Public Law 100-630
100th Congress

An Act

To make certain technical and conforming amendments to the Education of the Handicapped Act and the Rehabilitation Act of 1973, and for other purposes.

Nov. 7, 1988
[H.R. 5334]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Handicapped Programs Technical Amendments Act of 1988.
Children and youth.
State and local governments.
20 USC 1400 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Handicapped Programs Technical Amendments Act of 1988".

TITLE I—AMENDMENTS TO THE EDUCATION OF THE HANDICAPPED ACT

SEC. 101. GENERAL PROVISIONS.

(a) DEFINITIONS.—Section 602 of the Education of the Handicapped Act (20 U.S.C. 1401) is amended—

(1) by moving paragraphs (1) through (23) of subsection (a) 2 ems to the right, so that the left margin of each such paragraph is indented 4 ems;

(2) by striking subsection (a)(3);

(3) in subsection (a)(6), by striking "Northern Mariana Islands" and inserting "Commonwealth of the Northern Mariana Islands";

(4) in subsection (a)(11)—

(A) by moving subparagraphs (A) through (E) 2 ems to the right, so that the left margin of each such subparagraph is indented 6 ems;

(B) by inserting "and" at the end of subparagraph (D);

(C) by striking "he" each place it appears in subparagraph (E) and inserting "the Secretary";

(D) by striking "; and" at the end of subparagraph (E) and inserting a period; and

(E) by striking subparagraph (F);

(5) by adding at the end of subsection (a)(11) the following: "The term includes community colleges receiving funding from the Secretary of the Interior under the Tribally Controlled Community College Assistance Act of 1978.";

(6) in subsection (a)(18), by striking "related services which" and all that follows through the period at the end and inserting the following: "related services that—

"(A) have been provided at public expense, under public supervision and direction, and without charge,

"(B) meet the standards of the State educational agency,

"(C) include an appropriate preschool, elementary, or secondary school education in the State involved, and

"(D) are provided in conformity with the individualized education program required under section 614(a)(5).";

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(7) in subsection (a)(19), by striking "statement shall include" and all that follows through the period at the end and inserting the following: "statement shall include—

"(A) a statement of the present levels of educational performance of such child,

"(B) a statement of annual goals, including short-term instructional objectives,

"(C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs,

"(D) the projected date for initiation and anticipated duration of such services, and

"(E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.";

(8) in subsection (a)(20), by striking "after deducting" and all that follows through the period at the end and inserting the following: "after deducting—

"(A) amounts received—

"(i) under this part,

"(ii) under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, or

"(iii) under title VII of the Elementary and Secondary Education Act of 1965, and

"(B) any State or local funds expended for programs that would qualify for assistance under such part, chapter, or title.";

(9) in subsection (a)(21), by striking "(20 U.S.C. 880b-1(a)(2))";

(10) in subsection (a)(23), by moving subparagraphs (A) through (C) 2 ems to the right, so that the left margin of each such subparagraph is indented 4 ems; and

(11) in subsection (b), by striking "section 602(a)(1))" and inserting "subsection (a)(1))".

(b) EQUIPMENT AND CONSTRUCTION.—Section 605 of the Education of the Handicapped Act (20 U.S.C. 1404(a)) is amended—

(1) in subsection (a), by striking "he" and inserting "the Secretary"; and

(2) in the first sentence of subsection (b), by inserting a comma after "If".

(c) GRANTS FOR THE REMOVAL OF ARCHITECTURAL BARRIERS.—Section 607(a) of the Education of the Handicapped Act (20 U.S.C. 1406(a)) is amended by striking "the Act approved" and all that follows through the period at the end and inserting the following: "the Act entitled 'An Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped', approved August 12, 1968.".

(d) REGULATIONS.—Section 608 of the Education of the Handicapped Act (20 U.S.C. 1407) is amended—

(1) in subsection (b), by striking "IEP" and inserting "individualized education program"; and

(2) by striking subsection (c).

SEC. 102. ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN.

(a) ALLOCATIONS.—Section 611 of the Education of the Handicapped Act (20 U.S.C. 1411) is amended—

(1) in subsection (a)(2), by striking "Northern Mariana Islands" and inserting "Commonwealth of the Northern Mariana Islands";

(2) in subsection (a)(5)—

(A) by striking "on the order of any court;" in subparagraph (A)(ii) and inserting "or the order of any court;";

(B) by striking "section 121" in subparagraph (A)(iii) and inserting "subpart 2 of part D of chapter 1 of title 1"; and

(C)(i) by striking "five to seventeen," in subparagraph (B) and inserting "three to seventeen,"; and

(ii) by striking "him" in subparagraph (B) and inserting "the Secretary";

(3) in subsection (e)(1), by striking "Northern Mariana Islands" and inserting "Commonwealth of the Northern Mariana Islands";

(4) in subsection (f)(1), by striking "serviced" and inserting "served"; and

(5) in subsection (f)(2)(B), by inserting a comma after "inclusive".

(b) ELIGIBILITY.—Section 612 of the Education of the Handicapped Act (20 U.S.C. 1412) is amended—

(1) by moving paragraphs (1) through (7) 2 ems to the right, so that the left margin of each such paragraph is indented 4 ems;

(2) in paragraph (2), by moving subparagraphs (A) through (E) 2 ems to the right, so that the left margin of each such paragraph is indented 6 ems; and

(3) in paragraph (2)(E), by striking "the amendment" the first place it appears and inserting "any amendment".

(c) STATE PLANS.—Section 613 of the Education of the Handicapped Act (20 U.S.C. 1413) is amended—

(1) in the first sentence of subsection (a), by striking "he" and inserting "the Secretary";

(2) in subsection (a)(2), by striking "section 121" and all that follows through "(20 U.S.C. 1262(a)(4)(B))," and inserting "subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and section 202(1) of the Carl D. Perkins Vocational Education Act,";

(3) in subsection (a)(3), by striking "a description of programs and procedures" and all that follows through the semicolon at the end and inserting the following: "a description of programs and procedures for—

"(A) the development and implementation of a comprehensive system of personnel development, which shall include—

"(i) inservice training of general and special educational instructional and support personnel,

"(ii) detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained, and

"(iii) effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and

"(B) adopting, where appropriate, promising educational practices and materials developed through such projects;";

(4) by amending subsection (a)(4)(B) to read as follows:

"(B) that—

"(i) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized education program as required by this part) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all handicapped children within such State; and

"(ii) in all such instances, the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies;";

(5) by amending subsection (a)(7) to read as follows:

"(7) provide for—

"(A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this part, and

"(B) keeping such records and affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;";

(6) in subsection (a)(9), by striking "under this part" the first place it appears and all that follows through the semicolon at the end and inserting the following: "under this part—

"(A) will not be commingled with State funds, and

"(B) will be so used as to supplement and increase the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to handicapped children under this part and in no case to supplant such Federal, State, and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Secretary may waive in part the requirement of this subparagraph if the Secretary concurs with the evidence provided by the State;";

(7) in subsection (a)(12), by striking "administrators of programs" and all that follows through the semicolon at the end and inserting the following: "administrators of programs for handicapped children, which—

"(A) advises the State educational agency of unmet needs within the State in the education of handicapped children,

Public information.

"(B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this part, and

"(C) assists the State in developing and reporting such data and evaluations as may assist the Secretary in the performance of the responsibilities of the Secretary under section 618;";

(8) in subsection (a)(13), by striking "appropriate State and local agencies" and all that follows through the period at the end and inserting the following: "appropriate State and local agencies to—

"(A) define the financial responsibility of each agency for providing handicapped children and youth with free appropriate public education, and

"(B) resolve interagency disputes, including procedures under which local educational agencies may initiate proceedings under the agreement in order to secure reimbursement from other agencies or otherwise implement the provisions of the agreement; and";

(9) in subsection (a)(14)—

(A) by inserting "set forth" after the paragraph designation; and

(B) in subparagraph (A), by striking "he or she is" and inserting "such personnel are";

(10) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after the subsection designation;

(C) by indenting the first line of the matter following subparagraph (B) (as redesignated by paragraph (1) of this subsection) 2 ems to the right and designating such matter as paragraph (2); and

(D) by striking "the preceding sentence" where it appears in paragraph (2) (as designated by subparagraph (C) of this paragraph) and inserting "paragraph (1)";

(11) in subsection (d)(3)(A), by striking "his" and inserting "the Secretary's";

(12) in subsection (d)(3)(B)—

(A) by striking "he" and inserting "the Secretary"; and

(B) by striking "his" and inserting "the Secretary's";

(13) in subsection (d)(3)(C), by striking "his" in the first sentence and inserting "the Secretary's"; and

(14) in subsection (e), by striking "; and" at the end and inserting a period.

