity.

"(2) NOTICE AND OPPORTUNITY TO BE HEARD.—On making such a determination, the Governor may not enter into a contract with a second entity to provide the protection and advocacy services unless good cause exists and unless—

"(A) the Governor has given the first entity 30 days notice of the intention to enter into such contract, including specification of the good cause, and an opportunity to respond to the assertion that good cause has been shown;

"(B) individuals with disabilities and their family members, guardians, advocates, or authorized representatives, have timely notice of the determination and opportunity for public comment; and

"(C) the first entity has the opportunity to appeal the determination to the Secretary within 30 days of the determination on the basis that there is not good cause to enter into the contract.

"(3) REDESIGNATION.—

"(A) IN GENERAL.—When the Governor of a State determines that there is good cause to enter into a contract with a second entity to provide the protection and advocacy services, the Governor shall hold an open competition within the State and issue a request for proposals by entities desiring to provide the services.

"(B) TIMING.—The Governor shall not issue such request until the first entity has been given notice and an opportunity to respond. If the first entity appeals the determination to the Secretary in accordance with paragraph (2)(C), the Governor shall issue such request only if the Secretary decides not to overturn the determination of the Governor. The Governor shall issue such request within 30 days after the end of the period during which the first entity has the opportunity to respond, or after the decision of the Secretary, as appropriate.

"(C) PROCEDURE.—Such competition shall be open to entities with the same expertise and ability to provide legal services as a system referred to in section 102(e)(20). The competition shall ensure public involvement, including a public hearing and adequate opportunity for public comment.

"(e) ANNUAL REPORT.—

"(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Congress, a report on Federal initiatives, including the initiatives funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

"(2) CONTENTS.—Such report shall include information on—

"(A) the demonstrated successes of such Federal initiatives at the Federal and State levels in improving interagency coordination, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

"(B) the demonstration activities carried out through the Federal initiatives to—

"(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

"(ii) establish additional options for obtaining such funding;

"(C) the education and training activities carried out through the Federal initiatives to promote such access in public programs and the health care system and the efforts carried out through such activities to train professionals in a variety of relevant disciplines, and increase the competencies of the professionals with respect to technology-related assistance;

"(D) the education and training activities carried out through the Federal initiatives to train individuals with disabilities and their family members, guardians, advocates, or authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals, about technology-related assistance;

"(E) the education and training activities carried out through Federal initiatives to promote awareness of available funding in public programs;

"(F) the research activities carried out through the Federal initiatives to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

"(G) the program outreach activities to rural and inner-city areas that are carried out through the Federal initiatives;

"(H) the activities carried out through the Federal initiatives that are targeted to reach underrepresented populations and rural populations; and

"(I) the consumer involvement activities in the programs carried out under this Act.

"(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services. When a national classification system for assistive technology devices and assistive technology services is developed pursuant to section 201, the Secretary shall report such information in a manner consistent with such national classification system.

"(f) INTERAGENCY DISABILITY COORDINATING COUNCIL.—

"(1) CONTENTS.—On or before October 1, 1995, the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c) shall prepare and submit to the President and to the Congress a report containing—

"(A) the response of the Interagency Disability Coordinating Council to—

"(i) the findings of the National Council on Disability resulting from the study entitled 'Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities', carried out in accordance with section 201 of this Act, as in effect on the day before the date of the enactment of this subsection; and

"(ii) the recommendations of the National Council on Disability for legislative and administrative change, resulting from such study; and

"(B) information on any other activities of the Interagency Disability Coordinating Council that facilitate the accomplishment of section 2(b)(1) with respect to the Federal Government.

"(2) COMMENTS.—The report shall include any comments submitted by the National Council on Disability as to the appropriateness of the response described in paragraph (1)(A) and the effectiveness of the activities described in paragraph (1)(B) in meeting the needs of individuals with disabilities for assistive technology devices and assistive technology services.

"(g) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available or to alter eligibility under any other Federal law."

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

Section 106 (29 U.S.C. 2216) is amended to read as follows:

"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title \$50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) RESERVATIONS.—

"(1) PROVISION OF INFORMATION AND TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—Of the funds appropriated for any fiscal year under subsection (a), the Secretary shall reserve at least 2 percent or \$1,500,000, whichever is greater, of such funds, for the purpose of providing information and technical assistance as described in subparagraphs (B) and (C) to States, individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies.

"(B) TECHNICAL ASSISTANCE TO STATES.—In providing such information and technical assistance to States, the Secretary shall consider the input of the directors of consumer-responsive comprehensive statewide programs of technology-related assistance, shall provide a clearinghouse for activities that have been developed and implemented through programs funded under this title, and shall provide information and technical assistance that—

"(i) facilitate service delivery capacity building, training of personnel from a variety of disciplines, and improvement of evaluation strategies, research, and data collection;

"(ii) foster the development and replication of effective approaches to information referral, interagency coordination of training and service delivery, outreach to underrepresented populations and rural populations, and public awareness activities;

"(iii) improve the awareness and adoption of successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies;

"(iv) assist in planning, developing, implementing, and evaluating appropriate activities to further extend consumer-responsive comprehensive statewide programs of technology-related assistance;

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

"(vi) provide technical assistance and training to the entities carrying out activities funded pursuant to this title, to establish or participate in electronic communication activities with other States; and

"(vii) provide any other appropriate information and technical assistance to assist the States in accomplishing the purposes of this Act.

"(C) INFORMATION AND TECHNICAL ASSISTANCE TO INDIVIDUALS WITH DISABILITIES AND OTHER PERSONS.—The Secretary shall provide information and technical assistance to individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies, on a nationwide basis, to—

"(i) disseminate information about, and foster awareness and understanding of, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion for individuals with disabilities of all ages;

"(ii) identify, collect, and disseminate information, and provide technical assistance, on effective systems change and advocacy activities;

"(iii) improve the understanding and use of assistive technology funding decisions made as a result of policies, practices, and procedures, or through regulations, administrative hearings, or legal actions, that enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

"(iv) promote effective approaches to Federal-State coordination of programs for individuals with disabilities, through information dissemination and technical assistance activities in response to funding policy issues identified on a nationwide basis by organizations, and individuals, that improve funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages; and

"(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services, including the identification and description of mechanisms and means that successfully support self-help and peer mentoring groups for individuals with disabilities.

"(D) COORDINATION.—The Secretary shall coordinate the information and technical assistance activities carried out under subparagraph (B) or (C) with other activities funded under this Act.

"(E) GRANTS, CONTRACTS, OR COOPERATIVE AGREEMENTS.—

"(i) IN GENERAL.—The Secretary shall provide the technical assistance and information described in subparagraphs (B) and (C) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to carry out identified activities related to the provision of such technical assistance and information.

"(ii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SERVICE DELIVERY, INTERAGENCY COORDINATION, AND SYSTEMS CHANGE AND ADVOCACY ACTIVITIES.—For the purpose of achieving the objectives described in paragraph (1)(B), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in assistive technology service delivery, interagency coordination, and systems change and advocacy activities.

"(iii) ENTITIES WITH EXPERTISE IN ASSISTIVE TECHNOLOGY SYSTEMS CHANGE AND ADVOCACY ACTIVITIES, PUBLIC FUNDING OPTIONS, AND OTHER SERVICES.—For the purpose of achieving the objectives described in paragraph (1)(C), the

Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in—

"(I) assistive technology systems change and advocacy activities;

"(II) public funding options; and

"(III) services to increase nationwide the availability of funding for assistive technology devices and assistive technology services.

"(iv) APPLICATION.—The Secretary shall make any grants, and enter into any contracts or cooperative agreements, under this subsection on a competitive basis. To be eligible to receive funds under this subsection an agency, organization, or institution shall submit an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may require.

"(2) ONSITE VISITS.—The Secretary may reserve, from amounts appropriated for any fiscal year under subsection (a), such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 105(a)(2)."

SEC. 107. REPEALS.

Section 107 (20 U.S.C. 2217) is repealed.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

SEC. 201. NATIONAL CLASSIFICATION SYSTEM.

Title II (29 U.S.C. 2231 et seq.) is amended by repealing part A and inserting the following:

"Subtitle A—National Classification System

"SEC. 201. CLASSIFICATION SYSTEM.

"(a) SYSTEM DEVELOPMENT PROJECT.—

"(1) IN GENERAL.—In fiscal year 1995, the Secretary shall initiate a system development project, based on a plan developed in consultation and coordination with other appropriate Federal and State agencies, to develop a national classification system for assistive technology devices and assistive technology services, with the goal of obtaining uniform data through such a system on such devices and services across public programs and information and referral networks.

"(2) PROJECT PLAN.—

"(A) REPRESENTATIVES.—In developing a plan for the system development project, the Secretary shall consult with, and coordinate activities with—

"(i) representatives of Federal agencies, including agencies that are headed by members of the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c); and

"(ii) as determined by the Secretary, representatives of State agencies and other appropriate organizations that have responsibility for or are involved in the development and modification of assistive technology devices, the provision of assistive technology devices and assistive technology services, or the dissemination of information about assistive technology devices and assistive technology services, including recipients of grants or contracts for the provision of technical assistance to State assistive technology projects under section 106(b), assistive technology reimbursement specialists, representatives of the State assistive technology projects, and representatives of organizations involved in information and referral activities.

"(B) ISSUES.—The Secretary shall conduct such consultation, and such coordination of activities, with respect to the following:

"(i) The costs and benefits, on an agency-by-agency basis, of obtaining uniform data through a national classification system for assistive technology devices and assistive technology

services across public programs and information and referral networks.

"(ii) The types of data that should be collected, including data regarding funding, across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(iii) A methodology for developing a single taxonomy and nomenclature for both assistive technology devices and assistive technology services across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(iv) The process for developing an appropriate data collection instrument or instruments.

"(v) A methodology for collecting data across a range of programs, including the programs listed in subsection (c)(2), as appropriate.

"(vi) The use of a national classification system by the Internal Revenue Service and State finance agencies to determine whether devices and services are assistive technology devices or assistive technology services for the purpose of determining whether a deduction or credit is allowable under the Internal Revenue Code of 1986 or State tax law.

"(3) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section directly, or, if necessary, by entering into contracts or cooperative agreements with appropriate entities.

"(b) SINGLE TAXONOMY.—In conducting the system development project, the Secretary shall develop a national classification system that includes a single taxonomy and nomenclature for assistive technology devices and assistive technology services.

"(c) DATA COLLECTION INSTRUMENT.—In conducting the system development project, the Secretary shall develop a data collection instrument to—

"(1) collect data regarding funding for assistive technology devices and assistive technology services; and

"(2) collect such data from public programs, including, at a minimum—

"(A) programs carried out under title I, VI, or VII of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq., 795 et seq., or 796 et seq.);

"(B) programs carried out under part B or H of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq. or 1471 et seq.);

"(C) programs carried out under title V or XIX of the Social Security Act (42 U.S.C. 701 et seq. or 1396 et seq.);

"(D) programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

"(E) programs carried out under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

"(d) CONSULTATION.—The Secretary shall conduct the system development project in consultation with the Federal agencies that were consulted in developing the project plan.

"(e) REPORT TO THE PRESIDENT AND THE CONGRESS ON IMPLEMENTATION OF UNIFORM DATA COLLECTION SYSTEM.—Not later than July 1, 1997, the Secretary shall prepare and submit to the President and the appropriate committees of Congress a report containing—

"(1) the results of the system development project; and

"(2) the recommendations of the Secretary concerning implementation of a national classification system, including uniform data collection.

"(f) RESERVATION.—From the amounts appropriated under subtitle C for fiscal year 1995, the Secretary shall reserve up to \$200,000 to carry out this subtitle."

SEC. 202. TRAINING AND DEMONSTRATION PROJECTS.

Title II (29 U.S.C. 2231 et seq.) is amended by repealing parts B, C, and D and inserting the following:

"Subtitle B—Training and Demonstration Projects"**"SEC. 211. TRAINING.****"(a) TECHNOLOGY TRAINING.—"**

"(1) GENERAL AUTHORITY.—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, appropriate public or private agencies and organizations, including institutions of higher education and community-based organizations, for the purposes of—

"(A) conducting training sessions;
"(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance, to enhance opportunities for independence, productivity, and inclusion of individuals with disabilities; and

"(C) providing training to develop awareness, skills, and competencies of service providers, consumers, and volunteers, who are located in rural areas, to increase the availability of technology-related assistance in community-based settings for rural residents who are individuals with disabilities.

"(2) ELIGIBLE ACTIVITIES.—Activities conducted under grants, contracts, or cooperative agreements described in paragraph (1) may address the training needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.

"(3) USES OF FUNDS.—An agency or organization that receives a grant or enters into a contract or cooperative agreement under paragraph (1) may use amounts made available through the grant, contract, or agreement to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—"

"(A) IN GENERAL.—To be eligible to receive a grant or enter into a contract or cooperative agreement under paragraph (1), an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

"(5) PRIORITIES.—"

"(A) IN GENERAL.—Beginning in fiscal year 1994, the Secretary shall—

"(i) establish priorities for activities carried out with assistance under this subsection;

"(ii) publish such priorities in the Federal Register for the purpose of receiving public comment; and

"(iii) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes announcements for assistance provided under this subsection.

"(B) EXPLANATION OF DETERMINATION OF PRIORITIES.—Concurrent with the publications required by subparagraph (A), the Secretary shall

publish in the Federal Register an explanation of the manner in which the priorities were determined.

"(b) TECHNOLOGY CAREERS.—"**"(1) IN GENERAL.—"**

"(A) GRANTS.—The Secretary shall make grants to assist public or private agencies and organizations, including institutions of higher education, to prepare students and faculty working in specific fields for careers relating to the provision of assistive technology devices and assistive technology services.

"(B) FIELDS.—The specific fields described in subparagraph (A) may include—

"(i) engineering;
"(ii) industrial technology;
"(iii) computer science;
"(iv) communication disorders;
"(v) special education and related services;
"(vi) rehabilitation; and
"(vii) social work.

"(2) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to the interdisciplinary preparation of personnel who provide or who will provide technical assistance, who administer programs, or who prepare other personnel, in order to—

"(A) support the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance to individuals with disabilities; and

"(B) enhance the skills and competencies of individuals involved in the provision of technology-related assistance, including assistive technology devices and assistive technology services, to individuals with disabilities.

"(3) USES OF FUNDS.—An agency or organization that receives a grant under paragraph (1) may use amounts made available through the grant to—

"(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

"(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

"(4) APPLICATION.—"

"(A) IN GENERAL.—To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) STRATEGIES.—At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

"(i) increase the extent to which such persons reflect the diverse populations of the United States; and

"(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

"(c) GRANTS TO HISTORICALLY BLACK COLLEGES.—In exercising the authority granted in subsections (a) and (b), the Secretary shall reserve an adequate amount for grants to historically black colleges and universities and other institutions of higher education whose minority student enrollment is at least 50 percent.

"SEC. 212. TECHNOLOGY TRANSFER.

"The Secretary shall enter into an agreement with an organization whose primary function is to promote technology transfer from, and cooperation among, Federal laboratories (as defined in section 4(6) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703(6))), under which funds shall be provided to promote technology transfer that will spur the development of assistive technology devices.

"SEC. 213. DEVICE AND EQUIPMENT REDISTRIBUTION INFORMATION SYSTEMS AND RECYCLING CENTERS.

