

the Interior, Labor, Transportation, and Veterans Affairs, and the Corporation for National and Community Service, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103-224); to the Committee on Appropriations and ordered to be printed.

2793. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled "Community Services Block Grant Amendments of 1994"; to the Committee on Education and Labor.

¶26.4 INTERPARLIAMENTARY UNION CONFERENCE

The SPEAKER pro tempore, Mr. FILLNER, pursuant to the provisions of 22 United States Code 276a-1 and on behalf of the Speaker, by unanimous consent, appointed to attend the Conference of the Interparliamentary Union to be held in Paris, France, from March 20 to March 26, 1994, the following Members on the part of the House: Messrs. HILLIARD, THOMPSON, and DORNAN.

Ordered. That the Clerk notify the Senate of the foregoing appointments.

¶26.5 RECESS—12:55 P.M.

The SPEAKER pro tempore, Mr. FILLNER, pursuant to clause 12 of rule I, subject to the call of the Chair.

¶26.6 AFTER RECESS—10:38 P.M.

The SPEAKER pro tempore, Mr. BROOKS, called the House to order.

¶26.7 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1458. An Act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes; to the Committee on the Judiciary and the Committee on Public Works and Transportation.

And then,

¶26.8 ADJOURNMENT

The SPEAKER pro tempore, Mr. BROOKS, by unanimous consent, and pursuant to the special order agreed to on March 17, 1994, at 10 o'clock and 39 minutes p.m., declared the House adjourned until 12 o'clock noon on Monday, March 21, 1994.

¶26.9 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources, H.R. 3516. A bill to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; with an amendment (Rept. No. 103-437). Referred to the Committee of the Whole House on the State of the Union.

¶26.10 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAXMAN (for himself, Mr. SYNAR, and Mr. TORRES):

H.R. 4091. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the authority under that act to regulate pesticide chemical residues in food; to the Committee on Energy and Commerce.

By Mr. BROOKS (for himself, Mr. EDWARDS of California, Mr. HUGHES, and Mr. SCHUMER):

H.R. 4092. A bill to control and prevent crime; jointly, to the Committees on the Judiciary; Education and Labor; Energy and Commerce; Banking, Finance and Urban Affairs; and Government Operations.

By Mr. CONYERS:

H.R. 4093. A bill to secure the voting rights of former felons who have been released from incarceration; to the Committee on the Judiciary.

By Mr. GEKAS (for himself, Mr. SCHUMER, Mr. FISH, Mr. HYDE, Mr. SCHIFF, Mr. RAMSTAD, Mr. RAHALL, Mr. MCDADE, Mr. HASTINGS, Mr. JOHNSON of Georgia, Mr. SHAW, Mr. SAXTON, Mr. KREIDLER, Mr. QUINN, Mr. POSHARD, Mr. POMEROY, Mr. BATEMAN, Mrs. BYRNE, Mr. WOLF, Mr. COOPER, Mr. HILLIARD, Mr. GENE GREEN of Texas, Mr. GOODLING, Mr. WALSH, Mr. ROYCE, Mr. STEARNS, Mr. BARRETT of Wisconsin, Mr. FINGERHUT, Mr. PETE GEREN of Texas, Mr. REYNOLDS, Mrs. THURMAN, Mr. CRAPO, Mr. DOOLITTLE, Ms. SLAUGHTER, Mr. LIPINSKI, Mr. FILNER, and Mr. FROST):

H.J. Res. 342. Joint resolution designating April 24 through April 30, 1994, as "National Crime Victims' Rights Week"; to the Committee on Post Office and Civil Service.

By Mr. DORNAN:

H. Con. Res. 227. Concurrent resolution expressing the sense of the Congress with respect to protecting the privacy rights of Federal employees; to the Committee on Post Office and Civil Service.

¶26.11 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 417: Mr. FISH, Mr. BROWN of Ohio, and Mr. DEAL.

H.R. 672: Mr. PAYNE of New Jersey.

H.R. 955: Mr. PICKLE.

H.R. 1671: Mr. SHUSTER, Ms. LAMBERT, Ms. LONG, Mr. HUTTO, Mr. MCCRERY, and Ms. SLAUGHTER.

H.R. 2544: Mr. GLICKMAN, Mr. MARTINEZ, Mr. MCNULTY, Mr. KLEIN, Mr. NADLER, and Mr. FISH.

H.R. 2569: Mr. TORKILDSEN.

H.R. 2927: Mrs. THURMAN.

H.R. 3546: Mr. HEFNER, Ms. LONG, Mr. STEARNS, Mr. SARPALIUS, Mr. MYERS of Indiana, Mr. MACHTLEY, and Mr. SPRATT.

H.R. 3795: Mr. GINGRICH.

H.R. 3943: Mr. QUINN, Mrs. FOWLER, Mr. MCHUGH, and Mr. KLUG.

H.R. 4050: Mr. HOAGLAND and Mr. MCCURDY.

H.R. 4078: Mr. MANZULLO.

H.J. Res. 317: Mr. PICKETT, Mr. BUYER, and Ms. WOOLSEY.

H. Con. Res. 202: Mr. RAMSTAD and Mr. GILLMOR.

MONDAY, MARCH 21, 1994 (27)

The House was called to order by the SPEAKER.

¶27.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Friday, March 18, 1994.

Pursuant to clause 1, rule I, the Journal was approved.

¶27.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

2794. A communication from the President of the United States, transmitting a request to make available appropriations in budget authority for the Department of Commerce, pursuant to Public Law 99-177, sec. 251(b)(2)(D)(i) (H. Doc. No. 103-225); to the Committee on Appropriations and ordered to be printed.

2795. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Russia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

2796. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report pursuant to section 21A(k)(9) of the Federal Home Loan Bank Act; to the Committee on Banking, Finance and Urban Affairs.

2797. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 94-15), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2798. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 2339, pursuant to Pub. L. 101-508, Sec. 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

2799. A letter from the Director for Administration and Management, Office of the Secretary of Defense, transmitting the calendar year 1993 report on "Extraordinary Contractual Actions to Facilitate the National Defense," pursuant to 50 U.S.C. 1434; to the Committee on Government Operations.

2800. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in February 1994, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2801. A letter from the Vice President, Corporation for National and Community Service, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2802. A letter from the General Manager, Defense Nuclear Facilities Safety Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2803. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2804. A letter from the Director, Officer of Science and Technology Policy, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2805. A letter from the Secretary of Defense, transmitting a statement of assurance regarding the internal controls and financial systems for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2806. A letter from the Senior Attorney, U.S. Copyright Office, transmitting a report of activities under the Freedom of Informa-

tion Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2807. A letter from the Deputy Director, U.S. Office of Government Ethics, transmitting a report of activities under the Freedom of Information Act for calendar year 1993, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2808. A letter from the Secretary of Defense, transmitting his views on the balanced budget amendment; to the Committee on the Judiciary.

2809. A letter from the Administrator, Federal Aviation Administration, transmitting the final report on assessment of threats to domestic airport security, pursuant to Public Law 101-604, section 106(d) (104 Stat. 3075); to the Committee on Public Works and Transportation.

2810. A letter from the Secretary, Department of Veterans Affairs, transmitting the 1993 annual report of the activities of the Secretary of Veterans Affairs, and the Veterans' Advisory Committee on Rehabilitation annual report, fiscal year 1993, pursuant to 38 U.S.C. 214, 221(c), 664 and 3121(c); to the Committee on Veterans' Affairs.

2811. A letter from the Secretary of Veterans, transmitting a draft of proposed legislation to amend title 38, United States Code, to clarify the coverage and protection provided to medical quality assurance records by section 5705 of that title; jointly, to the Committees on Veterans' Affairs and Government Operations.

