

(b) **PUBLICATION REQUIRED.**—A qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes any action taken under this section; and

(2) explains the need for the action.

(c) **QUALIFYING REGULATORY AGENCY DEFINED.**—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board of Governors of the Federal Reserve System;

(2) the Comptroller of the Currency;

(3) the Director of the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

(d) **EXPIRATION.**—Any exception made under this section shall expire not later than April 1, 1994.

SEC. 4. STUDY; REPORT TO THE CONGRESS.

(a) **STUDY.**—The Secretary of the Treasury, after consultation with the appropriate Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), shall conduct a study that—

(1) examines how the agencies and entities granted authority by the Depository Institutions Disaster Relief Act of 1992 and by this Act have exercised such authority;

(2) evaluates the utility of such Acts in facilitating recovery from disasters consistent with the safety and soundness of depository institutions; and

(3) contains recommendations with respect to whether the authority granted by this Act should be made permanent.

(b) **REPORT TO THE CONGRESS.**—Not later than 18 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Congress a report on the results of the study required by subsection (a).

SEC. 4. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration should encourage depository institutions to meet the financial services needs of their communities and customers located in areas affected by the 1993 flooding of the Mississippi River and its tributaries.

SEC. 7. OTHER AUTHORITY NOT AFFECTED.

Nothing in this Act limits the authority of any department or agency under any other provision of law.

Amend the title so as to read: "An Act to facilitate recovery from the recent flooding of the Mississippi River and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes."

Mr. SARBANES. Mr. President, I move that the Senator concur in the amendments of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

Mr. SARBANES. Mr. President, I move that the vote by which the Senate concurred in the amendments of the House be reconsidered.

Mr. President, I move to table that motion.

The motion to lay on the table was agreed to.

TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT AMENDMENTS OF 1993

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 177, S. 1283, a bill to amend the Technology-Related Assistance for Individuals With Disabilities Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1283) to amend the Technology-Related Assistance for Individuals With Disabilities Act of 1990, to improve the act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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

AMENDMENT NO. 772

(Purpose: To amend the Head Start Act to suspend certain proceedings with respect to the purchase of facilities)

Mr. SARBANES. Mr. President, I send an amendment by Senator HATCH to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for Mr. HATCH, proposes an amendment numbered 772.

Mr. SARBANES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . 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 approve a prior purchase of" after "to purchase."; and

(B) by inserting before the period at the end thereof the following: ", and 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 facilities"; and

(2) in paragraph (2)—

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

(B) in subparagraph (C)—

(i) by inserting ", or the previous purchase has resulted," after "purchase will result" in clause (1); and

(ii) by inserting ", or would have prevented," after "will prevent" in clause (ii).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 772) was agreed to.

Mr. HARKIN. Mr. President, I rise today in strong support of S. 1283, the

Technology-Related Assistance Act Amendments of 1993. This is a truly bipartisan, consensus bill. S. 1283 is cosponsored by Senators DURENBERGER, KENNEDY, JEFFORDS, METZENBAUM, SIMON, WELLSTONE, WOFFORD, DOLE, PELL, and HATCH.

I particularly want to acknowledge Senator DURENBERGER for his wisdom and counsel during this reauthorization process. Senator DURENBERGER and Susan Heegaard of his staff have worked long and hard on this bill and they deserve credit for their commitment to the consensus building process that made this bill possible. In addition, a number of our distinguished colleagues here in the Senate from both sides of the aisle provided critical input on the bill.

I also want to thank my staff, including Bob Silverstein, Linda Hinton, and Walter Harp, for their contribution to this legislation. I particularly want to acknowledge Linda Hinton for her 2 years of distinguished service on the Subcommittee on Disability Policy, as she recently left to become executive director of the Iowa Association of Rehabilitation and Residential Facilities.

During the development of this legislation, we enjoyed the support and constructive guidance of the staff of the Department of Education. The subcommittee and the administration's staffs met numerous times over the past many months to work out the details of the changes to the bill.

As we worked on the reauthorization of this legislation, we had the assistance of many organizations, groups and individuals. In particular, I want to express my gratitude to the Technology-Related Assistance Task Force of the Consortium for Citizens with Disabilities, the State project directors, and the various national, regional, and local organizations, service providers, and professionals, numerous State agency officials and private citizens whose thoughtful commentary and ideas have been so helpful in this process.