"(a) IN GENERAL.—The Secretary shall make grants to, or enter into contracts or cooperative

agreements with, public agencies, private entities, or institutions of higher education for the purpose of developing and establishing recycling projects.

"(b) PROJECT ACTIVITIES.—Such recycling projects may include—

"(1) a system for accepting, on an unconditional gift basis, assistive technology devices, including a process for valuing the devices and evaluating their use and potential;

"(2) a system for storing and caring for such devices;

"(3) an information system (including computer databases) by which local educational agencies, rehabilitation entities, local community-based organizations, independent living centers, and other entities, would be informed, on a periodic and timely basis, about the availability and nature of the devices currently held; and

"(4) a system that makes such devices available to consumers and the entities listed in paragraph (3), and provides for tracking each device throughout the useful life of the device.

"(c) MULTIPLE PROVIDERS.—"

"(1) IN GENERAL.—With respect to activities funded under this section, an agency, entity, or institution may utilize a single service provider or may establish a system of service providers.

"(2) ASSURANCES.—If an agency, entity, or institution uses multiple providers, the agency, entity, or institution shall assure that—

"(A) all consumers within a State will receive equal access to services, regardless of the geographic location or socioeconomic status of the consumers; and

"(B) all activities of the providers will be coordinated and monitored by the agency, entity, or institution.

"(d) OTHER LAWS.—Nothing in this section shall affect the provision of services or devices pursuant to title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) or part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

"(e) EXISTING PROGRAMS.—Public agencies, private entities, or institutions of higher education that have established recycling programs prior to receiving assistance under this section may use funds made available under this section to extend and strengthen such programs through grants, contracts, or agreements under this section.

"SEC. 214. BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES.

"The Secretary may make grants to individuals with disabilities to enable the individuals to establish or operate commercial or other enterprises that develop or market assistive technology devices or assistive technology services.

"SEC. 215. PRODUCTS OF UNIVERSAL DESIGN.

"The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of products of universal design. In awarding such grants, the Secretary shall give preference to enterprises that are owned or operated by individuals with disabilities.

"SEC. 216. GOVERNING STANDARDS FOR ACTIVITIES.

"Persons and entities that carry out activities pursuant to this subtitle shall—

"(1) be held to the same consumer-responsive standards as the persons and entities carrying out programs under title I;

"(2) make available to individuals with disabilities and their family members, guardians, advocates, and authorized representatives information concerning technology-related assistance in a form that will allow such individuals with disabilities to effectively use such information;

"(3) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory

and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials; and

"(4) coordinate their efforts with the consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities in any State in which the activities are carried out.

"Subtitle C—Authorization of Appropriations

"SEC. 221. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title \$10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998."

TITLE III—ALTERNATIVE FINANCING MECHANISMS

SEC. 301. ALTERNATIVE FINANCING MECHANISMS AUTHORIZED.

The Act (29 U.S.C. 2201 et seq.) is amended by adding at the end the following:

"TITLE III—ALTERNATIVE FINANCING MECHANISMS

"SEC. 301. GENERAL AUTHORITY TO PROVIDE ALTERNATIVE FINANCING MECHANISMS.

"(a) **IN GENERAL.**—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, alternative financing mechanisms (referred to individually in this title as an 'alternative financing mechanism') to allow individuals with disabilities and their family members, guardians, and authorized representatives to purchase assistive technology devices and assistive technology services.

"(b) **MECHANISMS.**—The alternative financing mechanisms may include—

"(1) a low-interest loan fund;

"(2) a revolving fund;

"(3) a loan insurance program;

"(4) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provision of assistive technology services; and

"(5) other alternative financing mechanisms that meet the requirements of this Act and are approved by the Secretary.

"(c) **CONSTRUCTION.**—Nothing in this section shall be construed as affecting the authority of a State to establish alternative financing mechanisms under title I.

"SEC. 302. APPLICATIONS AND PROCEDURES.

"(a) **ELIGIBILITY.**—States that receive or have received grants under section 102 or 103 shall be eligible to compete for grants under section 301.

"(b) **REQUIREMENTS.**—The Secretary shall make grants under section 301 under such conditions as the Secretary shall, by regulation, determine, except that—

"(1) a State may receive only 1 grant under section 301 and may only receive such a grant for 1 year under this title;

"(2) a State that desires to receive a grant under section 301 shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, containing—

"(A) an assurance that the State will provide at least 50 percent of the cost described in section 301(a), as set forth in section 304, for the purpose of supporting the alternative financing mechanisms that are covered by the grant;

"(B) an assurance that an alternative financing mechanism will continue on a permanent basis; and

"(C) a description of the degree to which the alternative financing mechanisms to be funded under section 301 will expand and emphasize consumer choice and control;

"(3) a State that receives a grant under section 301—

"(A) shall enter into a contract, with a community-based organization (or a consortia of

such organizations) that has individuals with disabilities involved at all organizational levels, for the administration of the alternative financing mechanisms that are supported under section 301; and

"(B) shall require that such community-based organization enter into a contract, for the purpose of expanding opportunities under section 301 and facilitating the administration of the alternative financing mechanisms, with—

"(i) commercial lending institutions or organizations; or

"(ii) State financing agencies; and

"(4) a contract between a State that receives a grant under section 301 and a community-based organization described in paragraph (3)—

"(A) shall include a provision regarding the administration of the Federal and the non-Federal shares in a manner consistent with the provisions of this title; and

"(B) shall include any provision required by the Secretary dealing with oversight and evaluation as may be necessary to protect the financial interests of the United States.

"SEC. 303. GRANT ADMINISTRATION REQUIREMENTS.

"A State that receives a grant under section 301, together with any community-based organization that enters into a contract with the State to administer an alternative financing mechanism that is supported under section 301, shall develop and submit to the Secretary, pursuant to a timeline that the Secretary may establish or, if the Secretary does not establish a timeline, within the 12-month period beginning on the date that the State receives the grant, the following policies or procedures for administration of the mechanism:

"(1) A procedure to review and process in a timely fashion requests for financial assistance for both immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific device or service to be provided.

"(2) A policy and procedure to assure that access to the alternative financing mechanism shall be given to consumers regardless of type of disability, age, location of residence in the State, or type of assistive technology device or assistive technology service requested and shall be made available to applicants of all income levels.

"(3) A procedure to assure consumer-controlled oversight.

"SEC. 304. FINANCIAL REQUIREMENTS.

"(a) **FEDERAL SHARE.**—The Federal share of the costs described in section 301(a) shall be not more than 50 percent.

"(b) **REQUIREMENTS.**—A State that desires to receive a grant under section 301 shall include in the application submitted under section 302 assurances that the State will meet the following requirements regarding funds supporting an alternative funding mechanism assisted under section 301:

"(1) The State shall make available the funds necessary to provide the non-Federal share of the costs described in section 301(a), in cash, from State, local, or private sources.

"(2) Funds that support an alternative financing mechanism assisted under section 301—

"(A) shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide public funding options; and

"(B) may only be distributed through the entity carrying out the alternative financing mechanism as a payer of last resort for assistance that is not available in a reasonable or timely fashion from any other Federal, State, or local source.

"(3) All funds that support an alternative financing mechanism assisted under section 301,

including funds repaid during the life of the mechanism, shall be placed in a permanent separate account and identified and accounted for separately from any other fund. Funds within this account may be invested in low-risk securities in which a regulated insurance company may invest under the law of the State for which the grant is provided and shall be administered with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person.

"(4) Funds comprised of the principal and interest from an account described in paragraph (3) shall be available to support an alternative financing mechanism assisted under section 301. Any interest or investment income that accrues on such funds after such funds have been placed under the control of the entity administering the mechanism, but before such funds are distributed for purposes of supporting the mechanism, shall be the property of the entity administering the mechanism and shall not be taken into account by any officer or employee of the Federal Government for any purpose.

"SEC. 305. AMOUNT OF GRANTS.

"(a) **AMOUNT.**—

"(1) **IN GENERAL.**—Except as provided in paragraph (2), a grant under section 301 shall be for an amount that is not more than \$500,000.

"(2) **INCREASES.**—Such a grant may be increased by any additional funds made available under subsection (b).

"(b) **EXCESS FUNDS.**—If funds appropriated under section 308 for a fiscal year exceed the amount necessary to fund the activities described in acceptable applications submitted under section 302 for such year, the Secretary shall make such excess amount available, on a competitive basis, to States receiving grants under section 301 for such year. A State that desires to receive additional funds under this subsection shall amend and resubmit to the Secretary the application submitted under section 302. Such amended application shall contain an assurance that the State will provide an additional amount for the purpose of supporting the alternative financing mechanisms covered by the grant that is not less than the amount of any additional funds paid to the State by the Secretary under this subsection.

"(c) **INSUFFICIENT FUNDS.**—If funds appropriated under section 308 for a fiscal year are not sufficient to fund each of the activities described in the acceptable applications for such year, a State whose application was approved as acceptable for such year but that did not receive a grant under section 301, may update such application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

"SEC. 306. TECHNICAL ASSISTANCE.

"(a) **IN GENERAL.**—The Secretary shall provide information and technical assistance to States under this title, and the information and technical assistance shall include—

"(1) assisting States in the preparation of applications for grants under section 301;

"(2) assisting States that receive such grants in developing and implementing alternative financing mechanisms; and

"(3) providing any other information and technical assistance to assist States in accomplishing the objectives of this title.

"(b) **GRANTS, CONTRACTS, AND AGREEMENTS.**—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing mechanisms described in section 301.

SEC. 307. ANNUAL REPORT.

"(a) IN GENERAL.—Not later than December 31 of each year, the Secretary shall submit a report to the Congress stating whether each State program to provide alternative financing mechanisms that was supported under section 301 during the year is making significant progress in achieving the objectives of this title.

"(b) CONTENTS.—The report shall include information on—

"(1) the number of applications for grants under section 301 that were received by the Secretary;

"(2) the number of grants made and the amounts of such grants;

"(3) the ratio of the amount of funds provided by each State for a State program to provide alternative financing mechanisms to the amount of Federal funds provided for such program;

"(4) the type of program to provide alternative financing mechanisms that was adopted in each State and the community-based organization (or consortia of such organizations) with which each State has entered into a contract; and

"(5) the amount of assistance given to consumers (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service received, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or a rural population).

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

"(b) AVAILABILITY IN SUCCEEDING FISCAL YEAR.—Amounts appropriated under subsection (a) shall remain available for obligation for the fiscal year immediately following the fiscal year for which such amounts were appropriated.

"(c) RESERVATION.—Of the amounts appropriated under subsection (a), the Secretary shall reserve \$250,000 for the purpose of providing information and technical assistance to States under section 306."

TITLE IV—AMENDMENTS TO OTHER ACTS**SEC. 401. INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

Section 631(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1431(a)(1)) is amended—

(1) by striking ", and" at the end of subparagraph (D) and inserting a comma;

(2) by striking the period at the end of subparagraph (E) and inserting ", and"; and

(3) by adding at the end the following:

"(F) training in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202 (2) and (3)))."

SEC. 402. REHABILITATION ACT OF 1973.

(a) NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.—Section 202(b)(8) of the Rehabilitation Act of 1973 (29 U.S.C. 761a(b)(8)) is amended by striking "characteristics of individuals with disabilities" and inserting "characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations,".

(b) TRAINING.—Section 302(b)(1)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 771a(b)(1)(B)), as added by section 302(b) of Public Law 102-569 (106 Stat. 4412), is amended—

(1) by striking "; and" at the end of clause (ii) and inserting a semicolon;

(2) by striking the period at the end of clause (iii) and inserting "; and"; and

(3) by adding at the end the following:

"(iv) projects to train personnel in the use, applications, and benefits of assistive technology devices and assistive technology services (as defined in paragraphs (2) and (3) of section 3 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202 (2) and (3)))."

SEC. 403. ADMINISTRATIVE REQUIREMENTS UNDER THE HEAD START ACT.

Section 644(f) of the Head Start Act (42 U.S.C. 9839(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ", or to request approval of the purchase (after December 31, 1986) of facilities," after "to purchase facilities"; and

(B) by adding at the end the following: "The Secretary shall suspend any proceedings pending against any Head Start agency to claim costs incurred in purchasing such facilities until the agency has been afforded an opportunity to apply for approval of the purchase and the Secretary has determined whether the purchase will be approved. The Secretary shall not be required to repay claims previously satisfied by Head Start agencies for costs incurred in the purchase of such facilities.";

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "or that was previously purchased" before the semicolon;

(B) in subparagraph (C)—

(i) by inserting ", or the previous purchase has resulted," after "purchase will result" in clause (i); and

(ii) in clause (ii)—

(I) by inserting ", or would have prevented," after "will prevent"; and

(II) by striking "and" at the end;

(C) by redesignating subparagraph (D) as subparagraph (E); and

(D) by inserting after subparagraph (C) the following:

"(D) in the case of a request regarding a previously purchased facility, information demonstrating that the facility will be used principally as a Head Start center, or a direct support facility for a Head Start program; and"

SEC. 404. TECHNICAL AND CONFORMING AMENDMENTS.

(a) ASSISTIVE TECHNOLOGY DEVICE.—Section 7(23) of the Rehabilitation Act of 1973 (29 U.S.C. 706(23)), as added by section 102(n) of Public Law 102-569 (106 Stat. 4350), is amended—

(1) by striking "3(1)" and inserting "3(2)"; and

(2) by striking "2202(1)" and inserting "2202(2)".

(b) ASSISTIVE TECHNOLOGY SERVICE.—Section 7(24) of the Rehabilitation Act of 1973 (29 U.S.C. 706(24)), as added by section 102(n) of Public Law 102-569 (106 Stat. 4350), is amended—

(1) by striking "3(2)" and inserting "3(3)"; and

(2) by striking "2202(2)" and inserting "2202(3)".

TITLE V—EFFECTIVE DATE**SEC. 501. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as otherwise specifically provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) COMPLIANCE.—Each State receiving a grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall comply with the amendments made by this Act—

(1) as soon as practicable after the date of the enactment of this Act, consistent with the effective and efficient administration of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; but

(2) not later than—

(A) the next date on which the State receives an award through a grant under section 102 or 103 of such Act; or

(B) October 1, 1994,

whichever is sooner.

Mr. HARKIN. Mr. President, I rise today in strong support of the bill, H.R. 2339, the Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994, as modified by S. 1283, and as further modified through negotiations between the House and the Senate, hereinafter referred to as "the bill".

I am proud to have sponsored S. 1283, the companion bill to H.R. 2339, along with Senator DURENBERGER and others. I want to especially thank Senator DURENBERGER for his excellent leadership during the reauthorization process. He has worked long and hard on this bill and deserves credit for his commitment to enhancing opportunities for people with disabilities.

I also want to thank the chairman of the Committee on Labor and Human Resources, Senator KENNEDY, and the ranking minority member, Senator KASSEBAUM, for their leadership and guidance in crafting this legislation.

In addition, I want to thank our colleagues from the other body, particularly Representatives OWENS, BALLENGER, FORD, and GOODLING for their dedication and hard work in crafting the bill and in reaching the final agreement contained in the amended bill.

Finally, I want to pay tribute to the staff members who contributed to this legislation, including Bob Silverstein, Linda Hinton, and Andy Imparato of my staff; Susan Heegaard of Senator DURENBERGER's staff; and Wendy Cramer of Senator KASSEBAUM's staff.