¶27.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2139. An Act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission.

The message also announced that the Senate agreed to the amendments of the House to the joint resolution (S.J. Res. 56) "Joint resolution to designate the week beginning April 12, as National Public Safety Telecommunications Week."

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1636. An Act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes.

S.J. Res. 171. Joint resolution to designate March 20 through March 26, 1994, as "Small Family Farm Week."

¶27.4 MONEY LAUNDERING SUPPRESSION

Mr. GONZALEZ moved to suspend the rules and pass the bill (H.R. 3235) to amend subchapter II of chapter 53 of title 31, United States Code, to improve enforcement of antimoney laundering laws, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. GONZALEZ and Mr. LEACH, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶27.5 MULTI-FAMILY HOUSING PROPERTY DISPOSAL REFORM

Mr. GONZALEZ moved to suspend the rules and pass the bill (H.R. 4067) to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. GONZALEZ and Mrs. ROUKEMA, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. YATES objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Tuesday, March 22, 1994.

The point of no quorum was considered as withdrawn.

¶27.6 SUBMISSION OF CONFERENCE REPORT—S. 1284

Mr. WAXMAN submitted a conference report (Rept. No. 103-442) on the bill of the Senate (S. 1284) to amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

¶27.7 MARINE MAMMAL PROTECTION ACT AUTHORIZATION

Mr. STUDDS moved to suspend the rules and pass the bill (H.R. 2760) to authorize the Marine Mammal Protection

Act for a period of 6 years, to establish a new regime to govern the incidental taking of marine mammals in the course of commercial fishing operations, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. STUDDS and Mr. FIELDS of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to authorize the Marine Mammal Protection Act of 1972 for 6 fiscal years, to establish a new regime to govern the incidental taking of marine mammals in the course of commercial fishing operations, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶27.8 VESSEL BALLAST WATER MANAGEMENT

Mr. STUDDS moved to suspend the rules and pass the bill (H.R. 3360) to direct the Secretary of Transportation to demonstrate on vessel ballast water management technologies and practices, including vessel modification and design, that will prevent aquatic non-indigenous species from being introduced and spread in United States waters; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. STUDDS and Mr. FIELDS of Texas, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to demonstrate ballast water management technologies, and practices on vessels, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in United States waters."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶27.9 RECREATIONAL BOATING SAFETY IMPROVEMENT

Mr. STUDDS moved to suspend the rules and pass the bill (H.R. 3786) to amend title 46, United States Code, to establish requirements to ensure safe operation of recreational vessels, to require allocation of State recreational boating safety program assistance based on State adoption of laws regarding boating while intoxicated, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. STUDDS and Mr. FIELDS of Texas, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶27.10 FLOWER GARDEN BANKS BOUNDARIES

Mr. STUDDS moved to suspend the rules and pass the bill (H.R. 3886) to amend the boundaries of the Flower Garden Banks National Marine Sanctuary; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. STUDDS and Mr. FIELDS of Texas, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶27.11 NOAA GREAT LAKES OFFICE

Mr. STUDDS moved to suspend the rules and pass the bill (H.R. 1394) to improve coordination of National Oceanic and Atmospheric Administration Great Lakes activities; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. STUDDS and Mr. FIELDS of Texas, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶27.12 NATIONAL COASTAL RESOURCE DEVELOPMENT

Mr. STUDDS moved to suspend the rules and pass the bill (H.R. 2063) to amend existing law relating to the National Coastal Resources Research and Development Institute.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. STUDDS and Mr. FIELDS of Texas, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶27.13 NEW LONDON FISH HATCHERY PRODUCTION FACILITY

Mr. STUDDS moved to suspend the rules and pass the bill (H.R. 3664) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. STUDDS and Mr. FIELDS of Texas, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶27.14 FISH AND WILDLIFE FOUNDATION AUTHORIZATION

Mr. STUDDS moved to suspend the rules and pass the bill of the Senate (S. 476) to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. STUDDS and Mr. FIELDS of Texas, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes."

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said amendments.

¶27.15 NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

Mr. VENTO moved to suspend the rules and pass the bill of the Senate (S. 1574) to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. VENTO and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,
The question being put, *viva voce*,
Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said amendment.

¶27.16 HIGHWAY RELOCATION AT GEORGIA MILITARY PARK

Mr. VENTO moved to suspend the rules and pass the bill (H.R. 3516) to increase the amount authorized to be appropriated for assistance for the highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. VENTO and Mr. THOMAS of Wyoming, each for 20 minutes.

After debate,

The question being put, viva voce, Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶27.17 URBAN RECREATION AND AT-RISK YOUTH

Mr. VENTO moved to suspend the rules and pass the bill (H.R. 4034) to amend the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. VENTO and Mr. THOMAS of Wyoming, each for 20 minutes.

After debate,

The question being put, viva voce, Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. VENTO demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Tuesday, March 22, 1994.

¶27.18 DEVELOPMENTAL DISABILITIES PROGRAMS

Mr. WAXMAN moved to suspend the rules and agree to the following conference report (Rept. No. 103-442):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1284), to amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and

agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References.

TITLE I—GENERAL PROVISIONS

Sec. 101. Headings and short title.

Sec. 102. Findings and purposes.

Sec. 103. Definitions.

Sec. 104. Federal share.

Sec. 105. Records and audits.

Sec. 106. Recovery.

Sec. 107. State control of operations.

Sec. 108. Reports.

Sec. 109. Responsibilities of the Secretary.

Sec. 110. Employment of handicapped individuals.

Sec. 111. Rights of the developmentally disabled.

TITLE II—FEDERAL ASSISTANCE FOR PRIORITY AREA ACTIVITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Sec. 201. Part heading.

Sec. 202. Purpose.

Sec. 203. State plans.

Sec. 204. Habilitation plans.

Sec. 205. Councils.

Sec. 206. State allotments.

Sec. 207. Federal share and non-Federal share.

Sec. 208. Payments to the States for planning, administration, and services.

Sec. 209. Withholding of payments for planning, administration, and services.

Sec. 210. Nonduplication.

Sec. 211. Appeals by States.

Sec. 212. Authorization of appropriations.

Sec. 213. Review, analysis, and report.

TITLE III—PROTECTION AND ADVOCACY OF THE RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

Sec. 301. Part heading.

Sec. 302. Purpose.

Sec. 303. System required.

Sec. 304. Authorization of appropriations.

TITLE IV—UNIVERSITY AFFILIATED PROGRAMS

Sec. 401. Part heading.

Sec. 402. Purpose.

Sec. 403. Grant authority.

Sec. 404. Applications.

Sec. 405. Grant awards.

Sec. 406. Authorization of appropriations and definition.

TITLE V—PROJECTS OF NATIONAL SIGNIFICANCE

Sec. 501. Part heading.

Sec. 502. Purpose.

Sec. 503. Grant authority.

Sec. 504. Authorization of appropriations.

SEC. 2. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

TITLE I—GENERAL PROVISIONS

SEC. 101. HEADINGS AND SHORT TITLE.

(a) TITLE.—The heading of title I of the Act is amended to read as follows:

“TITLE I—PROGRAMS FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES”.

(b) PART.—The heading of part A of title I of the Act is amended to read as follows:

“PART A—GENERAL PROVISIONS”.

(c) SHORT TITLE.—Section 100 (42 U.S.C. 6000 note) is amended—

(1) by striking “SEC. 100”; and

(2) in the section heading, by striking “SHORT TITLE” and inserting the following new section heading:

“SEC. 100. SHORT TITLE.”.

SEC. 102. FINDINGS AND PURPOSES.

Section 101 (42 U.S.C. 6000) is amended to read as follows:

“SEC. 101. FINDINGS, PURPOSES, AND POLICY.