Mr. President, 12 member organizations of the Consortium for Citizens with Disabilities signed a letter of support for S. 1283. All of these groups were involved in the dialog that marked the development of the bill. The letter best describes the final results of this productive dialog:

This is a critical systems change initiative designed to strengthen and enhance America's national disability policy. We are deeply aware that securing access to funding for assistive technology devices and services is not easy for individuals with disabilities and see this reauthorization bill as critical to enhancing such access.

Mr. President, I ask unanimous consent that the entire letter from the Consortium for Citizens with Disabilities supporting the Technology-Related Assistance Act Amendments of 1993 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is ordered.

(See exhibit 1)

Mr. HARKIN. On July 26, 1990, the President signed into law the Americans with Disabilities Act of 1990. I am proud to have been the chief sponsor of the ADA. I have referred to the ADA as the 20th century emancipation proclamation for individuals with disabilities. The ADA represents the philosophy of inclusion, empowerment, and elimination of barriers in society that keep persons with disabilities from fully participating in the economic, political, social, cultural, and educational mainstream of American society.

We have just recently celebrated the third anniversary of the passage of the ADA, July 26, 1993. We can all be proud of this landmark legislation, but obviously our work is not done. We cannot rest until we have established a national disability policy that is based on the values and precepts of the ADA; empowerment, inclusion, and independence.

In other words, we need a national disability policy based on the following principles: Individuals with disabilities are entitled to be treated with dignity and respect; individuals with disabilities are entitled to make informed choices and decisions; individuals with disabilities are entitled to live in their own homes and communities where they can be fully included in all aspects of American life and make meaningful contributions to their families, community, State, and Nation; individuals with disabilities and their families must be provided with the services and supports necessary to transform these goals into realities.

Last year we reauthorized the Rehabilitation Act of 1973, which contains two components of our national disability policy—vocational rehabilitation to provide people with disabilities with the necessary skills and support services to enable them to achieve their career goals and independent living services to ensure that people with disabilities are empowered to control their own lives and be fully included in all aspects of our society.

It is my expectation that Congress will enact legislation this year that addresses the need of persons with disabilities for affordable health care, including the elimination of exclusions for preexisting conditions, and for consumer-directed personal assistance services.

Today, we are considering the reauthorization of an additional piece of legislation that contains components of our national disability policy—the Technology-Related Assistance Act Amendments of 1993. This bill reauthorizes the Technology-Related Assistance for Individuals with Disabilities Act of 1988 and amends the act to improve the programs provided under the act. There are seven basic purposes for this legislation. They are:

To ensure the Federal support necessary to allow the States to successfully complete the systemic change

process begun under the Technology-Related Assistance Act of 1988;

To require that the State projects include systemic and advocacy activities and clarify that these activities are to be the focus of the projects;

To promote systemic change through individual advocacy by ensuring that individuals with disabilities have access to protection and advocacy services to secure their rights to assistive technology devices and assistive technology services;

To emphasize the importance of consumer involvement in all aspects of the program;

To increase the accountability of the program in the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance;

To authorize the necessary technical assistance on a national level to the State projects and to individuals with disabilities and other interested parties;

To provide the basis for improved information systems and data collection on assistive technology through the development of a national classification system and to enhance the skills and competencies of individuals involved in providing assistive technology, consumers, and others.

I urge my colleagues to join me in support of S. 1283. It represents improvements that are essential if we are to see the dream of the Americans with Disabilities Act become a reality—an America where people with disabilities, including those with severe disabilities, are competitively employed in integrated work settings and are making meaningful contributions to their families and communities.

Mr. President, I ask unanimous consent that the section-by-section analysis of S. 1283 also be printed in the RECORD.

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

SECTION-BY-SECTION SUMMARY

Set out below is a summary of the major changes made by the Technology-Related Assistance Act Amendments of 1993.

CONTINUATION OF THE PROGRAM.

The bill provides for a three-year extension grant after the completion of the three-year development grant and the initial two-year extension grant for States that show significant progress toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance for individuals of all ages with disabilities, provided evidence that the lead agency meets certain criteria, and describe the steps will be taken to continue the program on a permanent basis.

SYSTEMIC CHANGE AND ADVOCACY ACTIVITIES.