(d) LOCAL EDUCATIONAL AGENCY APPLICATIONS.—Section 614 of the Education of the Handicapped Act (20 U.S.C. 1414) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2) provide satisfactory assurance that—

"(A) the control of funds provided under this part, and title to property derived from such funds, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

"(B) Federal funds expended by local educational agencies and intermediate educational units for programs under this part—

"(i) shall be used to pay only the excess costs directly attributable to the education of handicapped children; and

"(ii) shall be used to supplement and, to the extent practicable, increase the level of State and local funds expended for the education of handicapped children, and in no case to supplant such State and local funds; and

"(C) State and local funds will be used in the jurisdiction of the local educational agency or intermediate educational unit to provide services in program areas that, taken as a whole, are at least comparable to services being provided in areas of such jurisdiction that are not receiving funds under this part;";

(2) by amending subsection (a)(3) to read as follows:

"(3) provide for—

"(A) furnishing such information (which, in the case of reports relating to performance, is in accordance with specific performance criteria related to program objectives), as may be necessary to enable the State educational agency to perform its duties under this part, including information relating to the educational achievement of handicapped children participating in programs carried out under this part; and

"(B) keeping such records, and affording such access to such records, as the State educational agency may find necessary to assure the correctness and verification of such information furnished under subparagraph (A);"; and

(3) in subsection (a)(5)—

(A) by striking "establish," and inserting "establish"; and

(B) by inserting a comma after "if appropriate".

(e) PROCEDURAL SAFEGUARDS.—Section 615 of the Education of the Handicapped Act (20 U.S.C. 1415) is amended—

(1) in subsection (b)(1)(D), by striking "inform" and inserting "informs"; and

(2) in subsection (d), by striking "shall be accorded" and all that follows through the period at the end and inserting the following: "shall be accorded—

"(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children,

"(2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses,

Records.

"(3) the right to a written or electronic verbatim record of such hearing, and

Public information.

"(4) the right to written findings of fact and decisions (which findings and decisions shall be made available to the public consistent with the requirements of section 617(c) and shall also be transmitted to the advisory panel established pursuant to section 613(a)(12)).".

(f) WITHHOLDING AND JUDICIAL REVIEW.—Section 616 of the Education of the Handicapped Act (20 U.S.C. 1416) is amended—

(1) in subsection (a)—

(A) by striking "pursuant to the State plan" and all that follows through "If the Secretary withholds" and inserting the following: "pursuant to the State plan, the Secretary—

"(A) shall, after notifying the State educational agency, withhold any further payments to the State under this part, and

"(B) may, after notifying the State educational agency, withhold further payments to the State under the Federal programs specified in section 613(a)(2) within the Secretary's jurisdiction, to the extent that funds under such programs are available for the provision of assistance for the education of handicapped children.

If the Secretary withholds";

(B) by striking "he" in the second sentence and inserting "the Secretary";

(C) by striking "his jurisdiction" in the penultimate sentence and inserting "the Secretary's jurisdiction"; and

(2) in subsection (b)(1), by striking "on which he based his action" and inserting "upon which the Secretary's action was based"; and

(3) in subsection (b)(2), by striking "his" and inserting "the Secretary's".

(g) ADMINISTRATION.—Section 617 of the Education of the Handicapped Act (20 U.S.C. 1417) is amended—

(1) in subsection (a)(1), by striking "his" and inserting "the Secretary's";

(2) in subsection (a)(1)(D), by inserting after "1975" the following: "and every year thereafter"; and

(3) in subsection (d), by striking "his" and inserting "the Secretary's".

(h) EVALUATION.—Section 618 of the Education of the Handicapped Act (20 U.S.C. 1418) is amended—

(1) by amending subsection (a) to read as follows:

"(a) The Secretary shall, directly or by grant, contract, or cooperative agreement, collect data and conduct studies, investigations, and evaluations— Grants. Contracts.

"(1) to assess progress in the implementation of this Act;

"(2) to assess the impact and effectiveness of State and local efforts, and efforts by the Secretary of the Interior, to provide—

"(A) free appropriate public education to handicapped children and youth; and

"(B) early intervention services to handicapped infants and toddlers; and

"(3) to provide—

"(A) Congress with information relevant to policymaking; and

"(B) State, local, and Federal agencies, including the Department of the Interior, with information relevant to program management, administration, and effectiveness with respect to such education and early intervention services.";

(2) in subsection (b)(1), by striking "intervention services" and all that follows through the comma at the end and inserting the following: "intervention services—

"(A) in age groups 0-2 and 3-5, and

"(B) in age groups 6-11, 12-17, and 18-21,

by disability category,";

(3) in subsection (b)(3), by striking "or otherwise" and all that follows through the comma at the end and inserting the following: "or otherwise—

"(A) in age group 3-5, and

"(B) in age groups 6-11, 12-17, and 18-21,

by disability category and anticipated services for the next year,";

(4) in subsection (b)(6), by striking "handicapped children and youth" and all that follows through the period at the end and inserting the following: "handicapped children and youth—

"(A) in age group 3-5, and

"(B) in age groups 6-11, 12-17, and 18-21,

and by disability category.";

(5) in subsection (d)(4), by striking "resources" and inserting "resource";

(6) in subsection (f)(4), by striking "a free appropriate public education" and all that follows through the period at the end and inserting the following: "a free appropriate public education to—

"(A) handicapped infants, toddlers, children, and youth in rural areas,

"(B) handicapped migrants,

"(C) handicapped Indians (particularly programs operated under section 611(f)),

"(D) handicapped Native Hawaiian (and other native Pacific basin) children and youth, and

"(E) handicapped infants, toddlers, children, and youth with limited English proficiency."; and

(7) in subsection (f)(5)—

(A) by striking "National Council for the Handicapped" and inserting "National Council on Disability"; and

(B) by inserting "the Secretary shall include" before "a description of".

(i) PRESCHOOL GRANTS.—Section 619 of the Education of the Handicapped Act (20 U.S.C. 1419) is amended—

(1) in subsection (a)(2)(A)(ii)(II), by inserting "increase in the" after "multiplied by the estimated";

(2) in subsection (a)(2)(E), by striking "clause (ii)(II) of the applicable subparagraph,";

(3) in subsection (b)(2)(A), by striking "$656,000,000, and" and inserting "$656,000,000, or";

(4) in subsection (c)(3)(B)—

(A) by striking "the amount available under subsection (a)(2)(A)(ii)(II)" and inserting "the amount of such funds"; and

(B) by striking "aggregate number of handicapped children" and all that follows through "related services" and inserting "aggregate number of such children"; and

(5) by adding at the end the following new subsection:

"(f) Notwithstanding any other provision of law, unless enacted in express limitation of this subsection, amounts appropriated under this section for fiscal years 1987 and 1988 and received by a State whose allotment for the succeeding fiscal year is adjusted downwards under subsection (a)(2)(E) shall remain available for obligation by such State, and by local educational agencies and intermediate educational units in such State, during the 2 fiscal years succeeding the fiscal year for which such amounts were appropriated.".

SEC. 103. CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—The part heading for part C of the Education of the Handicapped Act (20 U.S.C. 1421 et seq.) is amended to read as follows:

"PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF HANDICAPPED INDIVIDUALS".

(b) REGIONAL RESOURCE AND FEDERAL CENTERS.—Section 621 of the Education of the Handicapped Act (20 U.S.C. 1421) is amended—

(1) in subsection (a), by striking "appropriate State agencies" in the second sentence and inserting "appropriate public agencies"; and

(2) in subsection (e), by striking "for this section" and all that follows through "subsection (a)" and inserting "in the previous fiscal year for regional resource centers under subsection (a) shall be made available for such centers".