“(a) FINDINGS.—The Congress finds that—

“(1) in 1993 there are more than 3,000,000 individuals with developmental disabilities in the United States;

“(2) disability is a natural part of the human experience that does not diminish the right of individuals with developmental disabilities to enjoy the opportunity to live independently, enjoy self-determination, make choices, contribute to society, and experience full integration and inclusion in the economic, political, social, cultural, and educational mainstream of American society;

“(3) individuals with developmental disabilities continually encounter various forms of discrimination in critical areas;

“(4) there is a lack of public awareness of the capabilities and competencies of individuals with developmental disabilities;

“(5) individuals whose disabilities occur during their developmental period frequently have severe disabilities that are likely to continue indefinitely;

“(6) individuals with developmental disabilities often require lifelong specialized services and assistance, provided in a coordinated and culturally competent manner by many agencies, professionals, advocates, community representatives, and others to eliminate barriers and to meet the needs of such individuals and their families;

“(7) a substantial portion of individuals with developmental disabilities and their families do not have access to appropriate support and services from generic and specialized service systems and remain unserved or underserved;

“(8) family members, friends, and members of the community can play an important role in enhancing the lives of individuals with developmental disabilities, especially when the family and community are provided with the necessary services and supports;

“(9) there is a need to ensure that services, supports, and other assistance are provided in a culturally competent manner, that individuals from racial and ethnic minority backgrounds are fully included in all activities under this Act, and that greater efforts are made to recruit individuals from minority backgrounds into the field of developmental disabilities; and

“(10) the goals of the Nation properly include the goal of providing individuals with developmental disabilities with the opportunities and support to—

“(A) make informed choices and decisions;

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

“(C) pursue meaningful and productive lives;

“(D) contribute to their family, community, State, and Nation;

“(E) have interdependent friendships and relationships with others; and

“(F) achieve full integration and inclusion in society, in an individualized manner, consistent with unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual.

“(b) PURPOSE.—The purpose of this Act is to assure that individuals with developmental disabilities and their families participate in the design of and have access to culturally competent services, supports, and other assistance and opportunities that promote independence, productivity, and integration and inclusion into the community, through—

“(1) support to State Developmental Disabilities Councils in each State to promote, through systemic change, capacity building, and advocacy activities that are consistent with the policy under subsection (c)(2), a consumer and family-centered, comprehensive system, and a coordinated array of services, supports, and other assistance for individuals with developmental disabilities and their families;

“(2) support to protection and advocacy systems in each State to protect the legal and human rights of individuals with developmental disabilities;

“(3) support to university affiliated programs to provide interdisciplinary preservice preparation of students and fellows, community service activities, and the dissemination of information and research findings; and

“(4) support to national initiatives to collect necessary data, provide technical assistance to State Developmental Disabilities Councils, protection and advocacy systems and university affiliated programs, and support other nationally significant activities.

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

“(1) individuals with developmental disabilities, including those with the most severe developmental disabilities, are capable of achieving independence, productivity, and integration and inclusion into the community, and often require the provision of services, supports and other assistance to achieve independence, productivity, and integration and inclusion;

“(2) individuals with developmental disabilities and their families have competencies, capabilities and personal goals that should be recognized, supported, and encouraged, and any assistance to such individuals should be provided in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the such individuals;

“(3) individuals with developmental disabilities and their families are the primary decisionmakers regarding the services and supports such individuals and their families receive and play decisionmaking roles in policies and programs that affect the lives of such individuals and their families;

“(4) services, supports, and other assistance are provided in a manner that demonstrates respect for individual dignity, personal preferences, and cultural differences;

“(5) specific efforts must be made to ensure that individuals from racial and ethnic minority backgrounds enjoy effective and meaningful opportunities for full participation in the developmental disabilities service system;

“(6) recruitment efforts within developmental disabilities at the level of preservice training, community training, practice, administration and policymaking must focus on bringing larger numbers of racial and ethnic minorities into the field in order to provide appropriate skills, knowledge, role models, and sufficient manpower to address the growing needs of an increasingly diverse population;

“(7) with education and support, communities can be responsive to the needs of individuals with developmental disabilities and their families and are enriched by the full

and active participation and the contributions by individuals with developmental disabilities and their families; and

“(8) individuals with developmental disabilities should have access to opportunities and the necessary support to be included in community life, have interdependent relationships, live in homes and communities, and make contributions to their families, community, State, and Nation.”.

SEC. 103. DEFINITIONS.

Section 102 (42 U.S.C. 6001) is amended to read as follows:

“SEC. 102. DEFINITIONS.

“For purposes of this title:

“(1) AMERICAN INDIAN CONSORTIUM.—The term ‘American Indian Consortium’ means any confederation of two or more recognized American Indian tribes, created through the official action of each participating tribe, that has a combined total resident population of 150,000 enrolled tribal members and a contiguous territory of Indian lands in two or more States.

“(2) ASSISTIVE TECHNOLOGY DEVICE.—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially, modified or customized, that is used to increase, maintain, or improve functional capabilities of individuals with developmental disabilities.

“(3) ASSISTIVE TECHNOLOGY SERVICE.—The term ‘assistive technology service’ means any service that directly assists an individual with a developmental disability in the selection, acquisition, or use, of an assistive technology device. Such term includes—

“(A) the evaluation of the needs of an individual with a developmental disability, including a functional evaluation of the individual in the individual’s customary environment;

“(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by an individual with a developmental disability;

“(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing or replacing assistive technology devices;

“(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

“(E) training or technical assistance for an individual with a developmental disability, or, where appropriate, a family member, guardian, advocate, or authorized representative of an individual with a developmental disability; and

“(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of, an individual with developmental disabilities.

“(4) CHILD DEVELOPMENT ACTIVITIES.—The term ‘child development activities’ means such priority area activities as will assist in the prevention, identification, and alleviation of developmental disabilities in children, including early intervention services.

“(5) COMMUNITY LIVING ACTIVITIES.—The term ‘community living activities’ means such priority area activities as will assist individuals with developmental disabilities to obtain and receive the supports needed to live in their family home or a home of their own with individuals of their choice and to develop supports in the community.

“(6) COMMUNITY SUPPORTS.—The term ‘community supports’ means activities, services, supports, and other assistance designed to—

“(A) assist neighborhoods and communities to be more responsive to the needs of

individuals with developmental disabilities and their families;

“(B) develop local networks that can provide informal support; and

“(C) make communities accessible and enable communities to offer their resources and opportunities to individuals with developmental disabilities and their families.

Such term includes community education, personal assistance services, vehicular and home modifications, support at work, and transportation.

“(7) CULTURALLY COMPETENT.—The term ‘culturally competent’ means services, supports or other assistance that are conducted or provided in a manner that is responsive to the beliefs, interpersonal styles, attitudes, language and behaviors of individuals who are receiving services, and in a manner that has the greatest likelihood of ensuring their maximum participation in the program.

“(8) DEVELOPMENTAL DISABILITY.—The term ‘developmental disability’ means a severe, chronic disability of an individual 5 years of age or older that—

“(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

“(B) is manifested before the individual attains age 22;

“(C) is likely to continue indefinitely;

“(D) results in substantial functional limitations in three or more of the following areas of major life activity—

“(i) self-care;

“(ii) receptive and expressive language;

“(iii) learning;

“(iv) mobility;

“(v) self-direction;

“(vi) capacity for independent living; and

“(vii) economic self-sufficiency; and

“(E) reflects the individual’s need for a combination and sequence of special, interdisciplinary, or generic services, supports, or other assistance that is of lifelong or extended duration and is individually planned and coordinated,

except that such term, when applied to infants and young children means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.