In reaching this final bill, we received constructive advice from the administration and from many organizations, groups, and individuals. In particular, I want to express my gratitude to Judy Heumann, the Assistant Secretary for Special Education and Rehabilitative Services and her dedicated staff, and the Consortium for Citizens with Disabilities.

As is always the case when the two Houses of Congress pass companion bills, the Senate version was not enacted in its entirety. However, I am pleased that the final bill contains all of the Senate provisions necessary to achieve the goals set out by the Subcommittee on Disability Policy for reauthorizing the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

Briefly, I would like to summarize some of the important provisions in the final bill. I also ask unanimous consent to include correspondence between the House and the Senate regarding the sunset provision.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

INTRODUCTION

Mr. HARKIN. In 1988, Congress passed the Technology-Related Assistance for Individuals with Disabilities Act, Public Law 100-407, a law authorizing a competitive grant program to the States to enable States to designate lead agencies to coordinate activities designed to facilitate access to, provision of, and funding for, assistive technology devices and services for individuals with disabilities.

For all people, technology can provide important tools for making the performance of tasks quicker and easier. However, for some individuals with disabilities, technology is necessary to enable them to have greater control over their lives and participate fully in activities in their home, school, and work environments, and in their communities.

An assistive technology device is defined in the law to be "any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities."

H.R. 2339, The Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994, as modified by S. 1283 and as further modified through negotiations between the House and the Senate, hereinafter referred to as "the bill", reauthorizes this competitive program for 5 years and requires States to emphasize activities that are likely to produce permanent systems change so that the progress made with grant funds will continue after those funds sunset.

MAJOR CHANGES TO TITLE I—REAUTHORIZATION PERIOD AND SUNSET

The bill reauthorizes the Technology-Related Assistance for Individuals with Disabilities Act for another 5 years. Although this bill reauthorizes the program for 5 years, it also clarifies that no State may receive funding under title I for more than 10 years in total. To underscore this point, correspondence has been included in the RECORD between the chair and ranking members of the subcommittees with jurisdiction in the House and Senate which clarifies that no State shall receive funding under title I of this act for more than 10 years.

Under title I, each State is eligible to compete for one 3-year development grant; one 2-year extension grant—first extension grant; and one 5-year extension grant—second extension grant. During a State's second extension grant, Federal funds will be reduced to 75 percent of the grant amount in the fourth year and 50 percent in the fifth year, after which time Federal funding ceases. During its maximum period of 10 years of Federal funding, each State is expected to enable the program to continue on a permanent basis when Federal funding is terminated.

PRIORITY AREA ACTIVITIES

States receiving title I grants to develop and implement a consumer responsive comprehensive program of technology-related assistance will be expected to perform six specified priority systems change and advocacy activities, unless they make a showing that they are making significant progress in these areas and that other activities would be more likely to accomplish the purposes of the act. The act sets forth a range of permitted activities in addition to the priority activities.

PROTECTION AND ADVOCACY SERVICES

Protection and advocacy services shall be provided by each State in one of two ways. A State either may provide funds directly to a specific protection and advocacy system in that State, or a State may request that the Secretary of Education annually reserve, from the funds made available to the State under title I, an amount of funds to provide to the protection and advocacy system in that State. There is also a grandfather provision that enables States who otherwise were providing protection and advocacy services as of June 30, 1993, to continue to do so. In any case, the protection and advocacy entity is required to coordinate activities with the technology program activities in the State.

The minimum amount that a State, or the Secretary of Education on behalf of a State, must spend on protection and advocacy services shall be determined by the Secretary of Education, based on the size of the State's title I grant, the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State. Such minimum amount shall be not less than \$40,000 and not more than \$100,000. This amount will be reduced to 75 percent and 50 percent during the fourth and fifth years of a State's second extension grant, with no Federal funds available for protection and advocacy services under title I after the fifth year of the second extension grant.

The protection and advocacy service provider in each State also is subject to redesignation if significant progress is not made in providing such services to individuals with disabilities in the State.

CORRECTIVE ACTION PLANS

The bill includes an explicit process for a State to follow if it becomes subject to a corrective action plan, which would occur if the State does not make significant progress in developing a consumer responsive comprehensive statewide program of technology-related assistance. The process involves the development of a plan, the appointment of a monitoring panel to ensure that the plan is followed, and a recommendation from the monitoring panel to the Secretary of Education regarding whether the State lead agency

should be redesignated. The Governor retains the responsibility for making any such redesignation, if the Secretary concurs with the recommendation of the monitoring panel.

TECHNICAL ASSISTANCE

The Secretary of Education must provide information and technical assistance to participating States, as well as to individuals with disabilities directly. This provision requires the Secretary to meet the information and technical assistance needs not just of the State grantees, but also of individuals with disabilities and others within the States.

AUTHORIZATION OF APPROPRIATIONS

The sum of \$50 million is authorized to carry out title I in fiscal year 1994, and such sums thereafter through fiscal year 1998. Two percent of funds appropriated, or \$1.5 million, whichever is greater, shall be reserved by the Secretary of Education for the purpose of providing information and technical assistance.

MAJOR CHANGES TO TITLE II

The Secretary of Education must develop a national classification system for assistive technology devices and services. This will be used to determine whether devices are eligible for tax deductions or credits, and for other purposes.

Title II projects include grants for training, technology transfer, recycling demonstration projects, business opportunities for individuals with disabilities, and developing projects of universal design.

The sum of \$10 million is authorized to carry out title II in fiscal year 1994, and such sums thereafter through fiscal year 1998. And \$200,000 of funds appropriated in fiscal year 1995 shall be reserved by the Secretary of Education for the purpose of developing the national classification system for assistive technology devices and services.

MAJOR CHANGES TO TITLE III

The Secretary of Education shall award one-time matching grants of not more than \$500,000 to States for the purpose of establishing alternative financing mechanisms through which consumers can obtain funds to purchase assistive technology devices and services.

The sum of \$8 million is authorized to carry out title III in fiscal year 1994, and such sums thereafter through fiscal year 1998. \$225,000 of such funds shall be reserved for the purpose of providing States with information and technical assistance under this title.

EXHIBIT 1

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC, February 4, 1994.

Hon. TOM HARKIN,
Chairman, Subcommittee on Disability Policy,
Senate Labor and Human Resources Com-
mittee, Hart Senate Office Building, Wash-
ington, DC.

DEAR MR. CHAIRMAN: We are writing to clarify Congressional intent in H.R. 2339 with regard to the sunset provision as it relates to a five year reauthorization for the Technology Related Assistance Act for Individuals with Disabilities.

It is our intent that States receiving grants under Title 1 of the Technology-Related Assistance Act for Individuals with Disabilities will receive grants under this title for not more than a total of 10 years. Included in that 10 years are: one three-year development grant, one 2-year extension of that development grant if the State demonstrates to the Secretary of Education that they have made significant progress in developing and implementing a consumer-responsive, comprehensive, statewide program of technology-related assistance, and one 5 year second extension grant based on the above requirement. In year four and five, a phase-out of the second extension grant will occur with a State receiving 75% of their grant award in year four and 50% of their grant award in year five. After the fifth and final year of the second extension grant, no State will receive any Federal funds under Title I of this Act.

While we understand your concerns that the length of the authorization for this Act should be five years for purposes of oversight, it is our intent that no State should receive Federal assistance under Title I of this Act, the State grant program, for more than ten years. As you may recall, in 1988 when this program was created, the original Congressional intent was to provide Federal seed money to States to help them develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance. We do not believe that the Congress intended for this program to become a permanent Federal grant program and it is for that reason that we strongly support this sunset provision.

We hope that this is your understanding of the sunset and five-year reauthorization provisions of H.R. 2339 so that we can ensure this policy is clearly explained during the House and Senate floor debate when this bill is considered. We appreciate your consideration of this issue and look forward to hearing your views.

Sincerely,

MAJOR OWENS,
Member of Congress.
CASS BALLENGER
Member of Congress.

COMMITTEE ON LABOR AND
HUMAN RESOURCES,
Washington, DC, February 7, 1994

Hon. MAJOR OWENS,
Hon. CASS BALLENGER,
Subcommittee on Select Education and Civil
Rights, Committee on Education and Labor,
Rayburn House Office Building, Wash-
ington, DC.

DEAR MR. OWENS AND MR. BALLENGER: We are in receipt of your February 4, 1994 letters seeking a clarification of congressional intent in H.R. 2339 with regard to the sunset provision as it relates to a five year reauthorization for the Technology-Related Assistance for Individuals with Disabilities Act.

We fully concur with your understanding of the policy in the bill regarding the above referenced provisions.

Sincerely,

TOM HARKIN,
Chair, Subcommittee
on Disability Policy.
DAVID DURENBERGER,
Ranking, Subcommit-
tee on Disability
Policy.

Mr. MITCHELL. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the action by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, my understanding is that there is now to be a period for morning business. We are awaiting clearance on one final matter regarding the Federal employees management legislation. Therefore, I will be pleased to yield the floor at this time.

I understand the Republican leader has a statement. And then when we get clearance on that matter, which I hope to be shortly, we will proceed to that.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

The Republican leader is recognized.

ACQUITTAL OF SENATOR KAY
BAILEY HUTCHISON

Mr. DOLE. Mr. President, I rise today to report some great news for the Senate which should be welcomed universally on both sides of the aisle. Our colleague from Texas, KAY BAILEY HUTCHISON, was acquitted today of charges brought against her in a court in Fort Worth. This is great news for KAY and her husband Ray, great news for the people of Texas, and great news for the Senate.

My view has always been that the charges brought against Senator HUTCHISON were a politically motivated attempt at character assassination. The real crime here was letting fairness take a back seat to politics. Political show trials have no place in Texas, and no place in America. Today's acquittal confirms what we have been saying all along.

And hopefully this verdict today will set a valuable example—it is time to stop politically motivated legal harass-

ment of public officials, whether they are Democrat or Republican. If a legitimate case can be made, that is one thing. But, as today's verdict indicates, these things can get out of hand. When the facts are not there to support a legitimate prosecution—no matter whether you are a Democrat or a Republican—it is nothing more than a politically motivated witch hunt. That is a shame, and it has to stop.

I hope that is one thing that comes out of this effort by this district attorney, who unsuccessfully a couple of times started a trial and today finally gave up.

I had the opportunity of speaking with Senator HUTCHISON about an hour ago. Obviously, she is elated, and should be, and feels she has been exonerated, as she has, and vindicated, as she has. And I know she looks forward to returning to the Senate when we come back from the recess.

I know I speak for all of my colleagues when I say we look forward to welcoming back this dedicated and talented public servant.

Mr. WARNER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend our distinguished Republican leader. Our faith in our colleague from Texas never wavered a moment on this side of the aisle. Indeed, I think that sentiment was shared by many on the other side of the aisle. This woman in many respects has a badge of courage and firmness that I wish more of us had.

Mr. President, I would like now to be recognized as if in morning business.

The ACTING PRESIDENT pro tempore. The Senator is recognized for up to 10 minutes.

THE SITUATION IN BOSNIA

Mr. WARNER. Mr. President, Wednesday evening, I was privileged to be included in the congressional leadership group that went to the White House to consult with the President of the United States and members of his Cabinet and other senior advisers on a range of foreign policy issues, but primarily those relating to Bosnia.

At that meeting, I expressed my concerns about an expanded use of airpower in Bosnia. I have done that many times on this floor, most often in conjunction with our noted and experienced colleague, Senator McCAIN.

I also expressed my belief that it is essential, and I repeat—it is essential—that the Congress at the earliest opportunity begin a full and thorough debate regarding the next evolution of the Bosnia policy. We should do that before committing our men and women of the Armed Forces to what appears to be a tragic and never-ending conflict.

Bosnia, in my judgment, poses one of the most complex political-diplomatic-

military equations that we have had to face in recent time.

We have great compassion for the suffering of the Bosnian people, suffering which has been vividly portrayed to us through vivid television coverage. We are moved; we are concerned; we are compassionate. But we must not let our foreign policy be dictated by our emotions. We must carefully, patiently, and thoroughly assess what the strategic interests of this country are in that part of the world, and the extent to which we are willing to commit our Armed Forces and our tax dollars to resolve that conflict.

We must try to understand the complexity of the conflict. There is so little clarity. There are so few options. Yet, we are now faced with a new policy, a policy by which we are going to become more heavily committed militarily in that conflict. For some period of time, our naval forces, our air forces, and some small elements of other types of our military forces have been engaged in various noncombat missions in Bosnia. But now we are on the brink of involving ourselves in outright combat situations with the use of air power.

The Congress is now confronted with a situation with certain parallels to our experience in Somalia. From the time the Somalia operation was transferred to United Nations control in May 1993, the objectives of United States policy and the mission of United States military forces went through a series of evolutions.

Few in Congress expressed our views as we went from one evolution to the next. I have gone back and read the RECORD on this issue. One or two Members addressed this body, but we as a body really did not give that serious situation the attention it deserved, nor did we go on record with a vote and express ourselves with clarity, prior to the tragic events of October 3-4 in Somalia.

The Congress followed the proper course prior to the Persian Gulf conflict. I brought with me today the resolution that was adopted by this body, Senate Joint Resolution 2, where by a very narrow margin of but five votes, we expressed with clarity our intention to back the President of the United States and to give him the discretion as Commander in Chief to utilize force when and if he believed it was necessary in the Persian Gulf operation. Together with our allies, that operation was brought to a successful conclusion.

I return, however, to Somalia. Again, we had a series of policy evolutions, with very little attention given by the Congress to the charges. And then, on October 3 and 4, we witnessed the tragic events in Somalia that led to 18 deaths and over 70 casualties just of United States troops. Other nations sustained lesser casualties. And sud-

denly, the people of the United States understandably asked: Why are we there? What is it we are trying to achieve?

We remember so vividly the early pictures of December 1992 when we landed and were warmly greeted by the people of Somalia. We provided food. We greatly lessened the starvation and the suffering. We were there as peacekeepers, a relatively new term in our lexicon, not as peacemakers, which often involves combat. And indeed the evolution of this conflict was such that we were soon involved in conflict, and we sustained heavy, tragic losses.

The American people reacted with anger and indignation for the losses. Had our President, had our Congress prepared the American people for this contingency, for these losses? In my judgment, no. We failed in our respective responsibilities.

Within days, the Senate was involved in a heated debate, threatening to overturn this Nation's policy in Somalia, challenging the President in his decision regarding when to bring our troops home.

There were a number here who believed that our troops should be brought home from Somalia immediately, no later than Christmas. It was only with great difficulty that a compromise was forged which accorded to the Commander in Chief, the President, the right to decide when to withdraw U.S. forces. In the end, the President's withdrawal date of March 31 was adopted.

Senator LEVIN and I went to Somalia in December at the request of the chairman and ranking member of the Senate Armed Services Committee, on which we serve. During the course of our inspection trip, we visited with the unit commanders of some dozen other nations that had troops in Somalia. They were perplexed as to why the United States was leaving Somalia so precipitously when the situation in that country was far from resolved. We cannot have a parallel situation in Bosnia.

Mr. President, I am concerned because I fear that once again the congressional role in the commitment of U.S. troops to hostile situations is not being fulfilled. We are about to leave now for a week-long recess. During this period of time, our troops could well become involved in combat, and this concerns me greatly.