(c) SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH.—Section 622 of the Education of the Handicapped Act (20 U.S.C. 1422) is amended—

(1) in subsection (a)(1)(B), by inserting a comma after "youth"; and

(2) in subsection (c)(2)(B), by striking "subpart 2" and all that follows through "of 1981)" and inserting "subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965".

(d) EARLY EDUCATION FOR HANDICAPPED CHILDREN.—Section 623 of the Education of the Handicapped Act (20 U.S.C. 1423) is amended—

(1) in subsection (a)(1), by striking "designed to" and all that follows through the period at the end and inserting the following: "designed to—

"(A) facilitate the intellectual, emotional, physical, mental, social, speech, language development, and self-help skills of such children,

"(B) encourage the participation of the parents of such children in the development and operation of any such program,

"(C) acquaint the community to be served by any such program with the problems and potentialities of such children,

"(D) offer training about exemplary models and practices to State and local personnel who provide services to handicapped children from birth through age 8, and

"(E) support the adoption of exemplary models and practices in States and local communities.";

(2) in subsection (d), by inserting "or" before "enter"; and

(3) in subsection (e), by striking "application" and inserting "applications".

(e) PROGRAMS FOR SEVERELY HANDICAPPED CHILDREN.—Section 624 of the Education of the Handicapped Act (20 U.S.C. 1424) is amended—

(1) in subsection (a)(2), by striking the comma following "improvements in";

(2) in subsection (a)(3), by inserting "and youth" after "such children";

(3) in subsection (b)—

(A) by striking "making grants and contracts" and inserting "making grants and entering into contracts and cooperative agreements"; and

(B) by striking "such grants and contracts" and inserting "such grants, contracts, or cooperative agreements"; and

(4) in subsection (c)—

(A) by striking the comma following "programs"; and

(B) by striking "nation" and inserting "Nation".

(f) POSTSECONDARY EDUCATION.—Section 625 of the Education of the Handicapped Act (20 U.S.C. 1424a) is amended—

(1) in subsection (a)(4), by striking "application" and inserting "applications"; and

(2) in subsection (a)(5), by striking "dispensed throughout the nation" and inserting "dispersed throughout the Nation".

(g) SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR HANDICAPPED YOUTH.—Section 626 of the Education of the Handicapped Act (20 U.S.C. 1425) is amended—

(1) in subsection (a)—

(A) by striking "(Public Law 97-300)" in the first sentence; and

(B) by striking "through the Nation" in the second sentence and inserting "throughout the Nation";

(2) in subsection (b)(6)—

(A) by striking "between" and inserting "among"; and

(B) by inserting "and" before "public employment";

(3) in subsection (b)(10), by striking "specifically" and inserting "specially"; and

(4) in subsection (c), by inserting "its activities" after "coordinate".

SEC. 104. TRAINING PERSONNEL FOR THE EDUCATION OF HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—The part heading for part D of the Education of the Handicapped Act (20 U.S.C. 1431 et seq.) is amended to read as follows:

"PART D—TRAINING PERSONNEL FOR THE EDUCATION OF HANDICAPPED INDIVIDUALS".

(b) GRANTS FOR PERSONNEL TRAINING.—Section 631 of the Education of the Handicapped Act (20 U.S.C. 1431) is amended—

(1) in subsection (a)(1), by striking "(including the university-affiliated" and all that follows through "program)" in the matter that precedes subparagraph (A) and inserting "(including university affiliated programs and satellite centers participating in programs under part D of the Developmental Disabilities Assistance and Bill of Rights Act)";

(2) in subsection (a)(2)(A), by striking "In making grants" and all that follows through "such grants" and inserting "The Secretary shall base the award of grants under paragraph (1)";

(3) in subsection (b), by inserting ", State agencies," after "higher education";

(4) in subsection (c)(2)(A)—

(A) by striking "on which a majority" both places it appears and inserting "of which a majority"; and

(B) by striking the comma and inserting a semicolon; and

(5) in subsection (c)(5)(D), by striking "individualized educational program" and inserting "individualized education program".

(c) GRANTS TO STATE EDUCATIONAL AGENCIES AND INSTITUTIONS FOR TRAINEESHIPS.—Section 632 of the Education of the Handicapped Act (20 U.S.C. 1432) is amended to read as follows:

"GRANTS TO STATE EDUCATIONAL AGENCIES AND INSTITUTIONS FOR TRAINEESHIPS

"SEC. 632. (a) The Secretary shall make a grant of sufficient size and scope to each State educational agency for the purposes described in subsection (c) and, in any State in which the State educational agency does not apply for such a grant, to an institution of higher education within such State for such purposes.

"(b) The Secretary may also make a limited number of grants to State educational agencies on a competitive basis for the purposes described in subsection (c). In any fiscal year, the Secretary may not expend for purposes of this subsection an amount that exceeds 10 percent of the amount expended for purposes of this section in the preceding fiscal year.

"(c) Grants made under this section shall be for the purpose of assisting States in establishing and maintaining preservice and inservice programs to prepare personnel to meet the needs of handicapped infants, toddlers, children, and youth or supervisors of such persons, consistent with the personnel needs identified in the State's comprehensive system of personnel development under section 613 and under section 676(b)(8).".

(d) CONTINUATION GRANTS.—Notwithstanding section 632 of the Education of the Handicapped Act (as amended by subsection (c)), the Secretary of Education may make continuation grants for the fiscal year 1989 to institutions of higher education that received competitive grants for the fiscal year 1987.

20 USC 1432 note.

(e) CLEARINGHOUSE.—Section 633(c)(2) of the Education of the Handicapped Act (20 U.S.C. 1433(c)(2)) is amended by inserting "of information" after "Dissemination".

SEC. 105. RESEARCH IN THE EDUCATION OF HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—The part heading for part E of the Education of the Handicapped Act (20 U.S.C. 1441 et seq.) is amended to read as follows:

"PART E—RESEARCH IN THE EDUCATION OF HANDICAPPED INDIVIDUALS".

(b) RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN.—Section 641 of the Education of the Handicapped Act (20 U.S.C. 1441) is amended—

(1) in subsection (a), by striking "children and youth" each place it appears and inserting "children, and youth";

(2) in subsection (a)(6), by inserting a comma after "scales"; and

(3) in subsection (e)—

(A) by striking "National Institute of Handicapped Research" and inserting "National Institute on Disability and Rehabilitation Research"; and

(B) by striking "National Council on the Handicapped" and inserting "National Council on Disability".

(c) PANELS OF EXPERTS.—Section 643(a)(1) of the Education of the Handicapped Act (20 U.S.C. 1443(a)(1)) is amended by striking "the handicapped" and inserting "handicapped individuals".

SEC. 106. INSTRUCTIONAL MEDIA FOR HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—The part heading for part F of the Act is amended to read as follows:

"PART F—INSTRUCTIONAL MEDIA FOR HANDICAPPED INDIVIDUALS".

(b) PURPOSES.—Section 651 of the Education of the Handicapped Act (20 U.S.C. 1451) is amended to read as follows:

"PURPOSES

"SEC. 651. The purposes of this part are to promote—

"(1) the general welfare of deaf individuals by—

"(A) bringing to such individuals understanding and appreciation of those films that play such an important part in the general and cultural advancement of hearing individuals;

"(B) providing through these films enriched educational and cultural experiences through which deaf individuals can be brought into better touch with the realities of their environment; and

"(C) providing a wholesome and rewarding experience that deaf individuals may share together; and

"(2) the educational advancement of handicapped individuals by—

"(A) carrying on research in the use of educational media for handicapped individuals;

"(B) producing and distributing educational media for the use of handicapped individuals, their parents, their actual or potential employers, and other individuals directly involved in work for the advancement of handicapped individuals; and

"(C) training individuals in the use of educational media for the instruction of handicapped individuals.".

(c) CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED INDIVIDUALS.—Section 652 of the Education of the Handicapped Act (20 U.S.C. 1452) is amended—

(1) by amending the section heading of such section to read as follows:

"CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED INDIVIDUALS";

(2) by striking "persons" each place it appears and inserting "individuals";

(3) by striking "the handicapped" each place it appears and inserting "handicapped individuals";

(4) in subsection (b)(2)—

(A) by striking "purchased" and inserting "purchase"; and

(B) by striking "to" and inserting "for";

(5) in subsection (b)(5), by striking "he" and inserting "the Secretary";

(6) in subsection (b)(6), by striking "and" the second place it appears;

(7) in subsection (b)(8), by striking "the deaf" and inserting "deaf individuals"; and

(8) in subsection (c), by striking "deaf people" each place it appears and inserting "deaf individuals".