“(9) EARLY INTERVENTION SERVICES.—The term ‘early intervention services’ means services provided to infants, toddlers, young children, and their families to—

“(A) enhance the development of infants, toddlers, and young children with disabilities and to minimize their potential for developmental delay; and

“(B) enhance the capacity of families to meet the special needs of their infants, toddlers, and young children.

“(10) EMPLOYMENT ACTIVITIES.—The term ‘employment activities’ means such priority area activities as will increase the independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities in work settings.

“(11) FAMILY SUPPORT SERVICE.—The term ‘family support service’ means services, supports, and other assistance provided to families with members with developmental disabilities that are designed to—

“(A) strengthen the family’s role as primary caregiver;

“(B) prevent inappropriate out-of-the-home placement and maintain family unity; and

“(C) reunite families with members who have been placed out of the home, whenever possible.

Such term includes respite care, rehabilitation technology, personal assistance services, parent training and counseling, support for elderly parents, vehicular and home

modifications, and assistance with extraordinary expenses associated with the needs of individuals with developmental disabilities.

“(12) FEDERAL PRIORITY AREAS.—The term ‘Federal priority areas’ means community living activities, employment activities, child development activities, and system coordination and community education activities.

“(13) INDEPENDENCE.—The term ‘independence’ means the extent to which individuals with developmental disabilities exert control and choice over their own lives.

“(14) INDIVIDUAL SUPPORTS.—The term ‘individual supports’ means services, supports, and other assistance that enable an individual with a developmental disability to be independent, productive, integrated, and included into such individual’s community, and that are designed to—

“(A) enable such individual to control such individual’s environment, permitting the most independent life possible;

“(B) prevent placement into a more restrictive living arrangement than is necessary; and

“(C) enable such individual to live, learn, work, and enjoy life in the community. Such term includes personal assistance services, rehabilitation technology, vehicular and home modifications, support at work, and transportation.

“(15) INTEGRATION AND INCLUSION.—The term ‘integration and inclusion’, with respect to individuals with developmental disabilities, means—

“(A) the use by individuals with developmental disabilities of the same community resources that are used by and available to other citizens;

“(B) living in homes close to community resources, with regular contact with citizens without disabilities in their communities;

“(C) the full and active participation by individuals with developmental disabilities in the same community activities and types of employment as citizens without disabilities, and utilization of the same community resources as citizens without disabilities, living, learning, working, and enjoying life in regular contact with citizens without disabilities; and

“(D) having friendships and relationships with individuals and families of their own choosing.

“(16) NONPROFIT.—The term ‘nonprofit’ means an agency, institution, or organization that is owned or operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

“(17) OTHER ORGANIZATIONS.—The term ‘other organizations’ means those organizations that are not State agencies or nonprofit agencies, except such organizations may be consulting firms, independent proprietary businesses and providers, and local community groups not organizationally incorporated, and that are interested in supporting individuals with developmental disabilities.

“(18) PERSONAL ASSISTANCE SERVICES.—The term ‘personal assistance services’ means a range of services, provided by one or more individuals, designed to assist an individual with a disability to perform daily living activities on or off a job that such individual would typically perform if such individual did not have a disability. Such services shall be designed to increase such individual’s control in life and ability to perform everyday activities on or off such job.

“(19) PREVENTION.—The term ‘prevention’ means activities that address the causes of developmental disabilities and the exacerbation of functional limitations, such as activities that—

“(A) eliminate or reduce the factors that cause or predispose individuals to developmental disabilities or that increase the prevalence of developmental disabilities;

“(B) increase the early identification of existing problems to eliminate circumstances that create or increase functional limitations; and

“(C) mitigate against the effects of developmental disabilities throughout the individual’s lifespan.

“(20) PRODUCTIVITY.—The term ‘productivity’ means—

“(A) engagement in income-producing work that is measured by increased income, improved employment status, or job advancement; or

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

“(21) PROTECTION AND ADVOCACY SYSTEM.—The term ‘protection and advocacy system’ means a protection and advocacy system established in accordance with section 142.

“(22) REHABILITATION TECHNOLOGY.—The term ‘rehabilitation technology’ means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with developmental disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. Such term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

“(23) SECRETARY.—The term ‘Secretary’ means the Secretary of Health and Human Services.

“(24) SERVICE COORDINATION ACTIVITIES.—The term ‘service coordination activities’ (also referred to as ‘case management activities’) means activities that assist and enable individuals with developmental disabilities and their families to access services, supports and other assistance, and includes—

“(A) the provision of information to individuals with developmental disabilities and their families about the availability of services, supports, and other assistance;

“(B) assistance in obtaining appropriate services, supports, and other assistance, which may include facilitating and organizing such assistance;

“(C) coordination and monitoring of services, supports, and other assistance provided singly or in combination to individuals with developmental disabilities and their families to ensure accessibility, continuity, and accountability of such assistance; and

“(D) follow-along services that ensure, through a continuing relationship, that the changing needs of individuals with developmental disabilities and their families are recognized and appropriately met.

“(25) STATE.—The term ‘State’, except as provided in section 155, includes, in addition to each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect).

“(26) STATE DEVELOPMENTAL DISABILITIES COUNCIL.—The term ‘State Developmental Disabilities Council’ means a Council established under section 124.

“(27) STATE PRIORITY AREA.—The term ‘State priority area’ means priority area activities in an area considered essential by the State Developmental Disabilities Council.

“(28) SUPPORTED EMPLOYMENT.—The term ‘supported employment’ means competitive work in integrated work settings for individuals with developmental disabilities—

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

“(ii) for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and

“(B) who, because of the nature and severity of their disability, need intensive supported employment services or extended services in order to perform such work.

“(29) SYSTEM COORDINATION AND COMMUNITY EDUCATION ACTIVITIES.—The term ‘system coordination and community education activities’ means activities that—

“(A) eliminate barriers to access and eligibility for services, supports, and other assistance;

“(B) enhance systems design, redesign, and integration, including the encouragement of the creation of local service coordination and information and referral statewide systems;

“(C) enhance individual, family, and citizen participation and involvement; and

“(D) develop and support coalitions and individuals through training in self-advocacy, educating policymakers, and citizen leadership skills.

“(30) UNIVERSITY AFFILIATED PROGRAM.—The term ‘university affiliated program’ means a university affiliated program established under section 152.

“(31) UNSERVED AND UNDERSERVED.—The term ‘unserved and underserved’ includes populations such as individuals from racial and ethnic minority backgrounds, disadvantaged individuals, individuals with limited-English proficiency, individuals from underserved geographic areas (rural or urban), and specific groups of individuals within the population of individuals with developmental disabilities, including individuals with developmental disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.”

SEC. 104. FEDERAL SHARE.

Section 103 (42 U.S.C. 6002) is repealed.

SEC. 105. RECORDS AND AUDITS.

(a) SECTION HEADING.—Section 104 (42 U.S.C. 6003) is amended—

(1) by striking “SEC. 104.”; and

(2) in the section heading, by striking “RECORDS AND AUDIT” and inserting the following new section heading:

“SEC. 104. RECORDS AND AUDITS.”

(b) RECORDS AND AUDITS.—Section 104 (42 U.S.C. 6003) is amended—

(1) in subsection (a)—

(A) by striking “Each” and inserting “RECORDS.—Each”;

(B) by striking “including” and inserting “including—”;

(C) by realigning the margins of subparagraphs (A), (B), and (C) of paragraph (1) so as to align with the margins of subparagraphs (A) and (B) of paragraph (28) of section 102;

(D) by realigning the margins of paragraphs (1) and (2) so as to align with the margin of paragraph (30) of section 102;

(E) in paragraph (1), by striking “disclose” and inserting “disclose—”; and

(F) by striking the comma each place such appears and inserting a semicolon; and

(2) in subsection (b), by striking “The Secretary” and inserting “ACCESS.—The Secretary”.