As I said, I brought this to the attention of the Senate on Wednesday of this week. As we are about to conclude here this afternoon, I bring it again to the attention of the leadership, with the hope that possibly today, they could indicate to the Chamber, to the Senate, to the American people that upon our return, the leadership will try to present to the Senate some legislation that will allow us to express our views and make a decision regarding the use of air power in Bosnia.

It is very difficult today, far more difficult than when I grew up in the World War II period—and I served briefly in the Navy—and far more difficult indeed than in Korea, where I was privileged once again to wear the uniform of this country, to assess the staying power of the country in terms of its willingness to back a commitment of our Armed Forces abroad. One thing is clear—the American people will not support the deployment of United States troops to Bosnia unless the objectives of United States policy and the mission of United States Forces is clearly articulated.

None of us can predict now what will evolve in Bosnia in the days and the weeks to come. But I think it is essential that the Senate as a body, the House as a body, the Congress as a whole, address this issue early upon its return so that there is clarity and we speak with one voice: Our President, our Congress, and hopefully our people.

At our briefing on Wednesday, the President very clearly indicated what he believed were the strategic interests of the United States in Bosnia. That is a part of the world which could provide the spark for an expanded war in Europe, which would pose a very serious challenge to our principal allies and longstanding friends, the other nations in Europe.

We should concentrate in this Chamber on very serious and lengthy debate as to exactly why we are undertaking this additional mission, what is the likelihood of success or failure, the risk of casualties.

I have reviewed the various and limited congressional actions we have taken to date regarding Bosnia. I do not find clear authorization by the Congress or the clear concurrence by the Congress with the proposed action that our President is now considering—that is, the use of our air power to retaliate against the weapons of war that are being used to inflict this senseless and tragic suffering in Sarajevo.

Yet, the North Atlantic Council yesterday, with U.S. concurrence, adopted a communique which "authorized the Commander in Chief of Allied Forces Southern Europe to launch airstrikes, at the request of the United Nations, against artillery or mortar positions in or around Sarajevo * * * which are determined by UNPROFOR to be responsible for attacks against civilian targets in that city."

According to the communique, these airstrikes will begin 10 days from now unless certain conditions are met. As I said, I have great reservations about this new policy. I want to support our President. He is the Commander in Chief. But there is much to be learned about the situation in Bosnia. Even though I have expended a good deal of my time and made three visits to the region of Bosnia, including one into Sarajevo itself, there is still much I have

to study and understand about this conflict.

I wish to have the benefit of the wisdom and the understanding of my colleagues. I wish to cast a vote—I say that very clearly—cast a vote on an explicit resolution, just like we did on Senate Joint Resolution 2, a resolution which I was privileged to draw up.

Selective bombing of military and mortar sites in Sarajevo is an extremely difficult military mission. There are several Members of our distinguished Senate who have had experience in these missions—Senator MCCAIN is foremost in mind. He has spoken of his experiences and shared with us the knowledge of many others with whom he has consulted over the past year about these missions. The artillery and mortars are highly mobile. The terrain lends itself to natural camouflage and the hostile forces are experienced at locating these weapons near schools, hospitals, and other population centers. The risk of collateral damage to innocent civilians is very high.

The terrain in Bosnia, which I have seen by air, is not unlike the terrain that our troops faced in Korea. I was then a ground officer with an aviation unit that flew missions daily. I participated in the briefings of the airmen, and at limited times had the opportunity to see for myself the difficulty of performing these missions in highly mountainous terrain, in frightful weather, not unlike what is experienced in Bosnia today.

It is a tough, difficult, dangerous mission. We have to assume that airmen will go down, perhaps to hostile fire, even though General Shalikashvili assessed the risk of anti-aircraft weapons and handheld weapons as very low in that region. There is also the risk of mechanical failure with aircraft. Remote as it may be, that risk is always there. We have to prepare ourselves if an airplane is downed, an airman taken as a hostage.

I used the term in these remarks today "hostile forces" in Bosnia. Throughout this conflict, it has been difficult for outsiders to know who is shooting at whom, much less why such appalling carnage is being inflicted. Indeed, it has not yet been determined which side is responsible for the recent bombing of the marketplace in Sarajevo. Clearly, there is a strong, if not the strongest case, of wrongdoing associated with the Serbian side. But, in my judgment, no party to this conflict is without guilt. We are witnessing cruel and inhuman treatment of civilians by all sides. There is simply no clarity, no complete understanding, and that leaves me great concern as to how this conflict can be resolved.

In addition, I am not sure what we will accomplish even if we are successful in destroying some of the artillery and mortar sites around Sarajevo. We

may temporarily reduce the shelling of Sarajevo. But what happens if that same weaponry is carried to another region in Bosnia, and the pictures begin to come out of other marketplaces being bombed, or the pictures come out of the UNPROFOR forces—not peacemakers, but peacekeepers—being subjected to hostile fire. What will we do next? These are the types of questions we have to answer prior to the commitment of United States troops to a combat mission in Bosnia.

With the start of airstrikes, the U.N. troops on the ground in Bosnia could become the targets of hostile retaliation. The humanitarian aid missions will cease, in all probability, and the NATO planes involved in the airstrikes will be subjected to hostile fire. These are the sorts of things we should very carefully consider in this Chamber. We should consult with our constituencies, in my judgment, before we take this next step.

I come back again to my principal concern; that is the airstrike option. Will it bring us any closer to the goal of ending the fighting in Bosnia and achieving a negotiated settlement to the conflict? We may be successful in bringing a measure of relief to Sarajevo, but again we have to understand that that same hostility could go elsewhere in that troubled country and the bloodshed will continue.

If airstrikes fail, what are the next steps that we will take? The credibility of our country, the credibility of the United States as a military power in future actions, is at stake. I wish to know exactly what is the course of action once these airstrikes start. How does this spell out an option to bring about the cessation of fighting and some form of agreement and resolution of this crisis? At the moment, these facts are not before this Senator to my satisfaction.

Mr. President, few military engagements begin very large. History shows this. They so often begin with incremental, gradual actions which grow over time to larger, protracted conflicts. We seldom anticipate long wars, but wars have a way of lasting longer and costing more in lives and treasure than politicians can estimate or, indeed, the military can estimate, or our President can estimate. Unfortunately, the men and women in uniform and their families here at home pay the price.

We are now facing, as I said, a week-long congressional recess. It is my hope that this policy, as adopted by NATO, and as we speak, being considered by the Security Council of the United Nations, will not be undertaken and firm commitments made until the Congress of the United States has had an opportunity to assume its rightful constitutional role as a partner with the executive branch in making these important decisions.

I am hopeful the leadership will, early on our return, establish an opportunity for us to debate this issue in full.

Mr. President, I am willing to relinquish the floor if there are other Senators desiring to speak on this or other issues. But at this point in time, I see none seeking recognition, so I will yield the floor in hopes that others might come over and speak to this.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESTORATION OF LANDSAT FUNDING

Mr. PRESSLER. Mr. President, I thank the conferees of the emergency supplemental appropriations bill for their efforts to ensure the inclusion of funds for the Landsat 7 satellite. Most important, their efforts saved the Landsat program without any spending increases.

The Landsat program is very important to this country. Despite the controversy about some space programs, Landsat and other global change research projects receive wide support. I come from the State of South Dakota, where the EROS DATA Center receives the Landsat signals. EROS provides very important information for agriculture, mining, and urban planning and other global change research. For example, in South Dakota, native Americans are utilizing Landsat data to manage land and resources on their reservations.

The administration also strongly supports the Landsat program. It was through, I believe, an oversight that it was not funded at the appropriate level.

I also want to thank my colleague, Senator ROCKEFELLER, for his support of this program and for joining me in writing and talking with the conferees. Again, I wish to thank the conferees very much for their prompt action in resolving the Landsat funding issue.

Mr. President, I yield the floor.

CLEAN LAKES LEGISLATION

Mr. MITCHELL. Mr. President, when the Senate returns from the President's Day recess, the Environment and Public Works Committee will meet to mark up legislation to reauthorize the Clean Water Act.

I want to commend Senator GRAHAM, the chairman of the subcommittee, and Senator CHAFFEE, the ranking minority

member of the subcommittee, on the development of sound and constructive amendments to the bill introduced last spring—S. 1114.

As a member of the committee, I look forward to working with Chairman BAUCUS, Senator GRAHAM, Senator CHAFEE, and other members of the committee, in developing the best possible legislation to protect our rivers, lakes, and coastal waters.

Since 1991, I have sponsored legislation to expand and strengthen protection of freshwater lakes. Freshwater lakes are an outstanding recreational resource throughout the country, especially in my home State of Maine. For many Americans, a lake at a State or local park is the first thing that comes to mind when they think of the water resources and water quality.

Unfortunately, lakes have serious water quality problems. The environmental Protection Agency reports that 25 percent of lakes are impaired and 20 percent are threatened with impairment.

Many of the pollutants causing lake impairments are conventional, rather than toxic, pollutants and excessive nutrients and phosphorus are critical problems.

My legislation, S. 1198, expands the existing clean lakes program under section 314 of the Clean Water Act. A key provision of the bill provides for a 5-year phaseout of phosphates in household laundry detergents. This proposal, which I first introduced in 1991, builds on the actions of 17 States, including my home State of Maine, to ban household laundry detergents with phosphates.

There is clear evidence that bans on phosphate in household laundry detergent have resulted in substantial benefits to water quality. In addition, the bans have saved millions of dollars in operational costs at sewage treatment plants because reducing the levels of phosphates in water coming to the plants reduces treatment costs.

Over the past several years, the amounts of phosphates used in household laundry detergents have declined substantially. Industry analysts indicate that the decline in phosphate use is due to several factors.

First, the steady enactment of State bans on phosphates in household laundry detergents has forced manufacturers to develop both phosphate and non-phosphate products. State bans now are in place for a substantial percentage of the U.S. population. The marketing of dual products was increasingly expensive and complicated for manufacturers and retailers. Many manufacturers resolved this problem by shifting to a nonphosphate product only.

Second, the industry was able to develop effective and cost competitive substitutes for phosphates.

Today, industry publications indicate that the overall amounts of phosphates

in household laundry detergent will decline to some 25,000 short tons in 1994. In 1976, the amount of phosphates in household detergents was estimated to be some 423,000 short tons.

In addition, this decline will continue as a result of the recent decision by Procter & Gamble to convert its flagship product—Tide with Bleach—to a nonphosphate formulation. Procter & Gamble products are thought to account for about half of all household laundry products.

Mr. President, I ask unanimous consent that a letter to me from Procter & Gamble be printed in the RECORD at the close of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MITCHELL. Mr. President, I want to commend the detergent industry for substantially converting to nonphosphate detergents. This action will result in water quality benefits, especially for sensitive aquatic systems such as lakes, and cost savings to sewage treatment works.

In recognition of the substantial progress made in reducing phosphates in detergents, I have decided not to include the phosphate detergent ban provisions in my clean lakes amendment to the Clean Water Act.

I will, however, include in the amendment a requirement for the Administrator of the Environmental Protection Agency to report to Congress within several years on the status of phosphate use in detergent products, including dishwashing detergents and commercial and industrial detergents.

Dishwashing and other detergents now include significant amounts of phosphates—estimated at about 180,000 short tons. Substitutes for phosphates in dishwashing and other detergents have not yet been perfected, but it is appropriate for the Administrator to advise the Congress and the States on progress in development of phosphate substitutes in these cases and recommend appropriate actions to protect water quality.

EXHIBIT 1

PROCTER & GAMBLE,
GENERAL OFFICES,

Cincinnati, OH, January 19, 1994.

Hon. GEORGE J. MITCHELL,

Major Leader, U.S. Senate, Washington, DC.

DEAR SENATOR MITCHELL: We understand that you have inquired about the use of phosphate in Procter & Gamble laundry products. This confirms that The Procter & Gamble Company shortly will no longer manufacture in the U.S. any home laundry detergent containing phosphate. Over the past year, we have manufactured only one brand containing phosphate, Tide With Bleach. By the end of this January, we will have completed our manufacturing conversion of Tide With Bleach to only a non-phosphate formula. In addition, our laundry pre-soak product, Biz, will also convert to only a non-phosphate formula this month.

Our decision to convert entirely to non-phosphate laundry detergents was driven by

the need to optimize efficiency in manufacturing and distribution, which was complicated by maintaining dual formulas. Our ability to make this conversion represents over 20 years of research into developing effective non-phosphate based formulas. The result is an improved laundry granule technology which performs comparably to phosphate-based products and provides improved value to our customers.

Sincerely,

R. KERRY CLARK.

GOVERNMENT DOWNSIZING, PERFORMANCE, AND ACCOUNTABILITY ACT

Mr. SIMPSON. Mr. President, I rise to speak with reference to the Government Downsizing Performance, and Accountability Act that was introduced yesterday by Senator DOLE as S. 1843.

I am a cosponsor of this legislation, and I want to express my hope that it will receive favorable consideration by the Senate in due time.

Mr. President, we work here at a time of growing awareness of the manner in which runaway entitlement spending is gnawing away at our fiscal future. That is a reality that Government policymakers are finding ever more difficult to avoid.

I suppose each of us who has spoken on the issue of entitlement reform has been greeted with some derision and hostility from our audiences—they want to know—by God—how we can even dream about cutting benefits for the elderly, the sick, the veterans, the children—when there is so much Government “waste” that needs to be cut.

In fact, Mr. President, there are many bloated discretionary spending budgets that can and should be cut. This legislation would cut some of that Federal spending by more than \$50 billion over the next 5 years. It is certainly not the solution to our deficit problems—but it does attempt to eliminate many forms of discretionary spending that are difficult to justify in light of existing deficit pressures.

The first point I would stress about this legislation is that it would reduce the spending caps by more than \$50 billion. This locks in projected savings from our cuts—guarantees them. We are often in the habit around here of proposing “spending cuts” that sound good—of “killing programs,” and then turning around and spending the money on something else. We voted to kill the superconducting supercollider—did we save the money? We did not—the spending caps remained unchanged. But in this legislation, we prevent money from being spent elsewhere—by locking in the savings through a reduction of the discretionary spending caps.

We have also done our best to engage in honest accounting of our projected savings. Most of the savings credited to these provisions represent our best indication of how they will be scored by

the congressional budget office. There are many provisions that we wished to include but did not—because it was unclear how they would be “scored” by CBO in light of recent legislative actions. We were scrupulous about avoiding “double-counting” of savings in the way that has been done in other rescission bills.

We have also included many provisions in here that clearly improve the efficiency of the Government—establishing performance goals for Federal programs, eliminating congressionally mandated employment floors, and increasing the importance of performance ratings when considering reductions in force. These proposals can and should save the Government money; but, we have not credited ourselves with savings even though we know that some should materialize. This is part of our effort to be as conservative in our bookkeeping as possible.

We have made every effort in this legislation to avoid “smoke and mirrors” and to ensure that these cuts produce real, substantial savings—savings at least as large as the \$50 billion we will shave off the discretionary spending caps.

It is my hope that the Senate will give due consideration to these proposals. They demonstrate our sincerity in rooting out Government waste wherever it exists; we take money from legislative branch expenses, from the Executive Office of the President, and from all administrative expenses of the Federal Government. We get rid of small yet unnecessary Government programs. We reduce funding for the World Bank and for U.S. contributions to U.N. peacekeeping—to Senate-passed levels in each case.