Several changes were made to the Act to make it clear that the projects funded under title I must focus their efforts on systemic change and advocacy activities.

The bill reorders the current purposes to emphasize the importance of several of the purposes related to systemic change, consumer responsiveness, interagency coordination, advocacy, and transition of assistive technology between services set-

tings and to clarify that the primary purpose of the projects is to increase the availability of, funding for, access to, and provision of assistive technology devices and assistive technology services.

The bill specifies that the projects shall carry out activities regarding the development, implementation and monitoring of State, regional and local laws, regulations, policies, practices, procedures and organizational structures that will improve access to and funding for assistive technology, the development and implementation of strategies to overcome barriers to such access, and the development and implementation of strategies to enhance the ability of individuals with disabilities and their families to advocate for such access.

The bill includes a new section specifying that the lead agency must provide evidence of its ability to meet certain criteria including its ability to promote and accomplish systemic change.

The bill adds to the application requirements for a grant under the Act that the State set out the systemic change and advocacy activities it will undertake under the grant, including, at a minimum, activities in the areas of access to and funding for assistive technology devices and services, case management or representation, and interagency coordination unless the State demonstrates through the annual progress report to the Secretary that significant progress has been made in the development and implementation of a consumer-responsive comprehensive statewide program and that other systemic change and advocacy activities will increase the likelihood that the program will accomplish the purposes of the Act.

The bill amends the contents of the annual progress reports including the identification of successful systemic change and advocacy activities to increase funding for an access to assistive technology devices and services, with an analysis of laws, regulations, policies, practices, procedures, and organizational structures and other processes or activities that have changed to facilitate the acquisition of assistive technology.

INDIVIDUAL ADVOCACY

The bill adds a policy statement that all programs, projects, and activities receiving assistance under the Act shall be carried out in a manner consistent with certain principles including support for individual and systemic advocacy.

The bill includes a change to promote systemic change through individual legal advocacy through the protection and advocacy systems established in each State under the Developmental Disabilities Assistance and Bill of Rights Act. The bill requires either that the State contact for these services in an amount equal to 10% of the State's grant under title I or \$75,000, whichever is less, or, at the State's request, have the Secretary reserve such an amount for this purpose. If the State chooses to have the Secretary reserve the amount, the Secretary shall seek input from the State regarding the provisions of the grant or contract with the protection and advocacy service provider and the provider must provide the State project with an update of its activities at least monthly and must provide the State project with a report of its activities at least once every six months.

SYSTEMIC AND INDIVIDUAL CONSUMER INVOLVEMENT

The bill makes several changes to reiterate that the Act requires the meaningful involvement of consumers in the planning, development, implementation, and evaluation of the program on a systemic level and in the

decisions related to the provision of assistive technology on an individual level.

The bill adds two purposes specifying that the purposes include the active involvement of individuals with disabilities and their families at both the systemic and individual level.

The bill adds a policy statement that all programs, projects, and activities receiving assistance under the Act shall be carried out in a manner consistent with certain principles including the inclusion, integration, and full participation of individuals with disabilities.

The bill specifies that the authorized activities include training activities to increase the participation of consumers in the identification, planning, use, delivery and evaluation of assistive technology.

The bill adds to the application requirements that individuals with disabilities and their families are to be actively involved in the development, implementation, and evaluation of the program and in the decisions relating to assistive technology. The bill clarifies that the programs are authorized to use funds under the Act to provide for the expenses of individuals with disabilities in order to ensure their active participation in the program.

The bill specifies that the application for an extension grant must include a description of State actions to determine consumer satisfaction with the degree of consumer involvement, the specific systemic change and advocacy activities, the progress made toward the development of the program, and the ability of the lead agency to provide the evidence of its ability to meet certain requirements.

The bill adds a requirement that the State conduct a public hearing in the last year of a development grant and the last year of an initial extension grant in order to receive input on the program.

TECHNICAL ASSISTANCE

The bill increases the amount reserved to provide nationwide information and technical assistance. In addition to the State projects, the bill specifies that the audience for this information and technical assistance is to include individuals with disabilities, their families, and providers of technology-related assistance, including protection and advocacy providers.

NATIONAL CLASSIFICATION SYSTEM

The bill authorizes a pilot project to develop and test a national classification system for assistive technology devices and assistive technology services, with the goal of obtaining uniform data across public programs and information and referral networks.