SEC. 106. RECOVERY.

Section 105 (42 U.S.C. 6004) is repealed.

SEC. 107. STATE CONTROL OF OPERATIONS.

Section 106 (42 U.S.C. 6005) is amended—

(1) by striking “SEC. 106.”;

(2) in the section heading, by striking “STATE CONTROL OF OPERATIONS” and inserting the following new section heading:

“SEC. 106. STATE CONTROL OF OPERATIONS.”

and

(3) by striking “facility for persons” and inserting “programs, services, and supports for individuals”.

SEC. 108. REPORTS.

(a) SECTION HEADING.—Section 107 (42 U.S.C. 6006) is amended—

(1) by striking “SEC. 107.”; and
(2) in the section heading, by striking “REPORTS” and inserting the following new section heading:

“SEC. 107. REPORTS.”

(b) REPORTS.—Section 107 (42 U.S.C. 6006) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—
(i) by striking “By January” and inserting “DEVELOPMENTAL DISABILITIES COUNCIL REPORTS.—By January”;

(ii) by striking “the State Planning Council of each State” and inserting “each State Developmental Disabilities Council”;

(iii) by striking “a report concerning” and inserting “a report of”;

(iv) by striking “such report” and inserting “report”;

(B) in paragraph (1), by striking “of such activities” and all that follows through “from such activities” and inserting “of activities and accomplishments”;

(C) in paragraph (2)—

(i) by striking “such accomplishments” and inserting “accomplishments”; and

(ii) by striking “by the State”;

(D) in paragraph (4)—

(i) by striking “Planning” and inserting “Developmental Disabilities”;

(ii) by striking “each” each place such term appears;

(iii) by striking “report” and inserting “reports”;

(iv) by striking “1902(a)(31)(C)” and inserting “1902(a)(31)”;

(v) by striking “plan” and inserting “plans”; and

(vi) by striking “; and” and inserting a semicolon;

(E) by striking paragraph (5); and

(F) by adding at the end the following new paragraphs:

“(5) a description of—

“(A) the trends and progress made in the State concerning systemic change (including policy reform), capacity building, advocacy, and other actions on behalf of individuals with developmental disabilities, with attention to individuals who are traditionally unserved and underserved, particularly individuals who are members of ethnic and racial minority groups, and individuals from underserved geographic areas;

“(B) systemic change, capacity building, and advocacy activities that affect individuals with disabilities other than developmental disabilities; and

“(C) a summary of actions taken to improve access and services for unserved and underserved groups;

“(6) a description of resources leveraged by activities directly attributable to State Developmental Disabilities Council actions; and

“(7) a description of the method by which the State Developmental Disabilities Council shall widely disseminate the annual report to affected constituencies as well as the general public and to assure that the report is available in accessible formats.”;

(2) in subsection (b)—

(A) by striking “By January” and inserting “PROTECTION AND ADVOCACY SYSTEM REPORTS.—By January”;

(B) by inserting before the period “, including a description of the system’s priorities for such fiscal year, the process used to obtain public input, the nature of such input, and how such input was used”; and

(3) in subsection (c)—

(A) by realigning the margins of subparagraphs (A) and (B) of paragraph (1) so as to align with the margins of subparagraph (C) of such paragraph;

(B) by realigning the margins of paragraphs (1) and (2) so as to align with the margin of paragraph (1) of subsection (a);

(C) by striking the subsection designation and inserting “(c) SECRETARY REPORTS.—”;

(D) by striking “(1) By” and inserting the following:

“(1) IN GENERAL.—By”;

(E) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking “integration” each place such term appears and inserting “integration and inclusion”; and

(II) by striking “persons” and inserting “individuals”;

(ii) by striking subparagraph (C) and inserting the following new subparagraph:

“(C)(i) the trends and progress made in the States concerning systemic change (including policy reform), capacity building, advocacy, and other actions on behalf of individuals with developmental disabilities, with attention to individuals who are traditionally unserved and underserved, particularly individuals who are members of ethnic and racial minority groups, and individuals from underserved geographic areas;

“(ii) systemic change, capacity building, and advocacy activities that affect individuals with disabilities other than developmental disabilities; and

“(iii) a summary of actions taken to improve access and services for unserved and underserved groups.”;

(iii) in subparagraph (D), by striking “persons” and inserting “individuals”; and

(F) in paragraph (2)—

(i) by striking “use and include” and inserting “include and analyze”;

(ii) by striking “to the Secretary”; and

(iii) by striking “In preparing” and inserting “INCLUSION OF COUNCIL AND SYSTEM INFORMATION.—In preparing”.

SEC. 109. RESPONSIBILITIES OF THE SECRETARY.

(a) SECTION HEADING.—Section 108 (42 U.S.C. 6007) is amended—

(1) by striking “SEC. 108.”; and

(2) in the section heading, by striking “RESPONSIBILITIES OF THE SECRETARY” and inserting the following new section heading:

“SEC. 108. RESPONSIBILITIES OF THE SECRETARY.”

(b) RESPONSIBILITIES.—Section 108 (42 U.S.C. 6007) is amended—

(1) in subsection (a), by striking “The Secretary” and inserting “REGULATIONS.—The Secretary”; and

(2) in subsection (b)—

(A) by striking “Within ninety” and inserting “INTERAGENCY COMMITTEE.—Within 90”; and

(B) by striking “Administration for Developmental Disabilities” and inserting “Administration on Developmental Disabilities.”.

SEC. 110. EMPLOYMENT OF HANDICAPPED INDIVIDUALS.

(a) SECTION HEADING.—Section 109 (42 U.S.C. 6008) is amended—

(1) by striking “SEC. 109.”; and

(2) in the section heading, by striking “EMPLOYMENT OF HANDICAPPED INDIVIDUALS” and inserting the following new section heading:

“SEC. 109. EMPLOYMENT OF INDIVIDUALS WITH DISABILITIES.”

(b) EMPLOYMENT.—Section 109 (42 U.S.C. 6008) is amended—

(1) by striking “handicapped individuals” and inserting “individuals with disabilities”;

(2) by striking “Act of” and inserting “Act of 1973”; and

(3) by striking “which govern” and all that follows through “subcontracts.” and inserting the following: “that govern employment—

“(1) by State rehabilitation agencies and community rehabilitation programs; and

“(2) under Federal contracts and subcontracts.”.

SEC. 111. RIGHTS OF THE DEVELOPMENTALLY DISABLED.

(a) SECTION HEADING.—Section 110 (42 U.S.C. 6009) is amended—

(1) by striking “SEC. 110.”; and

(2) in the section heading, by striking “RIGHTS OF THE DEVELOPMENTALLY DISABLED” and inserting the following new section heading:

“SEC. 110. RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.”

(b) RIGHTS.—Section 110 (42 U.S.C. 6009) is amended—

(1) in the matter preceding paragraph (1) by striking “persons” and inserting “individuals”;

(2) in paragraph (1), by striking “Persons” and inserting “Individuals”;

(3) in paragraph (2)—

(A) by striking “a person” and inserting “an individual”;

(B) by striking “the person” and inserting “the individual”; and

(C) by striking “the person’s” and inserting “the individual’s”;

(4) in paragraph (3), by striking “persons” each place such term appears and inserting “individuals”;

(5) in paragraph (4), by striking “persons” each place such term appears and inserting “individuals”; and

(6) in the matter following subparagraph (C) of paragraph (4), by striking “persons” each place such term appears and inserting “individuals”.