SEC. 107. TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR HANDICAPPED INDIVIDUALS.

(a) IN GENERAL.—The part heading for part G of the Education of the Handicapped Act (20 U.S.C. 1461 et seq.) is amended to read as follows:

"PART G—TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR HANDICAPPED INDIVIDUALS".

(b) FINANCIAL ASSISTANCE.—The second sentence of section 661 of the Education of the Handicapped Act (20 U.S.C. 1461) is amended—

(1) by striking "subsection" and inserting "section"; and

(2) by striking "the handicapped" each place it appears and inserting "handicapped individuals".

SEC. 108. HANDICAPPED INFANTS AND TODDLERS.

(a) FINDINGS AND POLICY.—Section 671 of the Education of the Handicapped Act (20 U.S.C. 1471) is amended—

(1) in subsection (a)(4), by striking "infants and toddlers with handicaps" and inserting "handicapped infants and toddlers"; and

(2) in subsection (b)(3), by striking "its" and inserting "their".

(b) DEFINITIONS.—Section 672 of the Education of the Handicapped Act (20 U.S.C. 1472) is amended—

(1) in paragraph (1)(A), by striking "Cognitive" and inserting "cognitive";

(2) in paragraph (2), by striking "'Early intervention services'" and inserting "The term 'early intervention services'"; and

(3) in paragraph (2)(C), by striking "psycho-social" and inserting "psychosocial".

(c) CONTINUING ELIGIBILITY.—Section 675 of the Education of the Handicapped Act (20 U.S.C. 1475) is amended—

(1) in subsection (a), by striking "assurances" and inserting "an assurance"; and

(2) in subsection (b)(1)(C), by striking "with respect to" and inserting "in order to comply with".

(d) REQUIREMENTS FOR STATEWIDE SYSTEM.—Section 676 of the Education of the Handicapped Act (20 U.S.C. 1476) is amended—

(1) in subsection (b)(5)—

(A) by inserting "of this Act" after "part B"; and

(B) by striking "the participation by" and inserting "participation by"; and

(2) in subsection (b)(12), by striking "and".

(f) INDIVIDUALIZED FAMILY SERVICE PLAN.—Section 677 of the Education of the Handicapped Act (20 U.S.C. 1477) is amended—

(1) in subsection (a), by striking "infant" the second place it appears in the matter preceding paragraph (1) and inserting "infant's";

(2) in subsection (b)—

(A) by striking "6 month-intervals" and inserting "6-month intervals"; and

(B) by striking "infant and toddler" and inserting "infant or toddler";

(3) in subsection (d)(1), by striking "psycho-social" and inserting "psychosocial";

(4) in subsection (d)(3)—

(A) by striking "infant and toddler" and inserting "infant or toddler"; and

(B) by striking "are being made" and inserting "is being made";

(5) in subsection (d)(6), by striking "infant's and toddler's" and inserting "infant's or toddler's"; and

(6) in subsection (d)(7), by inserting "of this Act" after "part B".

(g) STATE APPLICATION AND ASSURANCES.—Section 678 of the Education of the Handicapped Act (20 U.S.C. 1478) is amended—

(1) in subsection (a)(3), by striking "and"; and

(2) in subsection (a)(5), by striking "for the fifth and succeeding fiscal years" and inserting a comma and "for the fifth and succeeding fiscal years,".

(h) USES OF FUNDS.—Section 679 of the Education of the Handicapped Act (20 U.S.C. 1479) is amended—

(1) in paragraph (1), by inserting "and their families" after "toddlers"; and

(2) in paragraph (2), by inserting "and their families" after "toddlers".

(i) PROCEDURAL SAFEGUARDS.—Section 680 of the Education of the Handicapped Act (20 U.S.C. 1480) is amended—

(1) in paragraph (3), by striking "and a guardian" and inserting "or a guardian";

(2) in paragraph (4), by striking "infant and toddlers" and inserting "infant or toddler"; and

(3) in paragraph (7), by striking "if applying for initial services" and inserting a comma and "if applying for initial services,".

(j) PAYOR OF LAST RESORT.—Section 681(a) of the Education of the Handicapped Act (20 U.S.C. 1481(a)) is amended by striking "the delay" and inserting "a delay".

(k) STATE INTERAGENCY COORDINATING COUNCIL.—Section 682 of the Education of the Handicapped Act (20 U.S.C. 1482) is amended—

(1) in subsection (b)(4), by striking "and";

(2) in subsection (b)(5), by striking "and others selected by the Governor." and inserting a comma and "and"; and

(3) by adding at the end of subsection (b) a new paragraph (6) to read as follows:

"(6) others selected by the Governor.".

20 USC 1419 note.

SEC. 109. SPECIAL RULE FOR FISCAL YEAR 1987 PRESCHOOL GRANTS.

(a) SPECIAL RULE.—Notwithstanding section 412(b)(2) of the General Education Provisions Act, a State educational agency may use funds made available in fiscal year 1986 under section 619 of the Education of the Handicapped Act for expenditure in fiscal year 1987 in accordance with the statutory and regulatory provisions relating to such program that were in effect for fiscal year 1986 and the application submitted by such agency for such program for such fiscal year.

(b) EFFECTIVE DATE.—This section shall be effective as of October 1, 1987.

SEC. 110. PRESCHOOL GRANTS.

20 USC 1419 note.

The provisions of section 300.300(b)(3) of title 34, Code of Federal Regulations, shall not apply with respect to children aged 3 through 5, inclusive, in any State for any fiscal year for which the State receives a grant under section 619(a)(1) of the Education of the Handicapped Act.

TITLE II—AMENDMENTS TO THE REHABILITATION ACT OF 1973

SEC. 201. GENERAL PROVISIONS.

(a) REHABILITATION SERVICES ADMINISTRATION.—The last sentence of section 3(a) of the Rehabilitation Act of 1973 (29 U.S.C. 702(a)) is amended by striking "National Council on the Handicapped" and inserting "National Council on Disability".

(b) CONSOLIDATED REHABILITATION PLAN.—Section 6 of the Rehabilitation Act of 1973 (29 U.S.C. 705) is amended—

(1) in subsection (a), by striking "the Developmental Disabilities Services and Facilities Construction Amendments of 1970" and inserting "the Developmental Disabilities Assistance and Bill of Rights Act"; and

(2) in subsection (b)—

(A) by striking "the Developmental Disabilities Services and Facilities Construction Amendments of 1970" in the first sentence and inserting "the Developmental Disabilities Assistance and Bill of Rights Act"; and

(B) by striking the last sentence and inserting the following: "If the Secretary finds that all such requirements are satisfied, the Secretary may—

"(1) approve the plan to serve in all respects as the substitute for the separate plans which would otherwise be required with respect to each of the programs included therein; or

"(2) advise the State to submit separate plans for such programs.".

(c) DEFINITIONS.—Section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 706) is amended—

(1) in paragraph (2), by inserting a comma after "unit of general local government";

(2) in paragraph (5)(B), by inserting a comma after "employability";

(3) in paragraph (5)(C), by striking "skill" and inserting "skills";

(4) in paragraph (5)(G)(i), by striking "such individual" the second place it appears;

(5) by amending paragraph (13)(B) to read as follows: "(B) testing, fitting, or training in the use of prosthetic and orthotic devices,";

(6) by amending paragraph (13)(F) to read as follows: "(F) psychiatric, psychological, and social services,";

(7) in paragraph (13)(L), by striking "provisions" and inserting "provision"; and

(8) in paragraph (15)(A), by striking ", for purposes of this Act".

(d) NONDUPLICATION.—Section 10 of the Rehabilitation Act of 1973 (29 U.S.C. 709) is amended in the last sentence by inserting a comma after "any other provision of this Act".

(e) ADMINISTRATION OF THE ACT.—Section 12(c) of the Rehabilitation Act of 1973 (29 U.S.C. 711(c)) is amended by striking "his" and inserting "the Commissioner's".