The bill specifies that the Secretary is to develop a data collection instrument as part of the pilot project and that the pilot project is to be conducted in consultation with the Interagency Disability Coordinating Council and the National Council on Disability and in coordination with the State programs and technical assistance programs funded under title I, other program data collection activities and systems, and information and referral systems.

The bill requires the Secretary to report to Congress by January 1, 1996, on the feasibility of implementing a uniform data collection system for assistive technology

EXHIBIT 1

CONSORTIUM FOR CITIZENS WITH DISABILITIES,

July 26th, 1993.

Re: Reauthorization of Public Law 100-407, "Technology-Related Assistance For Individuals With Disabilities Act of 1988" [29 USC 2201]—"the Tech Act".

DEAR MEMBER OF SENATE LABOR & HUMAN RESOURCES COMMITTEE: This letter is written to you on behalf of the members of the Technology Task Force of the Consortium for Citizens with Disabilities (CCD). CCD is the coalition of more than one hundred national disability organizations that advocates on behalf of our nation's 43 million citizens with disabilities, their families and service providers. We strongly support passage of the Senate bill (S. 1283) to reauthorize P.L. 100-407, the "Technology-Related Assistance For Individuals With Disabilities Act of 1988".

This is a critical systems change initiative designed to strengthen and enhance America's national disability policy. We are deeply aware that securing access to funding for assistive technology devices and services is not easy for individuals with disabilities and see this reauthorization bill as critical to enhancing such access.

In particular, we support amendments which address the Act's focus on systemic change and access to funding, including the new definitions in these areas. In addition, we fully support the proposed provisions to require greater accountability by the Title I grant programs and to the federal government. Furthermore, CCD supports the new focus on advocacy activities as this is a critical systems change support for children, youth and adults with disabilities, and their families. Housing this activity within an existing federally-supported advocacy system strengthens overall Congressional commitment in this area.

We ask for your support for the S. 1283 which will go a long way to ensure that individuals with disabilities receive the technology-related assistance they need in order to become more productive, integrated and independent in this rapidly changing America.

Sincerely,

American Association of University Affiliated Programs for Persons with Developmental Disabilities.

American Speech Language Hearing Association.

American Occupational Therapy Association.

Association for Children and Adults With Learning Disabilities.

Council for Exceptional Children.

National Association for the Deaf.

National Association of Developmental Disabilities Councils.

National Association of Protection & Advocacy Systems.

National Easter Seal Society.

Self Help For Hard of Hearing People.

The ARC.

United Cerebral Palsy Associations, Inc.

Mr. HATCH. Mr. President, during the last Congress, the Head Start Act was amended to allow Head Start delivery agencies to purchase buildings and to charge mortgage and interest payments as program costs in lieu of rent

in order to reduce program operating costs, generate a savings to the Federal Government, and increase Government and program efficiency. Unfortunately, a handful of Head Start delivery agencies were not covered by the original revision. For that reason, I offer this amendment, designed to correct this very narrow problem. This amendment makes the provisions allowing building purchase costs by nonprofit, Head Start delivery agencies retroactive.

Head Start is a tremendous program serving America's young children. I am eager to assist them in whatever way possible to reduce their operating costs and improve their efficiency.

I sincerely appreciate the support and cooperation of all my colleagues on the Labor and Human Resources Committee, particularly Senators KENNEDY, KASSEBAUM, HARKIN, and DURENBERGER, and Senators DODD and COATS, who are chairman and ranking member, respectively, of the Subcommittee on Children, Family, Drugs and Alcoholism.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

[The text of the measure as passed the Senate today will be printed in the next issue of the RECORD.]

Mr. SARBANES. I move to reconsider the vote by which the bill was passed.

Mr. President, I move to table that motion.

The motion to lay on the table was agreed to.

THE TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988 AMENDMENTS ACT OF 1993

Mr. SARBANES. Mr. President, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 181, H.R. 2339; that all after the enacting clause be stricken and the text of S. 1283 as passed by the Senate be inserted in lieu thereof; that the bill be deemed read three times, passed and the motion to reconsider laid upon the table.

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

So the bill (H.R. 2339), as amended, was passed as follows:

[The text of the measure as passed the Senate today will be printed in the next issue of the RECORD.]