TITLE II—FEDERAL ASSISTANCE FOR PRIORITY AREA ACTIVITIES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES**SEC. 201. PART HEADING.**

The heading of Part B of title I of the Act is amended to read as follows:

“PART B—FEDERAL ASSISTANCE TO STATE DEVELOPMENTAL DISABILITIES COUNCILS.”**SEC. 202. PURPOSE.**

Section 121 (42 U.S.C. 6021) is amended to read as follows:

“SEC. 121. PURPOSE.

“The purpose of this part is to provide for allotments to support State Developmental Disabilities Councils in each State to promote, through systemic change, capacity building, and advocacy activities that are consistent with the policy under section 101(c)(2), the development of a consumer and family-centered, comprehensive system and a coordinated array of culturally competent services, supports, and other assistance designed to achieve independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities.”.

SEC. 203. STATE PLANS.

Section 122 (42 U.S.C. 6022) is amended to read as follows:

“SEC. 122. STATE PLAN.

“(a) IN GENERAL.—Any State desiring to take advantage of this part shall have a State plan submitted to, and approved by, the Secretary under this section.

“(b) PLANNING CYCLE.—The plan under subsection (a) shall be reviewed annually and revised at least once every 3 years.

“(c) STATE PLAN REQUIREMENTS.—In order to be approved by the Secretary under this section, a State plan shall meet the requirements in paragraphs (1) through (5).

“(1) STATE COUNCIL.—The plan shall provide for the establishment and maintenance of a State Developmental Disabilities Council in accordance with section 124 and describe the membership of such Council.

“(2) DESIGNATED STATE AGENCY.—The plan shall identify the agency or office within the State designated to support the State Developmental Disabilities Council in accordance with this section and section 124(d).

“(3) COMPREHENSIVE REVIEW AND ANALYSIS.—The plan shall contain a comprehensive review and analysis of the extent to which services and supports are available to, and the need for services and supports for, individuals with developmental disabilities and their families. Such review and analysis shall include—

“(A) a description of the services, supports and other assistance being provided to, or to be provided to, individuals with developmental disabilities and their families under other federally assisted State programs, plans, and policies that the State conducts and in which individuals with developmental disabilities are or may be eligible to participate, including programs relating to education, job training, vocational rehabilitation, public assistance, medical assistance, social services, child welfare, maternal and child health, aging, programs for children with special health care needs, children’s mental health, housing, transportation, technology, comprehensive health and mental health, and such other programs as the Secretary may specify;

“(B) a description of the extent to which agencies operating such other federally assisted State programs pursue interagency initiatives to improve and enhance services, supports, and other assistance for individuals with developmental disabilities; and

“(C) an examination of the provision, and the need for the provision, in the State of the four Federal priority areas and an optional State priority area, including—

“(i) an analysis of such Federal and State priority areas in relation to the degree of support for individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical and mental impairments;

“(ii) an analysis of criteria for eligibility for services, including specialized services and special adaptation of generic services provided by agencies within the State, that may exclude individuals with developmental disabilities from receiving such services;

“(iii) an analysis of the barriers that impede full participation of members of unserved and underserved groups;

“(iv) consideration of the report conducted pursuant to section 124(e);

“(v) consideration of the data collected by the State educational agency under section 618 of the Individuals with Disabilities Education Act;

“(vi) an analysis of services, assistive technology, or knowledge that may be unavailable to assist individuals with developmental disabilities;

“(vii) an analysis of existing and projected fiscal resources;

“(viii) an analysis of any other issues identified by the State Developmental Disabilities Council; and

“(ix) the formulation of objectives in systemic change, capacity building, and advocacy to address the issues described in clauses (i) through (vi) for all subpopulations of individuals with developmental disabilities that may be identified by the State Developmental Disabilities Council.

“(4) PLAN OBJECTIVES.—The plan shall—

“(A) specify employment, and at the discretion of the State, any or all of the three other Federal priority areas and an optional State priority area that are selected by the State Developmental Disabilities Council for such Council’s major systemic change, capacity building, and advocacy activities to be addressed during the plan period and describe the extent and scope of the Federal and State priority areas that will be addressed under the plan in the fiscal year;

“(B) describe the specific 1-year and 3-year objectives to be achieved and include a listing of the programs, activities, and resources

by which the State Developmental Disabilities Council will implement its systemic change, capacity building, and advocacy activities in selected priority areas, and set forth the non-Federal share required to carry out each objective; and

“(C) establish a method for the periodic evaluation of the plan’s effectiveness in meeting the objectives described in subparagraph (B).

“(5) ASSURANCES.—The plan shall contain or be supported by the assurances described in subparagraphs (A) through (N), which are satisfactory to the Secretary.

“(A) USE OF FUNDS.—With respect to the funds paid to the State under section 125, the plan shall provide assurances that—

“(i) such funds will be used to make a significant contribution toward enhancing the independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities in various political subdivisions of the State;

“(ii) such funds will be used to supplement and to increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant non-Federal funds;

“(iii) such funds will be used to complement and augment rather than duplicate or replace services for individuals with developmental disabilities and their families who are eligible for Federal assistance under other State programs;

“(iv) part of such funds will be made available by the State to public or private entities;

“(v) not more than 25 percent of such funds will be allocated to the agency designated under section 124(d) for service demonstration by such agency and that such funds and demonstration services have been explicitly authorized by the State Developmental Disabilities Council;

“(vi) not less than 65 percent of the amount available to the State under section 125 shall be expended for activities in the Federal priority area of employment activities, and, at the discretion of the State, activities in any or all of the three other Federal priority areas and an optional State priority area; and

“(vii) the remainder of the amount available to the State from allotments under section 125 (after making expenditures required by clause (vi)) shall be used for the planning, coordination, administration, and implementation of priority area activities, and other activities relating to systemic change, capacity building, and advocacy to implement the responsibilities of the State Developmental Disabilities Council pursuant to section 124(c).

“(B) STATE FINANCIAL PARTICIPATION.—The plan shall provide assurances that there will be reasonable State financial participation in the cost of carrying out the State plan.

“(C) CONFLICT OF INTEREST.—The plan shall provide assurances that the State Developmental Disabilities Council has approved conflict of interest policies as of October 1, 1994, to ensure that no member of such Council shall cast a vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest.

“(D) URBAN AND RURAL POVERTY AREAS.—The plan shall provide assurances that special financial and technical assistance shall be given to organizations that provide services, supports, and other assistance to individuals with developmental disabilities who live in areas designated as urban or rural poverty areas.

“(E) PROGRAM STANDARDS.—The plan shall provide assurances that programs, projects, and activities assisted under the plan, and the buildings in which such programs, projects, and activities are operated, will

meet standards prescribed by the Secretary in regulation and all applicable Federal and State accessibility standards.

“(F) INDIVIDUALIZED SERVICES.—The plan shall provide assurances that any direct services provided to individuals with developmental disabilities and funded under this plan will be provided in an individualized manner, consistent with unique strengths, resources, priorities, concerns, abilities, and capabilities of an individual.

“(G) HUMAN RIGHTS.—The plan shall provide assurances that the human rights of all individuals with developmental disabilities (especially those individuals without familial protection) who are receiving services under programs assisted under this part will be protected consistent with section 110 (relating to rights of individuals with developmental disabilities).

“(H) MINORITY PARTICIPATION.—The plan shall provide assurances that the State has taken affirmative steps to assure that participation in programs under this part is geographically representative of the State, and reflects the diversity of the State with respect to race and ethnicity.

“(I) INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED SURVEY REPORTS.—The plan shall provide assurances that the State will provide the State Developmental Disabilities Council with a copy of each annual survey report and plan of corrections for cited deficiencies prepared pursuant to section 1902(a)(31) of the Social Security Act with respect to any intermediate care facility for the mentally retarded in such State not less than 30 days after the completion of each such report or plan.