(f) EVALUATION.—Section 14 of the Rehabilitation Act of 1973 (29 U.S.C. 713) is amended—

(1) in subsection (a), by inserting a comma after "earnings" in the third sentence; and

(2) in subsection (c), by striking "evaluation" and inserting "evaluations".

(g) REVIEW OF APPLICATIONS.—The first sentence of section 18 of the Rehabilitation Act of 1973 (29 U.S.C. 717) is amended—

(1) by inserting a comma after "this Act"; and

(2) by inserting a comma after "conferences".

SEC. 202. VOCATIONAL REHABILITATION SERVICES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 100 of the Rehabilitation Act of 1973 (29 U.S.C. 720) is amended—

(1) in subsection (b), by striking paragraph (3);

(2) in subsection (c)—

(A) by striking "price index" each place it appears and inserting "Consumer Price Index"; and

(B) by striking "subsection" in paragraph (3) and inserting "section"; and

(3) by amending subsection (d)(1) to read as follows:

"(d)(1)(A) Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

"(i) of the authorization of appropriations for the program authorized by the State grant program under part B of this title; or

"(ii) of the duration of the program authorized by the State grant program under part B of this title;

has passed legislation which would have the effect of extending the authorization or duration (as the case may be) of such program, such authorization is automatically extended for one additional year for the program authorized by this title.

"(B) The amount authorized to be appropriated for the additional fiscal year described in subparagraph (A) shall be an amount equal to the amount appropriated for such program for fiscal year 1991, or the amount authorized to be appropriated for such program for fiscal year 1991, whichever is higher, plus the amount of the Consumer Price Index addition determined under subsection (c) for the immediately preceding fiscal year.".

(b) STATE PLANS.—Section 101(a) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)) is amended—

(1) in paragraph (1)(A)(i)—

(A) by inserting a comma after "where";

(B) by inserting a comma after "law"; and

(C) by striking the comma following "adult blind";

(2) in paragraph (4), by striking "him" and inserting "the Commissioner";

(3) in paragraph (5)(A), by striking "individuals with handicaps with the most severe handicaps" and inserting "individuals with the most severe handicaps,";

(4) in paragraph (5)(A)(i), by inserting a comma after "provided";

(5) in paragraph (5)(A)(ii), by inserting a comma after "goals" the first place it appears;

(6) in paragraph (7)(B), by striking "utilized in" and inserting "utilized therein";

(7) in paragraph (9)—

(A) by striking "him" and inserting "the Commissioner"; and

(B) by striking "his" and inserting "the Commissioner's";

(8) in paragraph (13)(A)—

(A) by inserting "who is" before "disabled"; and

(B) by striking "his" and inserting "the employee's";

(9) in paragraph (13)(B), by striking "and the proximate cause" and inserting "if the proximate cause";

(10) by amending paragraph (15) to read as follows:

"provide for continuing statewide studies of the needs of individuals with handicaps and how these needs may be most effectively met, including—

"(A) conducting a full needs assessment for serving individuals with severe handicaps;

"(B) an assessment of the capacity and condition of rehabilitation facilities, plans for improving such facilities, and policies for the use thereof by the State agency; and

"(C) review of the efficacy of the criteria employed with respect to ineligibility determinations described in paragraph (9)(C) of this subsection with a view toward the relative need for services to significant segments of the population of individuals with handicaps and the need for expansion of services to those individuals with the most severe handicaps;"; and

(11) in paragraph (20), by striking "handicapped American Indians" and inserting "American Indians with handicaps".

(c) INDIVIDUALIZED WRITTEN REHABILITATION PROGRAM.—Section 102 of the Rehabilitation Act of 1973 (29 U.S.C. 722) is amended—

(1) in the last sentence of subsection (a), by striking "including recourse" and all that follows through "this section," and inserting "including, where appropriate, recourse to the processes set forth in subsections (b)(2) and (d) of this section, and the availability of services provided under section 112,";

(2) in subsection (b)(1)(H), by striking "severely handicapped individuals" and inserting "individuals with severe handicaps";

(3) in subsection (b)(2)—

(A) by inserting a comma after "annually"; and

(B) by inserting a comma after "(or"; and

(4) in subsection (c)(2), by inserting "is" after "thus".

(d) SCOPE OF VOCATIONAL REHABILITATION SERVICES.—Section 103 of the Rehabilitation Act of 1973 (29 U.S.C. 723) is amended—

(1) in subsection (a)(1)—

(A) by striking the comma after "related services"; and

(B) by striking "where appropriate," and all that follows through "or both;" and inserting the following: "where appropriate—

"(A) an evaluation by personnel skilled in rehabilitation engineering technology; and

"(B) an examination by a physician skilled in the diagnosis and treatment of mental or emotional disorders, or by

a licensed psychologist in accordance with State laws and regulations, or both;"; and

(2) in subsection (a)(2), by striking "individuals maintain" and inserting "individuals to maintain".

(e) PAYMENTS TO STATES FOR BASIC VOCATIONAL REHABILITATION SERVICES.—(1) Section 111 of the Rehabilitation Act of 1973 (29 U.S.C. 731) is amended by striking "SEC. 111. SEC. 111." and inserting "SEC. 111.".

(2)(A) Section 111(a)(2)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 731(a)(2)(B)) is amended to read as follows:

"(B) For fiscal year 1990 and each fiscal year thereafter, the amount otherwise payable to a State for a fiscal year under this section shall be reduced by the amount by which expenditures from non-Federal sources under the State plan under this title for the previous fiscal year are less than the average of the total of such expenditures for the three fiscal years preceding that previous fiscal year.".

Effective date.

(B) The amendment made by subparagraph (A) shall take effect on October 1, 1989.

(3) Section 111(b)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 731(b)(1)) is amended by striking the comma following "such other investigation".

(f) CLIENT ASSISTANCE PROGRAM.—Section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732) is amended—

(1) in subsection (a), by striking "handicapped individuals" in the last sentence and inserting "individuals with handicaps";

(2) in subsection (b), by striking the comma following "client assistance program";

(3) by adding at the end of subsection (c) the following new paragraph:

"(4) For the purpose of this subsection, the term 'Governor' means the chief executive of the State.";

(4) in subsection (g)(1), by striking the comma after "consultants of";

(5) in subsection (g)(4), by striking "his" and inserting "the Secretary's";

(6) in subsection (h)(3)(C), by striking "this reauthorization" each place it appears and inserting "the date of the enactment of the Rehabilitation Amendments of 1984"; and

(7) in subsection (i), by inserting a comma after "1991".

(g) STATE ALLOTMENTS.—Section 120(a) of the Rehabilitation Act of 1973 (29 U.S.C. 740(a)) is amended by striking "(1)".

(h) PAYMENTS TO STATES FOR INNOVATION AND EXPANSION.—Section 121(a)(3) of the Rehabilitation Act of 1973 (29 U.S.C. 741(a)(3)) is amended by striking "handicapped youth and adults" and inserting "both youths with handicaps and adults with handicaps".

(i) VOCATIONAL REHABILITATION SERVICES GRANTS.—Section 130 of the Rehabilitation Act of 1973 (29 U.S.C. 750) is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting a comma after "part"; and

(B) by striking "handicapped American Indians" and inserting "American Indians with handicaps";

(2) in subsection (b)(1)(B), by striking "handicapped American Indians" and inserting "American Indians with handicaps"; and

(3) by striking subsection (d) and redesignating subsection (e) as subsection (c).

(j) STUDY OF NEEDS OF AMERICAN INDIANS WITH HANDICAPS.— Section 132 of the Rehabilitation Act of 1973 (29 U.S.C. 751) is redesignated as section 131. 29 USC 752.

SEC. 203. RESEARCH AND TRAINING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 201(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761(a)(1)) is amended by inserting a comma after "1987".