I would repeat that none of these measures will slow runaway Federal deficits so long as Federal entitlement spending remains out of control. But they are overdue and helpful steps that we should take to signify that we mean to get our house in order before asking other Americans to sacrifice.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. If there is no objection, the Senate stands in recess subject to the call of the Chair.

There being no objection, at 3:43 p.m., the Senate recessed, subject to the call of the Chair.

The Senate reassembled at 4:27 p.m., when called to order by the Acting President pro tempore.

FEDERAL WORK FORCE RESTRUCTURING ACT OF 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3345, the Federal Work Force Restructuring Act of 1993.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3345) to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill? There being no objection, the Senate proceeded to consider the bill.

The ACTING PRESIDENT pro tempore. Is there further debate?

AMENDMENT NO. 1469

(Purpose: To amend title 5, United States Code, to eliminate narrow restrictions on employee training, to provide a temporary voluntary separation incentive, and for other purposes)

Mr. DOLE. Mr. President, on behalf of Senator ROTH, I send to the desk a substitute amendment. I ask the amendment be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. ROTH, proposes an amendment numbered 1469.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So the amendment (No. 1469) was agreed to.

FEDERAL WORK FORCE RESTRUCTURING ACT

Mr. ROTH. Mr. President, I am pleased to have helped shape this legislation, and I support its enactment. A great deal of work has gone into the shaping of the bill, but I feel my efforts have been fruitful. The legislation I am pleased to put before my colleagues now provides appropriate tools for us to begin a significant reduction in the size of the Federal bureaucracy, and an important restructuring of the work force. The amendments contained in the Roth substitute will ensure that the legislation works to the best interests of the American people.

First of all, we are making sure that the budget costs associated with this bill, as scored by CBO, are paid for. Second, the savings realized from the downsizing of the Federal work force will ensure that the Senate-passed crime bill will be fully funded. And third, we are extending by 6 months, to March 31, 1995, the period of time in which agencies can offer the buyouts. These additions make this legislative mechanism more effective in reaching its primary goal—the right-sizing of Government—while guaranteeing that both Federal employees and the American taxpayers benefit.

The ACTING PRESIDENT pro tempore. The question is on the engross-

ment of the amendment and third reading of the bill.

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

The bill was read a third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 3345), as amended, was passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of Senate of January 5, 1993, the Secretary of the Senate, on February 11, 1994, during the recess of the Senate, received a message from the House of Representatives, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. NATCHER, Mr. SMITH of Iowa, Mr. YATES, Mr. OBEY, Mr. STOKES, Mr. BEVILL, Mr. MURTHA, Mr. DIXON, Mr. FAZIO, Mr. HEFNER, Mr. HOYER, Mr. CARR of Michigan, Mr. DURBIN, Mr. MCDADE, Mr. MYERS of Indiana, Mr. REGULA, Mr. LIVINGSTON, Mr. LEWIS of California, Mr. ROGERS, Mr. SKEEN, and Mr. PORTER as managers of the conference on the part of the House.

MESSAGES FROM THE HOUSE

At 3:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3345. An act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker, was signed by the President pro tempore (Mr. BYRD):

S.J. Res. 119. Joint resolution to designate the month of March 1994 as “Irish-American Heritage Month.”

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 1854. A bill to amend the provisions of title 35, United States Code, to provide for patent simplification; to the Committee on the Judiciary.

By Mr. WOFFORD:

S. 1855. A bill to extend the coverage of certain Federal labor laws to foreign documented vessels, and for other purposes; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 208. A bill to reform the concessions policies of the National Park Service, and for other purposes (Rept. No. 103-226).

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 1854. A bill to amend the provisions of title 35, United States Code, to provide for patent simplification; to the Committee on the Judiciary.

PATENT SIMPLIFICATION ACT OF 1994

• Mr. DECONCINI. Mr. President, I introduce the Patent Term and Publication Reform Act of 1994. By reforming two areas of our patent code, this legislation would give U.S. inventors the ability to compete on the same level as their foreign competitors in the developing global market. It will lead to a patent system that can better deal with new technologies as well as curb the abuse of the system that has led to the granting of patents many years after the initial filing of a patent application.

The reforms in this legislation are simple but important. First, it establishes a fixed 20-year patent term beginning from the date that the application is filed. Second, the bill provides for the publication of all patent applications after 18 months.

20-YEAR PATENT TERM FROM DATE OF FILING

Under the current U.S. patent system, a patent term runs for 17 years from the date the patent is granted. In contrast, many industrialized nations provide a 20-year patent term measured from the date the patent application is filed.

WHAT IS BETTER ABOUT A 20-YEAR FROM FILING SYSTEM?

Under the 17-year-from-date-of-grant system, inventors have no incentive to have their filed patent application prosecuted expeditiously. Rather, they have an incentive to prolong the period they spend at the Patent Office, benefiting from the secrecy of their application and thereby extending the life of their patent.

In recent years U.S. industry has experienced the spectacle of patents

being issued 10 years, 20 years, or even longer after the filing date. With a patent term measured from grant, such inventors have exclusive rights extending for 30, 40, or more years after a technology is first commercialized. Cases have occurred in which a patent remains in force for an extended period in the United States, while counterparts of that patent have expired in the rest of the world.

Commonly referred to as submarine patents, these patents on basic processes or products of technology are filed shortly after development of the technology. The inventor will then intentionally prolong his/her review at the Patent Office so that the patent will be issued long after an industry has been established in that technology. These patents may have serious detrimental effects on established industries when they surface, particularly when the patent covers basic elements of the technology.

The Patent Term and Publication Reform Act of 1994 sets a fixed 20-year patent term tolling from the filing date of the application. This reform puts the U.S. patent system on par with the systems of other industrialized nations, establishes certainty in patent terms, and respects the constitutional premise of our patent system—that inventors are entitled to the fruits of their discoveries for only a limited period.

18-MONTH PUBLICATION OF PATENT APPLICATIONS

Applications and the information and technology contained within them are currently kept secret while at the Patent Office until a patent is granted, which is often many years after filing. The result is that inventors sometimes commit substantial resources to the development of an invention based on an incomplete, erroneous assessment of patentability of the applications they file.

WHAT ARE THE BENEFITS OF 18-MONTH PUBLICATION?

Disclosure of information is only as important as it is timely. Automatic publication 18 months after the filing of an application would facilitate the use of technology by American innovators and permit the identification of potential patent conflicts earlier than now possible.

It would provide prompt access for U.S. inventors to a comprehensive technological database that foreign inventors receive in their own language from their own patent offices.

Currently, almost every major innovation made by American inventors in the fields of superconductivity, biotechnology or semiconductor fabrication is the subject of a Japanese patent application, filed in the Japanese language, then published and made available to Japanese researchers.

Publication in the United States after 18 months will provide American

inventors with leading-edge foreign technology of all types. Indeed, saving resources by preventing duplication of research, signaling promising areas of research, and indicating which fields or research topics are being pursued by other firms can all be achieved through an 18-month publication system.

In a joint hearing before the Senate Judiciary Subcommittee on Patents, Copyrights and Trademarks and the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, Professor Merges of Boston University School of Law testified that early disclosure will appeal to small inventors, who often want to know as soon as possible whether it is worth spending their hard-earned money on a patent application or whether others are already in that game.

The opening to the public and publication at 18 months of all pending patent applications would also provide a more effective patent search by the Patent Office. Publication would allow patent applicants themselves, for the first time, to cite to the patent examiner any pertinent applications that the patent examiner might have overlooked.

Mr. President, for many years the United States has been negotiating a treaty that would harmonize our patent laws with our trading partners. In support of that effort, last Congress I introduced, as did Representatives HUGHES and MOORHEAD, legislation that would harmonize our patent laws with our trading partners subject to the signing of a treaty. Our intention was to begin to explore and discuss this issue in Congress.

Recently, the Clinton administration announced, through Commerce Secretary Brown, that they would not seek to resume negotiations of a treaty harmonizing the world's patent laws.

Although the reforms included in this legislation have been discussed in those negotiations, it is my belief that they should be enacted now rather than continuing to wait indefinitely for the conclusion of a harmonization agreement the future of which has been put into question by this administration. Furthermore, a 20-year patent term from date of filing is included in the Trade Related Aspects of Intellectual Property Rights [TRIPS] Agreement of the Uruguay round of GATT. Thus, this provision will inevitably be considered in implementing language for that agreement.

I would also note that the Clinton administration recently signed an agreement with Japan in which the administration agreed to support the introduction of legislation establishing a 20-year patent term from the date of filing. In return, Japan agreed to permit the filing of applications in English at the Japanese Patent Office.

I would be pleased to consider an offer from the administration to intro-

duce their proposed legislation whenever it is forwarded to Congress. Hopefully, we will be able to agree on language as this bill proceeds.

Mr. President, this legislation contains reforms that will bring certainty to the term of a patent and reduce abuse of our patent system. We should move forward on this bill and I urge my colleagues to support it.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent Term and Publication Reform Act of 1994".

SEC. 2. PATENT SIMPLIFICATION.

(a) DEFINITION.—Section 100 of title 35, United States Code, is amended by adding at the end thereof the following:

"(e) The term 'filing date' means the earliest of the actual filing date or any priority date claimed by the applicant under section 119, 120, or 365."

(b) CONDITIONS FOR PATENTABILITY; NOVELTY AND LOSS OF RIGHT TO PATENT.—Section 102(e) of title 35, United States Code, is amended to read as follows:

"(e) the invention was described in—

"(1) a published patent application,

"(2) a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or

"(3) in an international application that—

"(A) is filed by another before the invention thereof by the applicant for patent, and

"(B) enters the national stage under section 371, or".

(c) BENEFIT OF EARLIER FILING DATE; RIGHT OF PRIORITY.—(1) Section 119 of title 35, United States Code, is amended—

(A) in the section heading by striking out "in foreign country";

(B) by designating the first, second, third, and fourth undesignated paragraphs as subsections (a), (c), (d), and (e), respectively; and

(C) by inserting after subsection (a) (as designated by subparagraph (B) of this paragraph) the following new subsection:

"(b)(1) An application for patent for an invention described in paragraph (2) that is filed by an inventor named in the previously filed application described under paragraph (2), shall have the same effect, as to such invention, as if such application had been filed on the filing date of the previously filed application, if such application—

"(A) is filed within one year after the filing date of the previously filed application (or earlier priority date); and

"(B)(i) contains a specific reference to the previously filed application; or

"(ii) within three months after the actual filing date of such application, is amended to contain—

"(I) a specific reference to the previously filed application; or

"(II) such other item as the Commissioner may prescribe.

"(2) An invention referred to under subparagraph (1) is an invention that is disclosed—

"(A) in the specification as provided under section 112 in an application filed in the United States before the application described under paragraph (1) is filed; or

"(B) as provided under section 363."

(2) The table of sections for chapter 11 of title 35, United States Code, is amended in the item relating to section 119 by striking out "in foreign country".

(d) BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES.—Section 120 of title 35, United States Code, is amended to read as follows:

"§ 120. Benefit of earlier filing date in the United States

"(a) An application for patent for an invention described under subsection (b) that is filed by an inventor named in the previously filed application described under subsection (b), shall have the same effect, as to such invention, as if such application had been filed on the filing date of the previously filed application, if such application—

"(1) is filed before the patenting, abandonment, or termination of proceedings on—

"(A) the previously filed application; or

"(B) an application similarly entitled to the benefit of the filing date of the previously filed application;

"(2) is not otherwise entitled to a priority right under section 119(b); and

"(3)(A) contains a specific reference to the previously filed application; or

"(B) within fifteen months after the actual filing date of such application, is amended to contain—

"(i) a specific reference to the previously filed application; or

"(ii) such other item as the Commissioner may prescribe.

"(b) An invention referred to under subsection (a) is an invention that is disclosed—

"(1) in the specification as provided under section 112 in an application filed in the United States before the application described under subsection (a) is filed; or

"(2) as provided under section 363."

(e) OPENING OF PATENT APPLICATIONS; CONFIDENTIAL STATUS.—(1) Section 122 of title 35, United States Code, is amended to read as follows:

"§ 122. Opening of patent applications; confidential status

"(a) Except as provided under subsection (b), applications for patents shall be kept in confidence by the Patent and Trademark Office and no information concerning such applications may be disclosed.

"(b) On and after the date occurring 18 months after the filing date of an application for patent (including all priority claims) each application for patent shall be open to public inspection and copies shall be made available to the public under such procedures as may be determined by the Commissioner, except—

"(1) an application may be made so available during such 18-month period if confidentiality is waived by the applicant; and

"(2) an application may be maintained in secrecy under any order under chapter 17.

"(c) The Commissioner shall publish each patent application promptly when open to public inspection under subsection (b)."

(2) The table of sections for chapter 11 of title 35, United States Code, is amended by amending the item relating to section 122 to read as follows:

"122. Opening of patent applications; confidential status."

(f) CONTENTS AND TERM OF PATENT.—Section 154 of title 35, United States Code, is amended to read as follows:

"§ 154. Contents and term of patent

"(a)(1) Subject to the provisions of paragraph (2), every patent shall contain—

"(A) a short title of the invention;

"(B) a grant to the patentee, and the heirs or assigns of the patentee—

"(i) for a term beginning on the date on which the patent is issued and ending on a date 20 years from the date on which the application for patent is filed in the United States, excluding any claims of priority under section 119 or 365;

"(ii) of the right to exclude others from making, using, or selling the invention throughout the United States or importing the invention into the United States;

"(iii) if the invention is a process, of the right to exclude others from using or selling throughout the United States, or importing into the United States, products made by that process; and

"(iv) that refers to the specification for the particulars of the invention; and

"(C) a copy of the specification and drawings which shall be annexed to the patent and be a part of the patent.

"(2) The grant of a patent shall be subject to the payment of fees as provided by this title.

"(b)(1) In addition to the contents described under subsection (a), the grant of a patent described under paragraph (2) shall additionally include the right to obtain a reasonable royalty from any other person who, during the period before the grant—

"(A)(i) makes, uses, or sells the claimed invention in the United States, or imports the claimed invention into the United States; or

"(ii) if the claimed invention is a process, uses or sells throughout the United States or imports into the United States products made by that process; and

"(B) had actual knowledge of the published application.

"(2) Paragraph (1) applies to any patent—

"(A) that is granted based on an application published under section 122(c) before such patent is granted; and

"(B) to the extent the patent claims in the issued patent are substantially identical with the claims in such published application."

(g) TERM OF DESIGN PATENT.—Section 173 of title 35, United States Code, is amended by striking out "fourteen years." and inserting in lieu thereof "seventeen years from the filing date, as determined under section 154(a) of this title."

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

The provisions of this Act and the amendments made by this Act shall take effect 90 days after the date of the enactment of this Act and shall apply only to applications filed on and after such effective date.●

ADDITIONAL COSPONSORS

S. 455

At the request of Mr. HATFIELD, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 1687

At the request of Mr. BINGAMAN, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1687, a bill to promote the effective and efficient use of Federal grant assistance provided to State governments to carry out certain environ-

mental programs and activities, and for other purposes.

AMENDMENT NO. 1452

At the request of Mr. DORGAN his name was added as a cosponsor of amendment No. 1452 proposed to H.R. 3759, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes.