“(J) VOLUNTEERS.—The plan shall provide assurances that the maximum utilization of all available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973 and other appropriate voluntary organizations will be provided for, except that such volunteer services shall supplement, and shall not be in lieu of, services of paid employees.

“(K) EMPLOYEE PROTECTIONS.—The plan shall provide assurances that fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) will be provided to protect the interests of employees affected by actions under the plan to provide community living activities, including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees where necessary and arrangements under which maximum efforts will be made to guarantee the employment of such employees.

“(L) STAFF ASSIGNMENTS.—The plan shall provide assurances that the staff and other personnel of the State Developmental Disabilities Council, while working for the Council, are responsible solely for assisting the Council in carrying out its duties under this part and are not assigned duties by the designated State agency or any other agency or office of the State.

“(M) NONINTERFERENCE.—The plan shall provide assurances that the designated State agency or other office of the State will not interfere with systemic change, capacity building, and advocacy activities, budget, personnel, State plan development, or plan implementation of the State Developmental Disabilities Council, except that the designated State agency shall have the authority necessary to carry out the responsibilities described in section 124(d)(3).

“(N) OTHER ASSURANCES.—The plan shall contain such additional information and assurances as the Secretary may find necessary to carry out the provisions and purposes of this part.

“(d) PUBLIC REVIEW, SUBMISSION, AND APPROVAL.—

“(1) PUBLIC REVIEW.—The plan shall be made available for public review and comment with appropriate and sufficient notice in accessible formats and take into account and respond to significant suggestions, as prescribed by the Secretary in regulation.

“(2) CONSULTATION WITH THE DESIGNATED STATE AGENCY.—Before the plan is submitted to the Secretary, the State Developmental Disabilities Council shall consult with the designated State agency to ensure that the State plan is consistent with State law and to obtain appropriate State plan assurances.

“(3) PLAN APPROVAL.—The Secretary shall approve any State plan and annual updates of such plan that comply with the provisions of subsections (a), (b), and (c). The Secretary may not finally disapprove a State plan except after providing reasonable notice and an opportunity for a hearing to the State.”.

SEC. 204. HABILITATION PLANS.

Section 123 (42 U.S.C. 6023) is repealed.

SEC. 205. COUNCILS.

Section 124 (42 U.S.C. 6024) is amended to read as follows:

“SEC. 124. STATE DEVELOPMENTAL DISABILITIES COUNCILS AND DESIGNATED STATE AGENCIES.

“(a) IN GENERAL.—Each State that receives assistance under this part shall establish and maintain a State Developmental Disabilities Council (hereafter in this section referred to as the ‘Council’) to promote, through systemic change, capacity building, and advocacy activities (consistent with section 101(c)(2)), the development of a consumer and family-centered comprehensive system and a coordinated array of culturally competent services, supports and other assistance designed to achieve independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities. The Council shall have the authority to fulfill its responsibilities described in subsection (c).

“(b) COUNCIL MEMBERSHIP.—

“(1) COUNCIL APPOINTMENTS.—The members of the Council of a State shall be appointed by the Governor of the State from among the residents of that State. The Governor shall select members of the Council, at his or her discretion, after soliciting recommendations from organizations representing a broad range of individuals with developmental disabilities and individuals interested in individuals with developmental disabilities, including the non-State agency members of the Council. The Council may, at the request of the Governor, coordinate Council and public input to the Governor regarding all recommendations. To the extent feasible, the membership of the Council shall be geographically representative of the State and reflect the diversity of the State with respect to race and ethnicity.

“(2) MEMBERSHIP ROTATION.—The Governor shall make appropriate provisions to rotate the membership of the Council. Such provisions shall allow members to continue to serve on the Council until such members’ successors are appointed. The Council shall notify the Governor regarding membership requirements, when vacancies remain unfilled for a significant period of time.

“(3) REPRESENTATION OF AGENCIES AND ORGANIZATIONS.—Each Council shall at all times include representatives of the principal State agencies (including the State agencies that administer funds provided under the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act, the Older Americans Act, and title XIX of the Social Security Act), institutions of higher education, each university affiliated program in the State established under part D, the State protection and advocacy system established under part C, and local agencies, nongovernmental agencies, and private non-

profit groups concerned with services for individuals with developmental disabilities in the State in which such agencies and groups are located. Such representatives shall—

“(A) have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program such representatives represent; and

“(B) recuse themselves from any discussion of grants or contracts for which such representatives’ departments, agencies, or programs are grantees or applicants and comply with the conflict of interest policies required under section 122(c)(5)(C).

“(4) REPRESENTATION OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.—Not less than 50 percent of the membership of each Council shall consist of individuals who are—

“(A)(i) individuals with developmental disabilities;

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

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

“(B) not employees of a State agency that receives funds or provides services under this part, and who are not managing employees (as defined in section 1126(b) of the Social Security Act) of any other entity that receives funds or provides services under this part.

“(5) COMPOSITION OF MEMBERSHIP WITH DEVELOPMENTAL DISABILITIES.—Of the members of the Council described in paragraph (4)—

“(A) one-third shall be individuals with developmental disabilities as described in paragraph (4)(A)(i);

“(B) one-third shall be parents of children with developmental disabilities as described in paragraph (4)(A)(ii), and immediate relatives or guardians of adults with mentally impairing developmental disabilities as described in paragraph (4)(A)(iii); and

“(C) one-third shall be a combination of individuals described in paragraph (4)(A).

“(6) INSTITUTIONALIZED INDIVIDUALS.—Of the members of the Council described in paragraph (5), at least one shall be an immediate relative or guardian of an institutionalized or previously institutionalized individual with a developmental disability or an individual with a developmental disability who resides or previously resided in an institution. This paragraph shall not apply with respect to a State if such an individual does not reside in that State.

“(c) COUNCIL RESPONSIBILITIES.—A Council, through Council members, staff, consultants, contractors, or subgrantees, shall have the responsibilities described in paragraphs (1) through (11).

“(1) SYSTEMIC CHANGE, CAPACITY BUILDING, AND ADVOCACY ACTIVITIES.—The Council shall serve as an advocate for individuals with developmental disabilities and conduct programs, projects, and activities that carry out the purpose under section 121.

“(2) EXAMINATION OF PRIORITY AREAS.—Not less than once every 3 years, the Council shall examine the provision of and need for the four Federal priority areas and an optional State priority area to address, on a statewide and comprehensive basis, urgent needs for services, supports, and other assistance for individuals with developmental disabilities and their families, pursuant to section 122.

“(3) STATE PLAN DEVELOPMENT.—The Council shall develop and submit to the Secretary the State plan required under section 122 after consultation with the designated State agency under the State plan. Such consultation shall be solely for the purposes of obtaining State assurances and ensuring consistency of the plan with State law.

“(4) STATE PLAN IMPLEMENTATION.—The Council shall implement the State plan by conducting and supporting the Federal prior-

ity area of employment, not less than one of the remaining three Federal priority areas, and an optional State priority area as defined in section 102, through systemic change, capacity building, and advocacy activities such as those described in subparagraphs (A) through (K).

“(A) DEMONSTRATION OF NEW APPROACHES.—The Council may conduct, on a time-limited basis, the demonstration of new approaches to enhance the independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities. This may include making successful demonstrations generally available through sources of funding other than funding under this part, and may also include assisting those conducting such successful demonstration activities to develop strategies for securing funding from other sources.

“(B) OUTREACH.—The Council may conduct activities to reach out to assist and enable individuals with developmental disabilities and their families who otherwise might not come to the attention of the Council to obtain services, supports, and other assistance, including access to special adaptation of generic services or specialized services.