(b) NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH.—Section 202 of the Rehabilitation Act of 1973 (29 U.S.C. 761a) is amended—

(1) in subsection (b)(8), by striking "the handicapped" and inserting "individuals with handicaps";

(2) in subsection (c)(1)—

(A) by striking "his" each place it appears and inserting "the Director's";

(B) by striking "National Council on the Handicapped" where it appears in the third sentence and inserting "National Council on Disability"; and

(C) by striking "him" where it appears in the last sentence and inserting "the Director";

(3) in subsection (c)(3), by inserting a comma after "to such provisions";

(4) in the second sentence of subsection (g)—

(A) by striking "in the consultation" and inserting "in consultation"; and

(B) by striking "National Council on the Handicapped" and inserting "National Council on Disability";

(5) in the third sentence of subsection (g), by inserting "the Director considers" before "necessary";

(6) in subsection (i)(2), by striking "Office of Special Education and Rehabilitation Services" and inserting "Office of Special Education and Rehabilitative Services";

(7) by amending subsection (j)(2) to read as follows:

"(2) The Director shall establish, either directly or by way of grant or contract, a Research and Training Center in the Pacific Basin in order to improve services to individuals with handicaps through relevant rehabilitation research and training in the Pacific Basin and to assist in the coordination of rehabilitation services provided by a broad range of agencies and entities. Such center shall— Grants. Contracts.

"(A) develop a sound demographic base,

"(B) analyze, develop, and utilize appropriate technology,

"(C) develop a culturally relevant rehabilitation manpower development program, and

"(D) facilitate interagency communication and cooperation, implementing advanced information technology."; and

(8) in subsection (l)—

(A) by striking "Committee on Handicapped Research" in the third sentence and inserting "Interagency Committee on Disability Research";

(B) by inserting a comma after "Further" in the fourth sentence; and

(C) by striking "Interagency Committee on Handicapped Research" in the last sentence and inserting "Interagency Committee on Disability Research".

(c) INTERAGENCY COMMITTEE.—Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 761b(a)(1)) is amended by striking

"Interagency Committee on Handicapped Research" and inserting "Interagency Committee on Disability Research".

(d) RESEARCH.—Section 204 of the Rehabilitation Act of 1973 (29 U.S.C. 762) is amended—

(1) in subsection (b)(1), by striking "centers" in the seventh sentence and inserting "Centers";

(2) in subsection (b)(2)(B), by striking "to" where it appears after "severe handicaps,";

(3) in subsection (b)(2)(C), by striking "to" where it appears after "handicaps, and";

(4) in subsection (b)(3)(A), by striking "centers," and inserting "Centers,";

(5) in subsection (b)(4), by striking "Conduct a" and inserting "Conduct of a";

(6) in subsection (b)(5), by striking "rehabilitation of the individuals" and inserting "rehabilitation of individuals";

(7) in subsection (b)(8)—

(A) by striking "handicapped children" and inserting "children with handicaps"; and

(B) by striking "handicapped Indian Americans" and inserting "American Indians with handicaps";

(8) in subsection (b)(9), by striking "handicapped and" and inserting "individuals with handicaps, including";

(9) in subsection (b)(11), by striking "handicapped children" the first place it appears and inserting "children with handicaps"; and

(10) in subsection (b)(11)(A), by striking "severely handicapped children" both places it appears and inserting "children with severe handicaps".

SEC. 204. SUPPLEMENTARY SERVICES AND FACILITIES.

(a) DECLARATION OF PURPOSE.—Section 300(3) of the Rehabilitation Act of 1973 (29 U.S.C. 770(3)) is amended by striking "handicapped migratory agricultural workers or seasonal farmworkers" and inserting "migratory agricultural workers with handicaps or seasonal farmworkers with handicaps".

(b) VOCATIONAL TRAINING SERVICES FOR INDIVIDUALS WITH HANDICAPS.—Section 302(b)(3)(D) of the Rehabilitation Act of 1973 (29 U.S.C. 772(b)(3)(D)) is amended by striking "meet" and inserting "meets".

(c) TRAINING.—Section 304 of the Rehabilitation Act of 1973 (29 U.S.C. 774) is amended—

(1) in subsection (a)(3), by striking "program,," and inserting "programs,";

(2) in subsection (b)(1)—

(A) by striking "those individuals who meet the definition of severely handicapped" and inserting "individuals with severe handicaps"; and

(B) by striking "ill and";

(3) in subsection (b)(3)(A)—

(A) by striking "grant of contract" and inserting "grant or contract"; and

(B) by striking "from" and inserting "utilizing";

(4) in subsection (d)(1), by striking "the Office of Information and Resources for the Handicapped" and inserting "the Office of Information and Resources for Individuals With Disabilities";

(5) in subsection (d)(2)(D), by striking "the Education for All Handicapped Children Act" and inserting "the Education of the Handicapped Act"; and

(6) in subsection (f), by striking "1991.." and inserting "1991.".

(d) COMPREHENSIVE REHABILITATION CENTERS.—Section 305(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 775(a)(1)) is amended by striking "handicapped persons" and inserting "individuals with handicaps".

(e) GENERAL GRANT AND CONTRACT REQUIREMENTS.—Section 306 of the Rehabilitation Act of 1973 (29 U.S.C. 776) is amended—

(1) in subsection (b)(4), by striking "related to" and inserting "relating to";

(2) in subsection (b)(5), by striking "with Davis-Bacon Act" and inserting "with the Davis-Bacon Act"; and

(3) in subsection (h), by inserting a comma after "When".

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 310(a) of the Rehabilitation Act of 1973 (29 U.S.C. 777(a)) is amended by striking the parenthetical and inserting "(other than sections 311(d), 311(e), and 316)".

(g) SPECIAL DEMONSTRATION PROGRAMS.—Section 311 of the Rehabilitation Act of 1973 (29 U.S.C. 777a) is amended—

(1) in the first sentence of subsection (c)(1), by striking "handicapped youths" and inserting "youths with handicaps";

(2) in the first sentence of subsection (e)(1), by striking "severely handicapped youth" and inserting "youths with severe handicaps";

(3) in subsection (e)(3)(B)(ii), by striking "families." and inserting "families, will";

(4) in subsection (e)(3)(B)(iv)—

(A) by striking "designed" the second place it appears and inserting "designated"; and

(B) by striking "handicapped individual" and inserting "individual with handicaps"; and

(5) in subsection (e)(4)(B), by striking "both severely and mildly handicapped youth" and inserting "both youths with severe handicaps and youths with mild handicaps".

(h) MIGRATORY WORKERS.—Section 312 of the Rehabilitation Act of 1973 (29 U.S.C. 777b) is amended by striking "handicapped)" in the first sentence and inserting "such family members are individuals with handicaps)".

(i) READER SERVICES FOR THE BLIND.—Section 314(a)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 777d(a)(2)) is amended by striking "need" and inserting "needs".

(j) SPECIAL RECREATIONAL PROGRAMS.—(1) Part B of title III of the Rehabilitation Act of 1973 (29 U.S.C. 777-777f) is amended by inserting before section 316 the following heading: 29 USC 777f.

"SPECIAL RECREATIONAL PROGRAMS".

(2) Section 316(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 777f(a)(1)) is amended by striking "nonhandicapped peers" in the third sentence and inserting "peers without handicaps".

(k) REPEAL OF OBSOLETE PROVISION.—Part B of title III of the Rehabilitation Act of 1973 (29 U.S.C. 777-777f) is further amended by striking section 313 where it appears following section 316. 29 USC 777c note.

SEC. 205. NATIONAL COUNCIL ON DISABILITY.

(a) IN GENERAL.—The title heading for title IV of the Rehabilitation Act of 1973 (29 U.S.C. 780-785) is amended to read as follows:

"TITLE IV—NATIONAL COUNCIL ON DISABILITY".

(b) ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY.—Section 400 of the Rehabilitation Act of 1973 (29 U.S.C. 780) is amended—

(1) by amending the section heading to read as follows:

"ESTABLISHMENT OF NATIONAL COUNCIL ON DISABILITY";

(2) in subsection (a)(1)—

(A) by striking "National Council on the Handicapped" and inserting "National Council on Disability"; and

(B) by striking "the handicapped" each place it appears and inserting "individuals with handicaps"; and

(3) in subsection (a)(2), by striking "handicapped individuals" and inserting "individuals with handicaps".

(c) DUTIES OF NATIONAL COUNCIL.—Section 401 of the Rehabilitation Act of 1973 (29 U.S.C. 781) is amended—

(1) in subsection (a), by striking "handicapped individuals" each place it appears and inserting "individuals with handicaps";

(2) in subsection (a)(4), by striking "persons with disabilities" each place it appears and inserting "individuals with disabilities";

(3) in subsection (a)(4)(B), by striking "assisted" and inserting "assist";

(4) in subsection (a)(7)(A), by striking "the handicapped" and inserting "individuals with handicaps";

(5) in subsection (a)(8), by inserting a comma after "recommendations"; and

(6) in subsection (b)(1), by striking "recommendation" and inserting "recommendations".