AMENDMENTS SUBMITTED

ROTH AMENDMENT NO. 1469

Mr. DOLE (for Mr. ROTH) proposed an amendment to the bill, H.R. 3345, to amend title 5, United States Code, to eliminate certain restrictions on employee training; to provide temporary authority to agencies relating to voluntary separation incentive payments, and for other purposes; as follows:

FEDERAL WORKFORCE RESTRUCTURING

SEC. 501. SHORT TITLE.

This Act may be cited as the "Federal Workforce Restructuring Act of 1994".

SEC. 502. EMPLOYEE TRAINING.

(a) IN GENERAL.—Chapter 41 of title 5, United States Code, is amended—

(1) in section 4101(4) by striking out "fields" and all that follows through the semicolon and inserting in lieu thereof "fields which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals";

(2) in section 4103—

(A) in subsection (a) by striking out "In" and all that follows through "proficiency" and inserting in lieu thereof "In order to assist in achieving an agency's mission and performance goals by improving employee and organizational performance"; and

(B) in subsection (b)—

(i) in paragraph (1) by striking out "determines" and all that follows through the period and inserting in lieu thereof "determines that such training would be in the interests of the Government.";

(ii) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(iii) in subparagraph (C) of paragraph (2) (as redesignated under clause (ii) of this subparagraph) by striking out "retaining" and all that follows through the period and inserting in lieu thereof "such training.";

(3) in section 4105—

(A) in subsection (a) by striking out "(a)"; and

(B) by striking out subsections (b) and (c);

(4) by repealing section 4106;

(5) in section 4107—

(A) by amending the section heading to read as follows:

"§ 4107. Restriction on degree training";

(B) by striking out subsections (a) and (b) and redesignating subsections (c) and (d) as subsections (a) and (b), respectively;

(C) by amending subsection (a) (as redesignated under subparagraph (B) of this paragraph)—

(i) by striking out "subsection (d)" and inserting in lieu thereof "subsection (b)"; and

(ii) by striking out "by, in, or through a non-Government facility"; and

(D) by amending paragraph (1) of subsection (b) (as redesignated under subparagraph (B) of this paragraph) by striking out

"subsection (c)" and inserting in lieu thereof "subsection (a)";

(6) in section 4108(a) by striking out "by, in, or through a non-Government facility under this chapter" and inserting in lieu thereof "for more than a minimum period prescribed by the head of the agency";

(7) in section 4113(b) by striking out all that follows the first sentence;

(8) by repealing section 4114; and

(9) in section 4118—

(A) in subsection (a)(7) by striking out "by, in, and through non-Government facilities";

(B) by striking out subsection (b); and

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 41 of title 5, United States Code, is amended—

(1) by striking out the items relating to sections 4106 and 4114; and

(2) by amending the item relating to section 4107 to read as follows:

"4107. Restriction on degree training."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 503. VOLUNTARY SEPARATION INCENTIVES.

(a) DEFINITIONS.—For purposes of this section, the term—

(1) "agency" means an Executive agency, as defined under section 105 of title 5, United States Code, but does not include the Department of Defense, the Central Intelligence Agency, or the General Accounting Office; and

(2) "employee" means an employee, as defined under section 2105 of title 5, United States Code, of an agency, serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, including an individual employed by a county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A).

(b) AUTHORITY TO MAKE PAYMENT.—(1) In order to assist in the restructuring of the Federal work force while minimizing involuntary separations, the head of an agency may pay, or authorize the payment of, a voluntary separation incentive payment to employees—

(A) in any component of the agency;

(B) in any occupation;

(C) in any geographic location; or

(D) on the basis of any combination of the factors described under subparagraphs (A) through (C).

(2) In order to receive an incentive payment under paragraph (1), an employee shall separate from service with the agency (whether by retirement or resignation) during the 90-day period described under paragraph (3).

(3) The head of an agency shall designate a continuous 90-day period for purposes of such agency or any component thereof. Such 90-day period shall begin no earlier than the date of the enactment of this Act and shall end no later than March 31, 1995.

(4) Notwithstanding the provisions of paragraphs (2) and (3), an employee may receive an incentive payment under this section and delay a separation from service if—

(A) the agency head determines that it is necessary to delay such employee's separation from service in order to ensure the performance of the agency's mission; and

(B) no later than 2 years after the date of the last day of the 90-day period designated under paragraph (3), such employee separates from service in the agency.

(c) VOLUNTARY SEPARATION INCENTIVE PAYMENT.—A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation;

(2) shall be equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(B) \$25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(4) shall not be taken into account in determining the amount of any severance pay to which an employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(5) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(d) SUBSEQUENT EMPLOYMENT AND REPAYMENT OF INCENTIVE PAYMENT.—(1) An employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(3) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(4) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

(e) REGULATIONS.—The Director of the Office of Personnel Management may prescribe any regulations necessary for the administration of this section.

(f) JUDICIAL BRANCH PROGRAM.—The Director of the Administrative Office of the United States Courts may, by regulation, establish a program consistent with the program established by subsections (a) through (d) of this section for employees of the judicial branch.

(g) REDUCTION OF FULL-TIME EQUIVALENT POSITIONS.—(1) The President or his designee shall take such action as he determines necessary to ensure that, no later than September 30, 1995, employment in the executive branch is reduced by at least 1 full-time equivalent position for each voluntary separation incentive payment paid under this section.

(2) No later than December 1, 1995, the President or his designee shall report to the

Congress on the implementation of this subsection.

(h) **LIMITATION ON PROCUREMENT OF SERVICE CONTRACTS.**—The President shall take appropriate action to ensure that there is no increase in the procurement of service contracts by reason of the enactment of this section except in cases in which a cost comparison demonstrates such contracts would be to the financial advantage of the Federal Government.

SEC. 504. SUBSEQUENT EMPLOYMENT AND REPAYMENT OF SEPARATION PAYMENT.

(a) **DEFENSE AGENCY SEPARATION PAY.**—Section 5597 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

“(g)(1) An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of enactment of the Federal Workforce Restructuring Act of 1994 and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the defense agency that paid the separation pay.

“(2) If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

“(3) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

“(4) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.”.

(b) **CENTRAL INTELLIGENCE AGENCY SEPARATION PAYMENT.**—Section 2(b) of the Central Intelligence Agency Voluntary Separation Pay Act (Public Law 103-36; 107 Stat. 104) is amended by adding at the end thereof the following: “An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1993 and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the Central Intelligence Agency. If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.”.

(c) **DEFENSE AGENCY SEPARATION PAY.**—Section 5597 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

“(g)(1) An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of enactment of the Federal Workforce Restructuring Act of 1994 and accepts employment with the Government of the United States within 5 years of the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the defense agency that paid the separation pay.

“(2) If the employment is with an Executive agency (as defined under section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee.

SEC. 505. FUNDING OF EARLY RETIREMENTS IN CIVIL SERVICE RETIREMENT SYSTEM.

(a) **IN GENERAL.**—Section 8334 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

“(1) In addition to any other payments required by this subchapter, an agency shall remit to the Office for deposit in the Treasury of the United States to the credit of the Fund an amount equal to 9 percent of the final rate of basic pay of each employee of the agency who retires under section 8336(d).

“(2) * * * the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 17 percent of the final basic pay of each employee of the agency who receives a voluntary separation incentive payment under this section and who is eligible, upon separation, for an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to retirements occurring on or after the date of the enactment of this Act.

SEC. 506. REDUCTION OF FEDERAL FULL-TIME EQUIVALENT POSITIONS.

(a) **DEFINITION.**—For purposes of this section, the term “agency” means an Executive agency as defined under section 105 of title 5, United States Code, but does not include the General Accounting Office.

(b) **LIMITATIONS ON FULL-TIME EQUIVALENT POSITIONS.**—The President, through the Office of Management and Budget (in consultation with the Office of Personnel Management), shall ensure that the total number of full-time equivalent positions in all agencies shall not exceed—

- (1) 2,095,182 during fiscal year 1994;
- (2) 2,044,100 during fiscal year 1995;
- (3) 2,003,846 during fiscal year 1996;
- (4) 1,963,593 during fiscal year 1997;
- (5) 1,923,339 during fiscal year 1998; and
- (6) 1,883,086 during fiscal year 1999.

(c) **MONITORING AND NOTIFICATION.**—The Office of Management and Budget, after consultation with the Office of Personnel Management, shall—

(1) continuously monitor all agencies and make a determination on the first date of each quarter of each applicable fiscal year of whether the requirements under subsection (b) are met; and

(2) notify the President and the Congress on the first date of each quarter of each applicable fiscal year of any determination that any requirement of subsection (b) is not met.

(d) **COMPLIANCE.**—If at any time during a fiscal year, the Office of Management and Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) **WAIVER.**—Any provision of this section may be waived upon—

- (1) a determination by the President of the existence of war or a national emergency; or
- (2) the enactment of a joint resolution upon an affirmative vote of three-fifths of the Members of each House of the Congress duly chosen and sworn.

SEC. 507. CREATION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) **ESTABLISHMENT OF THE ACCOUNT.**—Chapter 11 of title 31, United States Code, is

amended by inserting at the end thereof the following new section:

“§ 1115. Violent crime reduction trust fund

“(a) There is established a separate account in the Treasury, known as the ‘Violent Crime Reduction Trust Fund’, into which shall be deposited deficit reduction achieved by section 1321B of the Violent Crime Control and Law Enforcement Act of 1993 sufficient to fund that Act (as defined in subsection (b) of this section).

“(b) On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1994), the following amounts shall be transferred from the general fund to the Violent Crime Reduction Trust Fund—

- “(1) for fiscal year 1994, \$720,000,000;
- “(2) for fiscal year 1995, \$2,423,000,000;
- “(3) for fiscal year 1996, \$4,267,000,000;
- “(4) for fiscal year 1997, \$6,313,000,000; and
- “(5) for fiscal year 1998, \$8,545,000,000.

“(c) Notwithstanding any other provision of law—

“(1) the amounts in the Violent Crime Reduction Trust Fund may be appropriated exclusively for the purposes authorized in the Violent Crime Control and Law Enforcement Act of 1993;

“(2) the amounts in the Violent Crime Reduction Trust Fund and appropriations under paragraph (1) of this section shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget and Emergency Deficit Control Act of 1985; and

“(3) for purposes of this subsection, ‘appropriations under paragraph (1)’ mean amounts of budget authority not to exceed the balances of the Violent Crime Reduction Trust Fund and amounts of outlays that flow from budget authority actually appropriated.”.

(b) **LISTING OF THE VIOLENT CRIME REDUCTION TRUST FUND AMONG GOVERNMENT TRUST FUNDS.**—Section 1321(a) of title 31, United States Code, is amended by inserting at the end thereof the following new paragraph:

“(91) Violent Crime Reduction Trust Fund.”.

(c) **REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE ACCOUNT.**—Section 1105(a) of title 31, United States Code, is amended by adding at the end thereof:

“(29) Information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.

“(30) An analysis displaying by agency proposed reductions in full-time equivalent positions compared to the current year’s level in order to comply with section 506 of this Act.”.

SEC. 508. CONFORMING REDUCTION IN DISCRETIONARY SPENDING LIMITS.

The Director of the Office of Management and Budget shall, upon enactment of this Act, reduce the discretionary spending limits set forth in section 601(a)(2) of the Congressional Budget Act of 1974 for fiscal years 1994 through 1998 as follows:

- (1) for fiscal year 1994, for the discretionary category: \$720,000,000 in new budget authority and \$314,000,000 in outlays;
- (2) for fiscal year 1995, for the discretionary category: \$2,423,000,000 in new budget authority and \$2,330,000,000 in outlays;
- (3) for fiscal year 1996, for the discretionary category: \$4,287,000,000 in new budget authority and \$4,184,000,000 in outlays;
- (4) for fiscal year 1997, for the discretionary category: \$6,313,000,000 in new budget authority and \$6,221,000,000 in outlays; and

(5) for fiscal year 1998, for the discretionary category: \$8,545,000,000 in new budget authority and \$8,443,000,000 in outlays.

SEC. 509. STANDARDIZATION OF WITHDRAWAL OPTIONS FOR THRIFT SAVINGS PLAN PARTICIPANTS.

(a) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Section 8351(b) of title 5, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

“(4) Section 8433(b) of this title applies to any employee or Member who elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and separates from Government employment.”;

(2) by striking out paragraphs (5), (6), and (8);

(3) by redesignating paragraphs (7), (9), and (10) as paragraphs (5), (6), and (7), respectively;

(4) in paragraph (5)(C) (as redesignated under paragraph (3) of this subsection) by striking out “or former spouse” in both places it appears;

(5) by amending paragraph (6) (as redesignated under paragraph (3) of this subsection) to read as follows:

“(6) Notwithstanding paragraph (4), if an employee or Member separates from Government employment and such employee's or Member's nonforfeitable account balance is \$3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b).”; and

(6) in paragraph (7) (as redesignated under paragraph (3) of this subsection) by striking out “nonforfeiture” and inserting in lieu thereof “nonforfeitable”.

(b) BENEFITS AND ELECTION OF BENEFITS.—Section 8433 of title 5, United States Code, is amended—

(1) in subsection (b) by striking out the matter before paragraph (1) and inserting in lieu thereof “Subject to section 8435 of this title, any employee or Member who separates from Government employment entitled to an annuity under subchapter II of this chapter or any employee or Member who separates from Government employment is entitled and may elect—”;

(2) by striking out subsections (c) and (d) and redesignating subsections (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), and (g), respectively;

(3) in subsection (c)(1) (as redesignated under paragraph (2) of this subsection) by striking out “or (c)(4) or required under subsection (d) directly to an eligible retirement plan or plans (as defined in section 402(a)(5)(E) of the Internal Revenue Code of 1954)” and inserting in lieu thereof “directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986)”;

(4) in subsection (d)(2) (as redesignated under paragraph (2) of this subsection) by striking out “or (c)(2)”;

(5) in subsection (f) (as redesignated under paragraph (2) of this subsection)—

(A) by striking out paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(B) in paragraph (1) (as redesignated under subparagraph (A) of this paragraph)—

(i) by striking out “Notwithstanding subsections (b) and (c), if an employee or Member separates from Government employment under circumstances making such an employee or Member eligible to make an elec-

tion under either of those subsections, and such employee's or Member's” and inserting in lieu thereof “Notwithstanding subsection (b), if an employee or Member separates from Government employment, and such employee's or Member's”; and

(ii) by striking out “or (c), as applicable”; and

(C) in paragraph (2) (as redesignated under subparagraph (A) of this paragraph) by striking out “paragraphs (1) and (2)” and inserting in lieu thereof “paragraph (1)”.

(c) ANNUITIES: METHODS OF PAYMENT; ELECTION; PURCHASE.—Section 8434(c) of title 5, United States Code, is amended to read as follows:

“(c) Notwithstanding an elimination of a method of payment by the Board an employee, Member, former employee, or former Member may elect the eliminated method if the elimination of such method became effective less than 5 years before the date on which annuity commences.”.

(d) PROTECTIONS FOR SPOUSES AND FORMER SPOUSES.—Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A) by striking out “subsection (b)(3), (b)(4), (c)(3), or (c)(4) of section 8433 of this title or change an election previously made under subsection (b)(1), (b)(2), (c)(1), or (c)(2)” and inserting in lieu thereof “subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2)”;

(2) by striking out subsection (b);

(3) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (b), (c), (d), (e), (f), (g), and (h), respectively;

(4) in subsection (b) (as redesignated under paragraph (3) of this subsection) by amending paragraph (2) to read as follows:

“(2) Paragraph (1) shall not apply, if—

“(A) a joint waiver of such method is made, in writing, by the employee or Member and the spouse; or

“(B) the employee or Member waives such method, in writing, after establishing to the satisfaction of the Executive Director that circumstances described under subsection (a)(2) (A) or (B) make the requirement of a joint waiver inappropriate.”; and

(5) in subsection (c)(1) (as redesignated under paragraph (3) of this subsection) by striking out “and a transfer may not be made under section 8433(d) of this title”.

(e) JUSTICES AND JUDGES.—Section 8440a(b) of title 5, United States Code, is amended—

(1) in paragraph (5) by striking out “Section 8433(d)” and inserting in lieu thereof “Section 8433(b)”;

(2) by striking out paragraphs (7) and (8) and inserting in lieu thereof the following:

“(7) Notwithstanding paragraphs (4) and (5), if any justice or judge retires under subsection (a) or (b) of section 371 or section 372(a) of title 28, or resigns without having met the age and service requirements set forth under section 371(c) of title 28, and such justice's or judge's nonforfeitable account balance is \$3,500 or less, the Executive Director shall pay the nonforfeitable account balance to the participant in a single payment unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b).”.

(f) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b of title 5, United States Code, is amended—

(1) in subsection (b)(4) by amending subparagraph (B) to read as follows:

“(B) Section 8433(b) of this title applies to any bankruptcy judge or magistrate who

elects to make contributions to the Thrift Savings Fund under subsection (a) of this section and who retires before attaining age 65 but is entitled, upon attaining age 65, to an annuity under section 377 of title 28 or section 2(c) of the Retirement and Survivors Annuities for Bankruptcy Judges and Magistrates Act of 1988.”;

(2) in subsection (b)(4)(C) by striking out “Section 8433(d)” and inserting in lieu thereof “Section 8433(b)”;

(3) in subsection (b)(5) by striking out “retirement under section 377 of title 28 is” and inserting in lieu thereof “any of the actions described under paragraph (4) (A), (B), or (C) shall be considered”;

(4) in subsection (b) by striking out paragraph (8) and redesignating paragraph (9) as paragraph (8); and

(5) in paragraph (8) of subsection (b) (as redesignated under paragraph (4) of this subsection)—

(A) by striking out “Notwithstanding subparagraphs (A) and (B) of paragraph (4), if any bankruptcy judge or magistrate retires under circumstances making such bankruptcy judge or magistrate eligible to make an election under subsection (b) or (c)” and inserting in lieu thereof “Notwithstanding paragraph (4), if any bankruptcy judge or magistrate retires under circumstances making such bankruptcy judge or magistrate eligible to make an election under subsection (b)”;

(B) by striking out “and (c), as applicable”.

(g) CLAIMS COURT JUDGES.—Section 8440c of title 5, United States Code, is amended—

(1) in subsection (b)(4)(B) by striking out “Section 8433(d)” and inserting in lieu thereof “Section 8433(b)”;

(2) in subsection (b)(5) by striking out “retirement under section 178 of title 28, is” and inserting in lieu thereof “any of the actions described in paragraph (4) (A) or (B) shall be considered”;

(3) in subsection (b) by striking out paragraph (8) and redesignating paragraph (9) as paragraph (8); and

(4) in paragraph (8) (as redesignated under paragraph (3) of this subsection) by striking out “Notwithstanding paragraph (4)(A)” and inserting in lieu thereof “Notwithstanding paragraph (4)”.

(h) JUDGES OF THE UNITED STATES COURT OF VETERANS APPEALS.—Section 8440d(b)(5) of title 5, United States Code, is amended by striking out “A transfer shall be made as provided under section 8433(d) of this title” and inserting in lieu thereof “Section 8433(b) of this title applies”.

(i) TECHNICAL AND CONFORMING AMENDMENTS.—Chapters 83 and 84 of title 5, United States Code, are amended—

(1) in section 8351(b)(5)(B) (as redesignated under subsection (a)(3) of this section) by striking out “section 8433(i)” and inserting in lieu thereof “section 8433(g)”;

(2) in section 8351(b)(5)(D) (as redesignated under subsection (a)(3) of this section) by striking out “section 8433(i)” and inserting in lieu thereof “section 8433(g)”;

(3) in section 8433(b)(4) by striking out “subsection (e)” and inserting in lieu thereof “subsection (c)”;

(4) in section 8433(d)(1) (as redesignated under subsection (b)(2) of this section) by striking out “(d) of section 8435” and inserting in lieu thereof “(c) of section 8435”;

(5) in section 8433(d)(2) (as redesignated under subsection (b)(2) of this section) by striking out “section 8435(d)” and inserting in lieu thereof “section 8435(c)”;

(6) in section 8433(e) (as redesignated under subsection (b)(2) of this section) by striking

out "section 8435(d)(2)" and inserting in lieu thereof "section 8435(c)(2)";

(7) in section 8433(g)(5) (as redesignated under subsection (b)(2) of this section) by striking out "section 8435(f)" and inserting in lieu thereof "section 8435(e)";

(8) in section 8434(b) by striking out "section 8435(c)" and inserting in lieu thereof "section 8435(b)";

(9) in section 8435(a)(1)(B) by striking out "subsection (c)" and inserting in lieu thereof "subsection (b)";

(10) in section 8435(d)(1)(B) (as redesignated under subsection (d)(3) of this section) by striking out "subsection (d)(2)" and inserting in lieu thereof "subsection (c)(2)";

(11) in section 8435(d)(3)(A) (as redesignated under subsection (d)(3) of this section) by striking out "subsection (c)(1)" and inserting in lieu thereof "subsection (b)(1)";

(12) in section 8435(d)(6) (as redesignated under subsection (d)(3) of this section) by striking out "or (c)(2)" and inserting in lieu thereof "or (b)(2)";

(13) in section 8435(e)(1)(A) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(14) in section 8435(e)(2) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i) of this title shall not be approved if approval would have the result described in subsection (d)(1)" and inserting in lieu thereof "section 8433(g) of this title shall not be approved if approval would have the result described under subsection (c)(1)";

(15) in section 8435(g) (as redesignated under subsection (d)(3) of this section) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)";

(16) in section 8437(c)(5) by striking out "section 8433(i)" and inserting in lieu thereof "section 8433(g)"; and

(17) in section 8440a(b)(6) by striking out "section 8351(b)(7)" and inserting in lieu thereof "section 8351(b)(5)".

(j) INTERIM PROVISION.—Section 8433(d) of title 5, United States Code, is amended by striking out "shall transfer the amount of the balance" and inserting in lieu thereof "may transfer the amount of the balance".

(k) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the provisions of this section shall take effect 1 year after the date of enactment of this Act or upon such other date as the Executive Director of the Federal Retirement Thrift Investment Board shall provide in regulation.

(2) The provisions of subsection (j) of this section shall take effect upon the date of the enactment of this Act.

SEC. 510. AMENDMENTS TO ALASKA RAILROAD TRANSFER ACT OF 1982 REGARDING FORMER FEDERAL EMPLOYEES.

(a) APPLICABILITY OF VOLUNTARY SEPARATION INCENTIVES TO CERTAIN FORMER FEDERAL EMPLOYEES.—Section 607(a) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1206(a)) is amended by adding at the end thereof the following new paragraph:

"(4)(A) The State-owned railroad shall be included in the definition of 'agency' for purposes of section 503 (a), (b), (c), and (e) and section 505 of the Federal Workforce Restructuring Act of 1994 and may elect to participate in the voluntary separation incentive program established under such Act. Any employee of the State-owned railroad who meets the qualifications as described under the first sentence of paragraph (1) shall be deemed an employee under such Act.

"(B) An employee who has received a voluntary separation incentive payment under

this paragraph and accepts employment with the State-owned railroad within 5 years of the date of separation on which payment of the incentive is based shall be required to repay the entire amount of the incentive payment unless the head of the State-owned railroad determines that the employment is in a position for which there is exceptional difficulty in recruiting a qualified employee and waives the repayment."

(b) LIFE AND HEALTH INSURANCE BENEFITS.—Section 607 of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1206) is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) Any person described under the provisions of paragraph (2) may elect life insurance coverage under chapter 87 of title 5, United States Code, and enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with the provisions of this subsection.

"(2) The provisions of paragraph (1) shall apply to any person who—

"(A) on the date of the enactment of the Federal Workforce Restructuring Act of 1994, is an employee of the State-owned railroad;

"(B) has 20 years or more of service (in the civil service as a Federal employee or as an employee of the State-owned railroad, combined) on the date of retirement from the State-owned railroad; and

"(C)(i) was covered under a life insurance policy pursuant to chapter 87 of title 5, United States Code, on January 4, 1985, for the purpose of electing life insurance coverage under the provisions of paragraph (1); or

"(ii) was enrolled in a health benefits plan pursuant to chapter 89 of title 5, United States Code, on January 4, 1985, for the purpose of enrolling in a health benefits plan under the provisions of paragraph (1).

"(3) For purposes of this section, any person described under the provisions of paragraph (2) shall be deemed to have been covered under a life insurance policy under chapter 87 of title 5, United States Code, and to have been enrolled in a health benefits plan under chapter 89 of title 5, United States Code, during the period beginning on January 5, 1985, through the date of retirement of any such person.

"(4) The provisions of paragraph (1) shall not apply to any person described under paragraph (2) until the date such person retires from the State-owned railroad."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, March 3, 1994, beginning at 2 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 274, to establish the Casas Malpais National Historical Park in Springerville, AZ, and for other purposes;

S. 859, to reduce the restrictions on lands conveyed by deed under the act of June 8, 1926;

S. 1233, to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes;

S. 1586, to establish the New Orleans Jazz National Historical Park in the State of Louisiana, and for other purposes; and

H.R. 1183, to validate conveyance of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact David Brooks of the subcommittee staff at (202) 224-9863.

ADDITIONAL STATEMENTS

NATIONAL SCHOOL COUNSELING WEEK

• Mr. HARKIN. Mr. President, I rise today and ask that my colleagues join me in acknowledging February 7-11, 1994, as National School Counseling Week.

There are more than 85,000 professional counselors in school settings in the United States who work with students, teachers, other school professionals, parents, and their communities. School counselors assist students with their educational, career, social, and personal strengths so that they can become responsible and productive citizens.

It is my belief that school counselors, because of the service they provide, will play a key role in the implementation of the national education goals. In addition, school counseling is an integral component to ensuring the preparation, success, and transition from school to work of our Nation's students.

I have often shared with my colleagues the many positive contributions which school counseling makes to ensuring the success of our Nation's students. I am particularly proud of the Smoother Sailing Program in the Des Moines public schools which has served as a model elementary school counseling program for the entire country.

Mr. President, I am hopeful that the positive results of the Smoother Sailing Program can be replicated in other school districts of the United States and it is for this reason that I introduced S. 1142, the Elementary School

Counseling Demonstration Act. I urge my colleagues to join me in the sponsorship of this legislation, and I wish to once again reiterate my support and appreciation for the dedication and commitment of our Nation's school counselors.●

SCHOOL-TO-WORK OPPORTUNITIES ACT

● Mr. COHEN. Mr. President, the United States could do a much better job of educating our youth for the workplace. Not every high school student will attend college—nor should they. In a prosperous country like ours, however, we commit few resources to helping those young people who do not intend to go on to college. In the competitive world of the 21st century, our investment in education cannot simply focus on ensuring opportunities for youth to earn a baccalaureate degree. Rather we must find ways to prepare our young people for all of tomorrow's possibilities—be they work or school.

One of the most unfortunate byproducts of the current educational system is that far too many—almost half—of today's adults have trouble reading and writing. These people have difficulty holding a decent job, and many spend their lives trying to find work that is rewarding and will support their families.

As a nation in the international marketplace, we cannot wait for our youth to become adults before we help prepare them for decent jobs and rewarding careers. The global economy has the potential for enormous reward, but we must prepare to meet the challenge.

One way to meet this challenge is to reinvent our educational system, which in some ways is still the envy of the world, so that it can meet today's needs and provide for ways to meet tomorrow's opportunities.

Unfortunately, no State has a comprehensive plan in place to meet the needs of youth whose opportunities exist primarily in the working world. I agree with the National Research Council's conclusion that, as a country, we tend to think of "support for labor market transitions, particularly for youths most at risk of failing to make the school-to-work transition * * * as a social, rather than an economic, responsibility." It is time that we radically change this philosophy.

In Maine, the school-to-work issue is an important one. Compared with other States, Maine ranks near the bottom in sending high school students on to 2- and 4-year colleges. Fortunately, Maine is well ahead of most States in having three excellent school-to-work programs.

The Maine Youth Apprenticeship Program, for example, was recently selected by the National Alliance of Business as the School-to-Work Program of the Year. Students in this program

spend 20 weeks in class and 15 weeks working for a company in their field of interest. This pattern continues through their senior year, but with 15 additional weeks working for a company. In the third year of the program, students spend 34 weeks on the job and 16 weeks taking courses at their local technical college.

The apprenticeship program benefits both the student and the business involved. Students finish the program with a high school diploma, significant work experience, and technical college training. They also receive certification that they have mastered a particular technical skill and can earn up to \$5,000 each year on the job. Employers can be certain they are getting a qualified worker, already trained and trustworthy, to improve production.

Maine's Youth Apprenticeship Program is complemented by another education effort, Jobs for Maine's Graduates, which operates in 20 schools in 17 communities throughout the State. Among other things, this program provides job specialists who are responsible for 20 to 40 students who are at risk of dropping out of school. In addition, the program provides basic skills education, job search activities, instruction on 37 skills necessary in a work environment through a 4 day-a-week credit class, and 9 months of follow-up support after high school graduation.

I am particularly excited about Maine's third school-to-work program called technology preparation or tech-prep. This program combines the last 2 years of high school with 2 years of postsecondary work at a technical college. It provides students with the math, science, and technological skills they will need to succeed in the economy of the 1990's. By combining academic and occupational subjects, tech-prep is designed to prepare students for high-skill technical occupations and offers a more practical, hands-on way for kids to learn than the more abstract, traditional method of learning currently taking place in most of this Nation's schools.

Last year, I introduced legislation to help improve tech-prep programs across the country. I am pleased that parts of my bill were incorporated into the School-to-Work Opportunities Act. Specifically, my legislation would give highest priority to those tech-prep applications that provide for certain activities, such as employment placement and the transfer of students to 4-year baccalaureate programs, after completion of the technical college component of the program. Without changing the basic thrust of the current tech-prep programs, my legislation would open additional opportunities to students who want more advanced training.

In addition, my tech-prep legislation would allow schools greater flexibility

in providing tech-prep classes. Current law requires that tech-prep programs begin in the eleventh grade. Unfortunately, many students who drop out of school do so before the eleventh grade and having a tech-prep program in place earlier may prevent some of those students from dropping out and help those who stay in school learn more effectively through tech-prep's applied learning method. My legislation would allow for tech-prep programs to begin either in the 9th or 11th grades.