(d) COMPENSATION OF NATIONAL COUNCIL MEMBERS.—Section 402(a) of the Rehabilitation Act of 1973 (29 U.S.C. 782(a)) is amended by striking "traveltime" and inserting "travel time".

Gifts and property.

(e) STAFF OF NATIONAL COUNCIL.—Section 403(b)(2)(B) of the Rehabilitation Act of 1973 (29 U.S.C. 783(b)(2)(B)) is amended to read as follows:

"(B) in the name of the Council, accept, employ, and dispose of, in furtherance of this Act, any money or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and".

SEC. 206. MISCELLANEOUS.

(a) EMPLOYMENT OF INDIVIDUALS WITH HANDICAPS.—Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) is amended—

(1) by inserting after "Equal Employment Opportunity Commission" the first place it appears the following: "(hereafter in this section referred to as the 'Commission')";

(2) by striking "Equal Employment Opportunity Commission" the second place and each succeeding place it appears and inserting "Commission";

(3) in subsection (a)—

(A) by striking "Secretaries of Labor and Education and Health and Human Services" in the first sentence and inserting "Secretary of Labor, the Secretary of Education, and the Secretary of Health and Human Services";

(B) by striking "co-chairmen" in the second sentence and inserting "co-chairpersons"; and

(C) by striking "Employment of the Handicapped" in the second sentence and inserting "Employment of People With Disabilities";

(4) in subsection (a)(2), by striking "the Office" and inserting "the Commission";

(5) in subsection (b)—

(A) by striking "handicapped employees" in the second sentence and inserting "employees with handicaps"; and

(B) by striking "Office" each place it appears in the last sentence and inserting "Commission";

(6) in subsection (e), by striking "a individualized" and inserting "an individualized"; and

(7) in subsection (f), by striking "President's Committee on Employment of the Handicapped" each place it appears and inserting "President's Committee on Employment of People With Disabilities".

(b) ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.—Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

(1) by amending subsection (a)(2) to read as follows:

"(2)(A) The term of office of each appointed member of the Board shall be three years. Each year, the terms of office of four appointed members of the board shall expire.

"(B) A member whose term has expired may continue to serve until a successor has been appointed.

"(C) A member appointed to fill a vacancy shall serve for the remainder of the term to which that member's predecessor was appointed.";

(2) in subsection (a)(3), by striking "he" and inserting "the member";

(3) in subsection (a)(5)(A), by striking "traveltime" and inserting "travel time";

(4) in subsection (b)(2), by inserting a comma after "surface transportation";

(5) in subsection (b)(4), by striking "Administrator of the General Services Administration" and inserting "Administrator of General Services";

(6) in subsection (b)(5), by striking "results to" and inserting "results of";

(7) in subsection (b)(8), by striking "physically handicapped persons" and inserting "individuals with physical handicaps";

(8) in subsection (c)(2)(A), by inserting a comma after "new or expanded transportation systems";

(9) in subsection (d)(2)(B), by striking "which related to" and inserting "that relate to";

(10) in the last sentence of subsection (f)—

(A) by striking the comma after "daily pay rate";

(B) by striking "title 45" and inserting "title 5"; and

(C) by striking "traveltime" and inserting "travel time"; and

(11) in subsection (g)—

(A) by striking "transportation barriers to individuals with handicaps" in the fourth sentence and inserting "transportation barriers facing individuals with handicaps"; and

(B) in the seventh sentence—

(i) by striking "transportation barriers of handicapped individuals" and inserting "transportation barriers facing individuals with handicaps"; and

(ii) by striking "housing needs of handicapped individuals" and inserting "housing needs of individuals with handicaps".

(c) EMPLOYMENT UNDER FEDERAL CONTRACTS.—Section 503 of the Rehabilitation Act of 1973 (29 U.S.C. 793) is amended—

(1) in subsection (a), by inserting a comma in the first sentence after "to carry out such contract";

(2) in subsection (b), by striking "refuses" in the first sentence and inserting "refused"; and

(3) in subsection (c), by striking "The President" each place it appears and inserting "the President".

(d) NONDISCRIMINATION UNDER FEDERAL GRANTS AND PROGRAMS.—Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) is amended—

(1) in the first sentence of subsection (a), by striking "his handicap" and inserting "her or his handicap"; and

(2) in subsection (b)(2)(B), by striking "section 198(a)(10)" and inserting "section 1471(12)".

(e) SECRETARIAL RESPONSIBILITIES.—Section 506 of the Rehabilitation Act of 1973 (29 U.S.C. 794b) is amended—

(1) by redesignating paragraphs (1) through (4) as subsections (a) through (d), respectively;

(2) by redesignating subparagraphs (A) and (B) of subsection (a) (as redesignated by paragraph (1)) as paragraphs (1) and (2), respectively;

(3) in subsection (b) (as redesignated by paragraph (1)), by striking "traveltime" and inserting "travel time"; and

(4) in subsection (c) (as redesignated by paragraph (1)), by inserting a comma after "the President" in the first sentence.

(f) ELECTRONIC EQUIPMENT ACCESSABILITY.—Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) is amended—

(1) in subsection (a)(1)—

(A) by inserting "the Director of" before "the National Institute";

(B) by striking "the General Services" and inserting "General Services"; and

(C) by striking "handicapped individuals" and inserting "individuals with handicaps";

(2) in subsection (a)(3), by inserting after "revised" the following: "by the Director of the National Institute on Disability and Rehabilitation Research and the Administrator of General Services in consultation with the electronics industry and the Interagency Committee for Computer Support of Handicapped Employees"; and

(3) in subsection (c), by striking "a handicapped individual" and inserting "an individual with handicaps".

SEC. 207. EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH HANDICAPS.

(a) ADMINISTRATION.—Section 612(b) of the Rehabilitation Act of 1973 (29 U.S.C. 795a(b)) is amended by striking "programs authorized under" in the first sentence and all that follows through the period at the end and inserting "the Job Training Partnership Act and the Community Services Block Grant Act.".

(b) PROJECTS WITH INDUSTRY.—Section 621 of the Rehabilitation Act of 1973 (29 U.S.C. 795g) is amended—

(1) in subsection (a)(1), by striking "people" and inserting "individuals";

(2) in subsection (a)(2)(D), by striking "handicapped individuals" and inserting "individuals with handicaps";

(3) in subsection (b)(1), by striking "assurances" and inserting "assurance";

(4) in subsection (b)(3), by striking "assurances" and inserting "assurance";

(5) in subsection (d)(1), by striking "section (a)(3)" and inserting "subsection (a)(4)";

(6) in subsection (d)(2), by striking "section (a)(3)" and inserting "subsection (a)(4)"; and

(7) in subsection (d)(4), by striking "National Council on the Handicapped" and inserting "National Council on Disability".

(c) BUSINESS OPPORTUNITIES FOR INDIVIDUALS WITH HANDICAPS.—Section 622 of the Rehabilitation Act of 1973 (29 U.S.C. 795h) is amended by striking "the Secretaries of Labor and Commerce" where it appears in the first sentence and inserting "the Secretary of Labor and the Secretary of Commerce".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 623 of the Rehabilitation Act of 1973 (29 U.S.C. 795i) is amended—

(1) by inserting a comma after "fiscal year 1991"; and

(2) by inserting a comma after "1990" the second place it appears.

(e) ALLOTMENTS.—Section 633 of the Rehabilitation Act of 1973 (29 U.S.C. 795l) is amended—

(1) in subsection (a)(1), by inserting a comma after "$250,000";

(2) in subsection (a)(2)(A), by striking "the term 'States' does not" and inserting "the term 'State' does not"; and

(3) in subsection (c)(1)—

(A) by inserting a comma after "section 638" in the first sentence; and

(B) by striking "appropriation" in the second sentence and inserting "application".