The School-to-Work Opportunities Act will encourage States to develop comprehensive programs to help high school students who do not intend to go on to college transition to the working world. It builds upon existing school-to-work programs, such as Maine's youth apprenticeship and tech-prep programs, but allows States the flexibility to create their own programs. I believe that the School-to-Work Opportunities Act offers an important method for reaching youths who will not go to college but who must prepare to support themselves after they complete high school.

I am particularly pleased that the Senate clarified language in the bill so that businesses and other organizations would not be required to pay students for work. Rural States, like Maine, simply do not have an industry base to pay all students participating in a school-to-work program. While these students should be fairly compensated for their labors, often the exposure to the working world is what they will find to be truly invaluable. The legislation will now allow students to benefit from a variety of school-to-work programs, only some of which will pay for work.

We can no longer ignore the large numbers of young people who will not go to college. As our world becomes more competitive, these youths will be left behind. They will continue to knock on our doors for help. We can help them now by preparing them for the working world, or we can help them later by providing adult basic education classes and other social services to help them get ahead. My choice is to help them now. I do not believe we can wait.●

EAST EVERGLADES WATER MODIFICATION DELIVERY SYSTEM

● Mr. GRAHAM. Mr. President, last night, the Senate approved legislation I introduced last year with my colleague from Florida [Mr. MACK] to authorize the use of previously appropriated funds for land acquisition in the Frog Pond, the Eight-and-One-Half Square Mile Area, and the Rocky Glades Agricultural Area east of Everglades National Park. This legislation is a significant step in expanding the options available to the Park Service,

the State of Florida, the South Florida Water Management District, and Dade County in their unified efforts to recapture the irreplaceable ecosystem of south Florida.

Over the past few months, I have been meeting with all the partners involved in the project to purchase land east of Everglades National Park, and I am pleased to report that we are making significant strides in resolving many of the funding and land management issues. The legislation passed by my Senate colleagues last night will enable the partners to begin taking real action to help Florida Bay, which makes up over one-third of Everglades National Park.

This legislation was a cooperative effort of many people, but I would like to especially thank Interior Secretary Bruce Babbitt, Assistant Secretaries George Frampton, and Bonnie Cohen, Peter Hamm in the Office of Congressional and Intergovernmental Affairs, and Everglades National Park Superintendent Dick Ring. The support of Tom MacVicar and Kathy Copeland with the South Florida Water Management District, and Florida Governor Lawton Chiles and Estus Whitfield of his staff was also greatly appreciated. Due to the work of my colleagues in the Florida delegation, in particular Congressmen PETER DEUTSCH and CLAY SHAW, this bill has already been approved by the House of Representatives and will soon be signed by the President.

I would also like to take this opportunity to commend President Clinton for the significant show of support for restoring south Florida's delicate environment in his 1995 budget proposal. A total of \$57.3 million is pledged by the Department of the Interior for various activities in the area, including land acquisition, research, and resource management. Another \$13 million would be spent by the Environmental Protection Agency, the Corps of Engineers, and the National Oceanic and Atmospheric Administration. The Clinton budget is a strong statement that the Everglades is indeed a trust—a unique treasure of the world that should be protected and restored to a previous, more natural condition.●

CONFIRMATION OF ROBERT C. BUNDY TO BE U.S. ATTORNEY FOR ALASKA

● Mr. MURKOWSKI. Mr. President, Bob C. Bundy first came to Alaska in the fall of 1971 to begin working for Alaska Legal Services as a Reginald Heber Smith Community Law Fellow. His intentions, like many Alaskans, were to experience Alaska and then return to his home State. Expecting to return to California after no more than 2 years, Bob fell in love with Alaska, his home ever since 1971.

Prior to coming to Alaska, Bob received his bachelors degree, cum laude,

with a major in philosophy from the University of Southern California in 1968. Bob graduated in 1971 from Boalt Hall School of Law, University of California, Berkeley. After passing the California bar in the fall of 1971, Bob was admitted to the California State Bar in January 1972. After coming to Alaska in 1971 to work for Alaska Legal Services, Bob passed the Alaska bar in the spring of 1972.

While working at Alaska Legal Services, Bob met his wife, Virginia Bonnie Lembo, who was also working at Alaska Legal Services as a VISTA lawyer. In February 1974, the two married in Nome where Bob was working. Then the couple decided to move further into bush Alaska; in July, 1974, Bob and Bonnie relocated to Kiana, a small Eskimo village—population 500—on the Kobuk River east of Kotzebue. Bob practiced law, taking criminal defense appointments in Nome and Kotzebue and performing contract services for Alaska Legal Services.

On December 2, 1974, the couple had twin girls, Barbara and Kathy. Caring for infant twins, while maintaining a part-time law practice and engaging in subsistence food gathering proved a daunting task. When the temperature hit 65 below in January 1975 and the couple's oil stove ceased working, Bob and Bonnie moved the children to Anchorage.

However, the excitement of living in Alaska's bush had not worn off for the young couple. In 1975, Bob was appointed as the district attorney for the Second Judicial District in Nome. Serving as Nome's district attorney until 1978, Bob then moved his family to Anchorage where they have lived ever since. Bob continued his career as a prosecutor in the Anchorage District Attorney's office and Alaska Attorney General's office until 1984. At present, Bob has just left practicing law as a partner in the law firm of Bogle & Gates for his confirmation as Alaska's U.S. attorney. Bonnie Bundy is an assistant district attorney.

Bob is an experienced attorney who has now tried over 200 cases in front of juries in Alaska. Bob's most recent practice focused on trial and appellate litigation, the majority of which involved large, complex cases in the areas of commercial litigation, products liability, professional malpractice, personal injury, and criminal defense.

Examples of Bob's practice include representation of a national airline in major antitrust litigation; representation in trial and appellate courts of a national insurance broker facing multimillion dollar claims arising out of insurance carrier insolvencies and damages to a large construction project in Alaska; trial and appellate counsel for an international air carrier in multiple lawsuits arising out of the crash and destruction of a DC-10 aircraft; representation of two national

banks in litigation arising out of the bankruptcy of two large sawmills; trial counsel for local government entities in litigation involving wrongful discharge of employees and disputes with contractors; representation of an automobile manufacturer in major products liability litigation; representation of a large Northwest law firm in a large legal malpractice action; and representation of mental health professionals in malpractice claims. Bob has also represented corporations and individuals charged with criminal offenses in State and Federal courts.

A faculty member of the National Institute of Trial Advocacy, Bob is active in trial advocacy as a faculty member and lecturer in Alaska and nationwide. Bob coauthored both "Alaska Discovery, Pretrial and Trial Procedures" and "Evidence in Trial Practice in Alaska." Bob lectures on law and banking at the University of Alaska, Anchorage. A lawyer representative for the Ninth Circuit Judicial Conference, Bob also sits on the local rules committee for the U.S. district court.

Bob enjoys bipartisan support amongst Alaskans. I am confident that Bob's experience and ability will serve him well in his new position as the U.S. attorney for Alaska. I wish him all the best and look forward to working with him in the future.●

TRIBUTE TO JIM BORMANN

● Mr. DURENBERGER. Mr. President, it is with great sadness that I rise to report that a journalist of the highest order, Jim Bormann, passed away this past Saturday at his home in Golden Valley, MN.

For 25 years Jim served as news director for WCCO Radio, the premier source for news and weather information in the Midwest. He also served as that station's community affairs director from 1971 until his retirement in 1976. Without a doubt, Jim played a vital role in shaping WCCO Radio into the premier organization it is today.

A native of Decatur, IL, he came to Minnesota in 1951 with a long and distinguished list of journalism credentials. After beginning his career in 1935 as a reporter for the Milwaukee Journal, Jim moved on to Chicago, where he eventually became the bureau chief of the Associated Press' radio division. From there he moved on to Cedar Rapids, IA, and the job of news director for WMT Radio.

Jim's many contributions to his profession extended outside the newsroom. He was a founder of the Radio and Television News Directors Association, serving as its international president in 1952. He also helped originate the Minnesota Fair Trial Free Press Council, the Minnesota Press Council, and the Minnesota Press Club. He was constantly vigilant in protecting his craft and strove to maintain the qualities of principle, fairness, and objectivity.

Known for his fair and accurate reporting, Jim also added a human touch to the art of news gathering. Jim was known in the communities of Minnesota as a man who went to the news. His brand of on the scene reporting was widely respected by his peers. Jim said it best when he stated, "I just chat with the folks to find out what's on their minds * * * we talk about what's being done and what they think could be done." Mr. President, I have found that this type of communication is not only a sound approach for newpeople, but also for those of us who have been blessed with the opportunity of public service.

Mr. President, I truly will miss Jim Bormann and all he had to offer. He was not only a top-notch journalist but—more importantly—a first-class human being.

Mr. President, I yield the floor.●

GOALS 2000: EDUCATE AMERICA ACT

● Mr. COHEN. Mr. President, the talk about America's schools is troubling. Parents say that our schools are failing. Teachers say that they cannot be responsible for teaching things that should be taught at home. Students say they are bored and that the schools do not challenge them.

Unfortunately, we cannot read the paper without confirming our suspicions about our educational system. The headlines scream at us: "Asians Do a Better Job of Teaching Their Children," "Conditions 'Bleak' for Rural Children," "U.S. Schools 'Squander' Gifted Students Talents," and "Saving Schools from 'Mediocrity': Improvements Hard to Measure After Ten Years of Reforms."

Education is the one thing parents want most for their children because education creates economic opportunity. Ernest Boyer, president of the Carnegie Foundation for the Advancement of Teaching, is right when he says:

People who cannot communicate are powerless. People who know nothing of their past are culturally impoverished. People who are poorly trained are ill-prepared to face the future. Without good schools, America cannot remain civically vital or economically competitive.

In a prosperous nation like the United States, students regardless of income or geography from Los Angeles, CA, to Limestone, ME, should have the same opportunity to have a quality education—one that is rigorous and inspires our youths to educate themselves throughout their lives.

President John Kennedy once said: "A child miseducated is a child lost." Regrettably, many of our lost children are from poor families. Compared with other children, for example, a substantial percentage of young people from low-income families repeat a grade by

the time they reach the eighth grade. In addition, youth from low-income families are more likely to drop out of school than their wealthier counterparts.

I am worried that our increasingly technological world will not wait for students in any country, including ours, to learn the basics. There is no niche reserved in the international marketplace or the American workplace for ill-prepared students. Rather than wait, the world will continue to grow more technical and specialized. Our students must be able to meet the challenge or they will be left behind.

Everyone blames everyone else for education problems in the United States. Teachers and principals blame parents who take little interest in or responsibility for their children's education. Teachers and parents say children come to school with a host of problems that distract them from learning. Some children, for example, are being sexually or physically abused by their parents or guardians. Others arrive to school hungry and malnourished. Many adolescents come to school worried about how they will feed and clothe their own children, and too many of our youths fear for their lives as they walk to and from school.

Parents, on the other hand, blame teachers and the schools for not teaching their children the basics, and are unhappy that their sons and daughters are being promoted to the next grade without being ready. Not surprisingly, parents expect schools to provide a good education whatever the cost.

Several weeks ago, I read that the parents of a Maine student may not allow their son to accept his high school diploma in June because they believe the school has failed to educate him. This is the ultimate indictment of a failed school system.

The State and Federal governments do not escape blame. Many people around the country cite excessive regulation and lack of money as two big causes for the problems in our education system.

I often hear from Mainers that we need to make children our number one priority. I agree. Children are this country's future. This is a cliché that is nonetheless very true. Unless everyone takes responsibility for education, our children and our Nation will continue to be the big losers.

The Goals 2000: Educate America Act will not solve all the problems with educating our youth. It will, however, for the first time set education goals for this country and provide a means by which States and localities can improve their educational systems. I believe this legislation is a good first step in addressing our educational problems.

Specifically, the legislation creates a series of national standards for content of the curriculum and performance by

schoolchildren. These standards are completely voluntary. States that choose to do so can submit their standards to the National Education Standards and Improvement Council to receive a kind of Good Housekeeping Seal of approval. But the bill creates an important incentive for States and school districts to meet the goals for education by providing Federal funds for reform.

I believe that the Senate significantly improved the legislation last week by adding provisions to ensure it in no way federalizes education. Education has long been a State and local matter, and this bill keeps it that way. This is a principle that I do not want, nor do I intend, to change.

I am pleased that the legislation included an amendment designed to increase parental participation. I cosponsored this amendment because I feel strongly that parents need to take a greater role in the education of their children. Too many students receive little encouragement or support at home, and they bring a poor attitude and low self-esteem to the classroom. We can help correct this by urging parents to be more directly involved in their child's school work and to encourage and help their children when they struggle. With this encouragement, children will aspire to succeed.

I am also pleased that, at my instigation, the legislation now emphasizes the importance of health and physical education. Poor health and diet, poverty, substance abuse, sexually transmitted disease and unintended pregnancies have all limited the options and dimmed the futures of millions of American children. Healthy and fit students are better equipped to learn.

It is my sincere hope that the National Education Standards and Improvement Council certify voluntary national standards on health and physical education and that the National Education Goals Panel monitor this country's progress toward ensuring that all students are healthy and fit.

Many people in my parent's generation did not complete high school, but they still have made good lives for themselves. Today, I am afraid that children who do not complete high school and those who are ill-prepared do not have the same opportunities that our parents or we had. There really is no second chance for them.

We cannot afford to sell our children short. We must set goals and standards, and we must address our problems in education head-on and demand a rigorous, quality education for all our youth. Their future depends on us, and our future depends on them.●

ORDERS FOR TUESDAY, FEBRUARY 22, 1994

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand adjourned until 10 a.m. on Tuesday, February 22, and that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that immediately following the announcement of the Chair, Senator MOSELEY-BRAUN be recognized to read Washington's Farewell Address; that upon conclusion of the reading of the Farewell Address, the Senate proceed to executive session to consider the nomination of Strobe Talbott, as provided for under a previous unanimous-consent agreement; and that on Tuesday, February 22, the Senate stand in recess from 12:30 p.m. until 2:15 p.m. in order to accommodate the respective party conferences.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MARKET ACCESS BARRIERS IN JAPAN

Mr. DOLE. Mr. President, I am disappointed that the United States and Japanese negotiators were unable to reach agreement on market access barriers in Japan. Nevertheless, the last thing we need is an ineffective trade agreement that fails to address the real problems foreign firms have in penetrating the Japanese market.

I met, along with the majority leader, this morning with Prime Minister Hosokawa and Foreign Minister Hata and we had a very frank exchange. The Prime Minister agreed that the chronic trade imbalance between Japan and the world is unacceptable and must be resolved. I support U.S. Trade Representative Mickey Kantor in his determination to seek a meaningful agreement. Now he must redouble his efforts.

This is a bipartisan issue. We have been working with Japan for many years trying to resolve these problems. The time has come for Japan to understand that global economic leadership carries obligations. Mr. President, Japan must continue to move to join the ranks of open markets in the global trading system.

I agree with the President who said that no agreement is better than an ineffective agreement.

ADJOURNMENT UNTIL 10 A.M. TUESDAY, FEBRUARY 22, 1994

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now move that the Senate stand adjourned until 10 a.m. on Tuesday, February 22, as provided under the provisions of House Concurrent Resolution 206.

The motion was agreed to, and the Senate, at 4:30 p.m., adjourned until Tuesday, February 22, 1994, at 10 a.m.