(f) STATE PLAN.—Section 634 of the Rehabilitation Act of 1973 (29 U.S.C. 795m) is amended—

(1) in subsection (a)—

(A) by striking "In order" and inserting "(1) Except as provided in paragraph (2),"; and

(B) adding at the end the following new paragraph:

"(2) This subsection shall not apply in any fiscal year ending before October 1, 1990, in which amounts appropriated for this part do not equal or exceed $5,000,000.";

(2) in subsection (b)(3)(C), by striking "subsection (b)(3)(D) of this part" and inserting "subparagraph (D) of this paragraph"; and

(3) in subsection (b)(3)(D), by striking "614(5)" and inserting "614(a)(5)".

(g) SERVICES; AVAILABILITY AND COMPARABILITY.—Section 635(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 795n) is amended—

(1) by inserting "the" before "provision";

(2) by inserting a comma before "consistent"; and

(3) by inserting a comma after "subsection (b)".

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 638 of the Rehabilitation Act of 1973 (29 U.S.C. 795q) is amended by inserting "and" after "1990,".

SEC. 208. COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING.

(a) ELIGIBILITY.—Section 702(a) of the Rehabilitation Act of 1973 (29 U.S.C. 796a(a)) is amended—

(1) by inserting "that are" before "appreciably" the first place it appears; and

(2) by inserting "that are" before "of appreciably".

(b) ALLOTMENTS.—Section 703 of the Rehabilitation Act of 1973 (29 U.S.C. 796b) is amended by striking "subpart" each place it appears in subsections (a) and (b) and inserting "part".

(c) PAYMENTS TO STATES FROM ALLOTMENTS.—Section 704(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 796c(b)(2)) is amended by striking "subpart" and inserting "part".

(d) STATE PLANS.—Section 705(a)(4)(C) of the Rehabilitation Act of 1973 (29 U.S.C. 796d(a)(4)(C)) is amended—

(1) by inserting "will" after "that such program";

(2) by striking "section 112 of the Developmental Disabilities Services and Facilities Construction Act" and inserting "the Developmental Disabilities Assistance and Bill of Rights Act"; and

(3) by striking "the Education for All Handicapped Children Act of 1975" and inserting "the Education of the Handicapped Act".

(e) STATE INDEPENDENT LIVING COUNCILS.—Section 706 of the Rehabilitation Act of 1973 (29 U.S.C. 796d-1) is amended by striking "handicapped individuals" each place it appears and inserting "individuals with handicaps".

(f) GRANT PROGRAM ESTABLISHED.—Section 711 of the Rehabilitation Act of 1973 (29 U.S.C. 796e) is amended—

(1) in subsection (b)(3), by striking "handicapped individuals" and inserting "individuals with handicaps";

(2) in subsection (c)(2)(E), by inserting a comma after "recreation";

(3) in subsection (c)(2)(F), by inserting a comma after "recreational opportunities";

(4) in subsection (e)(4), by striking "National Council on the Handicapped" and inserting "National Council on Disability";

(5) in subsection (f)(1), by striking "evaluation standards in" and inserting "evaluation standards published under"; and

(6) in subsection (h), by striking "not served or underserved" and inserting "underserved or not served".

(g) SERVICE PROGRAM ESTABLISHED.—Section 721(a)(6) of the Rehabilitation Act of 1973 (29 U.S.C. 796f(a)(6)) is amended by striking "blind person" and inserting "blind individual".

(h) PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—Section 731(a) of the Rehabilitation Act of 1973 (29 U.S.C. 796g(a)) is amended in the first sentence by inserting "for" after "advocate".

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 741(d) of the Rehabilitation Act of 1973 (29 U.S.C. 796i(d)) is amended—

(1) in paragraph (1), by striking "and 1990" and inserting "1990, and 1991"; and

(2) in paragraph (2), by striking "moneys" and inserting "monies".

SEC. 209. CLERICAL AMENDMENTS.

The table of contents contained in section 1 of the Rehabilitation Act of 1973 (29 U.S.C. 701 note) is amended—

(1) by striking the item relating to section 132 and inserting the following:

"Sec. 131. Study of needs of American Indians with handicaps.";

(2) by striking the heading for the items relating to title II and inserting the following:

"TITLE II—RESEARCH AND TRAINING";

(3) by striking the heading for the items relating to title IV and inserting the following:

"TITLE IV—NATIONAL COUNCIL ON DISABILITY";

(4) by striking the item relating to section 400 and inserting the following:

"Sec. 400. Establishment of National Council on Disability."; and

(5) by striking the heading for the items relating to part C of title VI and inserting the following:

"PART C—SUPPORTED EMPLOYMENT SERVICES FOR INDIVIDUALS WITH SEVERE HANDICAPS".

SEC. 210. CONFORMING AMENDMENT.

Subsection (b) of section 704 of the Rehabilitation Act Amendments of 1986 (the second place such section appears), relating to supported employment services for individuals with severe handicaps, is repealed.

Employment and unemployment.

29 USC 795m note.

TITLE III—AMENDMENTS RELATING TO THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES

SEC. 301. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

(a) NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH.—The joint resolution entitled "Joint Resolution to establish the first week in October of each year as National Employ the Physically Handicapped Week", approved August 11, 1945, is amended—

36 USC 155.

(1) by amending the first sentence to read as follows: "That hereafter the month of October in each year shall be designated as National Disability Employment Awareness Month."; and

(2) in the second sentence—

(A) by striking "week" and inserting "month"; and

(B) by striking "handicapped workers" and inserting "workers with disabilities".

(b) PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.—The joint resolution entitled "Joint Resolution authorizing an appropriation for the work of the President's Committee on National Employ the Physically Handicapped Week", approved July 11, 1949, is amended—

63 Stat. 409.

(1) by striking "National Employ the Physically Handicapped Week" the first place it appears and inserting "National Disability Employment Awareness Month";

(2) by striking "President's Committee on National Employ the Physically Handicapped Week" each place it appears and inserting "President's Committee on Employment of People With Disabilities"; and

(3) by adding at the end the following new section:

"SEC. 2. The President's Committee on Employment of People With Disabilities may—

Voluntarism.

"(1) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code; and

Gifts and property.

"(2) in the name of the Committee, accept, employ, and dispose of, in furtherance of this resolution, any money or property, real, personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise.".

American Printing House for the Blind Amendments of 1988.

TITLE IV—AMENDMENTS RELATING TO THE AMERICAN PRINTING HOUSE FOR THE BLIND

20 USC 101 note.

SEC. 401. SHORT TITLE.

This title may be cited as the "American Printing House for the Blind Amendments of 1988".

SEC. 402. TERMINATION OF PERPETUAL TRUST.

(a) IN GENERAL.—The perpetual trust fund and permanent annual appropriations thereof established by the Act of March 3, 1879, ch. 186, 20 Stat. 467, 468, as amended by the Act of June 25, 1906, ch. 3536, 34 Stat. 460 (codified in part in 20 U.S.C. 101) are terminated.

20 USC 101 note.

(b) EFFECTIVE DATE.—This section shall take effect on October 1, 1989.

SEC. 403. PRESERVATION OF AUTHORIZATION OF APPROPRIATIONS.

The Act of August 4, 1919, ch. 31, 41 Stat. 272, as amended by section 4 of Public Law 87-294, 75 Stat. 627 (codified in part in 20 U.S.C. 101) is further amended by striking "in addition to the permanent appropriation of $10,000 made in the Act entitled 'An Act to promote the education of the blind', approved March 3, 1879, as amended".

20 USC 101 note.

SEC. 404. COMPENSATION.

Any and all rights of the American Printing House for the Blind determined to have vested in the perpetual trust fund established by the Act of March 3, 1879, shall be deemed to be compensated by the appropriation to the American Printing House for the Blind for fiscal year 1990.

SEC. 405. REFERENCE. 20 USC 101 note.

Notwithstanding any Federal law, reference to the perpetual trust fund and permanent annual appropriations thereof established by the Act of March 3, 1879, shall not be given any effect.

TITLE V—AMENDMENTS TO THE HELEN KELLER NATIONAL CENTER ACT

SEC. 501. EXTENSION OF PROGRAM AUTHORIZATION.

Section 205 of the Helen Keller National Center Act (29 U.S.C. 1904) is amended by striking "1990" and inserting "1991".

Approved November 7, 1988.

LEGISLATIVE HISTORY—H.R. 5334 (S. 2821):

CONGRESSIONAL RECORD, Vol. 134 (1988):
Sept. 26, considered and passed House.
Oct. 12, considered and passed Senate.