“(C) TRAINING.—The Council may conduct training for individuals with developmental disabilities, their families, and personnel (including professionals, paraprofessionals, students, volunteers, and other community members) to enable such individuals to obtain access to, or to provide, services, supports and other assistance, including special adaptation of generic services or specialized services for individuals with developmental disabilities and their families. To the extent that training activities are provided, such activities shall be designed to promote the empowerment of individuals with developmental disabilities and their families.

“(D) SUPPORTING COMMUNITIES.—The Council may assist neighborhoods and communities to respond positively to individuals with developmental disabilities and their families by encouraging local networks to provide informal and formal supports and enabling communities to offer such individuals and their families access, resources, and opportunities.

“(E) INTERAGENCY COLLABORATION AND COORDINATION.—The Council may promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.

“(F) COORDINATION WITH RELATED COUNCILS, COMMITTEES, AND PROGRAMS.—The Council may conduct activities to enhance coordination with—

“(i) other councils or committees, authorized by Federal or State law, concerning individuals with disabilities (such as the State Interagency Coordinating Council under part H of the Individuals with Disabilities Education Act, the State Rehabilitation Advisory Council and the Statewide Independent Living Council under the Rehabilitation Act of 1973, the State Mental Health Planning Council under part B of title XIX of the Public Health Service Act and other similar councils or committees);

“(ii) parent training and information centers under part D of the Individuals with Disabilities Education Act and other federally funded projects that assist parents of children with disabilities; and

“(iii) other groups interested in systemic change, capacity building, and advocacy for individuals with disabilities.

“(G) BARRIER ELIMINATION, SYSTEMS DESIGN, AND CITIZEN PARTICIPATION.—The Council may conduct activities to eliminate barriers, enhance systems design and redesign, and enhance citizen participation to address issues identified in the State plan.

“(H) PUBLIC EDUCATION AND COALITION DEVELOPMENT.—The Council may conduct activities to educate the public about the capabilities, preferences, and needs of individuals with developmental disabilities and their families and to develop and support coalitions that support the policy agenda of the Council, including training in self-advocacy, educating policymakers, and citizen leadership skills.

“(I) INFORMING POLICYMAKERS.—The Council may provide information to Federal, State, and local policymakers, including the Congress, the Federal executive branch, the Governor, State legislature, and State agencies, in order to increase the ability of such policymakers to offer opportunities and to enhance or adapt generic services or provide specialized services to individuals with developmental disabilities and their families by conducting studies and analyses, gathering information, and developing and disseminating model policies and procedures, information, approaches, strategies, findings, conclusions, and recommendations.

“(J) PREVENTION.—The Council may conduct prevention activities as defined in section 102.

“(K) OTHER ACTIVITIES.—The Council may conduct other systemic change, capacity building, and advocacy activities to promote the development of a consumer and family-centered comprehensive system and a coordinated array of culturally competent services, supports and other assistance designed to achieve independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities throughout the State on a comprehensive basis.

“(5) STATE PLAN MONITORING.—Not less than once each year, the Council shall monitor, review, and evaluate the implementation and effectiveness of the State plan in meeting such plan’s objectives.

“(6) REVIEW OF DESIGNATED STATE AGENCY.—The Council shall periodically review the designated State agency with respect to the activities carried out under this Act and make any recommendations for change to the Governor.

“(7) REPORTS.—The Council shall submit to the Secretary, through the Governor, periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary finds necessary to verify such reports.

“(8) BUDGET.—Each Council shall prepare, approve, and implement a budget using amounts paid to the State under this part to fund and implement all programs, projects, and activities under this part including—

“(A) conducting such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council, reimbursing Council members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care and personal assistance services), paying compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day such member is engaged in performing the duties of the Council, supporting Council member and staff travel to authorized training and technical assistance activities including inservice training and leadership development, and appropriate subcontracting activities;

“(B) hiring and maintaining sufficient numbers and types of staff (qualified by training and experience) and obtaining the services of such professional, consulting, technical, and clerical personnel (qualified by training and experience), consistent with State law, as the Council determines to be necessary to carry out its functions under

this part, except that such State shall not apply hiring freezes, reductions in force, prohibitions on staff travel, or other policies, to the extent that such policies would impact staff or functions funded with Federal funds and would prevent the Council from carrying out its functions under this Act; and

“(C) directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts, and other activities authorized by the approved State plan.

“(9) STAFF HIRING AND SUPERVISION.—A Council shall, consistent with State law, recruit and hire a Director of the Council, should the position of Director become vacant, and supervise and annually evaluate the Director. The Director shall hire, supervise, and annually evaluate the staff of the Council. Council recruitment and hiring of staff shall be consistent with Federal and State nondiscrimination laws. Dismissal of personnel shall be consistent with State law and personnel policies.

“(10) STAFF ASSIGNMENTS.—The staff and other personnel, while working for the Council, shall be responsible solely for assisting the Council in carrying out its duties under this part and shall not be assigned duties by the designated State agency or any other agency or office of the State.

“(11) CONSTRUCTION.—

“(A) ACTIVITIES OF THE COUNCIL.—Nothing in this part shall be construed to preclude a Council from engaging in systemic change, capacity building, and advocacy activities for individuals with disabilities other than developmental disabilities, where appropriate.

“(B) AUTHORITY OF THE COUNCIL.—Nothing in this Act shall be construed to authorize a Council to direct, control, or exercise any policy making authority or administrative authority over any program assisted under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

“(d) DESIGNATED STATE AGENCY.—

“(1) IN GENERAL.—Each State that receives assistance under this part shall designate the State agency that shall, on behalf of the State, provide support to the Council. After the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, any designation of a State agency shall be made in accordance with the requirements of this subsection.

“(2) DESIGNATION.—

“(A) TYPE OF AGENCY.—Except as provided in this subsection, the designated State agency shall be—

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

“(ii) a State agency that does not provide or pay for services made available to individuals with developmental disabilities; or

“(iii) a State office, including the immediate office of the Governor of the State or a State planning office.

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

“(i) DESIGNATION BEFORE ENACTMENT.—If a State agency that provides or pays for services for individuals with developmental disabilities was a designated State agency for purposes of this part on the date of enactment of the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1994, and the Governor of the State (or legislature, where appropriate and in accordance with State law) determines prior to June 30, 1994, not to change the designation of such agency, such agency may continue to be a designated State agency for purposes of this part.

“(ii) CRITERIA FOR CONTINUED DESIGNATION.—The determination at the discretion of the Governor (or legislature as the case may be) shall be made after the Governor

has considered the comments and recommendations of the general public and a majority of the non-State agency members of the Council with respect to the designation of such State agency, and after the Governor (or legislature as the case may be) has made an independent assessment that the designation of such agency shall not interfere with the budget, personnel, priorities, or other action of the Council, and the ability of the Council to serve as an advocate for individuals with developmental disabilities.

“(C) REVIEW OF DESIGNATION.—After April 1, 1994, the Council may request a review of the designation of the designated State agency by the Governor (or legislature as the case may be). The Council shall provide documentation concerning the reason the Council desires a change to be made and make a recommendation to the Governor (or legislature as the case may be) regarding a preferred designated State agency.

“(D) APPEAL OF DESIGNATION.—After the review is completed under subparagraph (C), a majority of the non-State agency members of the Council may appeal to the Secretary for a review of the designation of the designated State agency if Council independence as an advocate is not assured because of the actions or inactions of the designated State agency.

“(3) RESPONSIBILITIES.—The designated State agency shall, on behalf of the State, have the responsibilities described in subparagraphs (A) through (F).

“(A) SUPPORT SERVICES.—The designated State agency shall provide required assurances and support services as requested by and negotiated with the Council.

“(B) FISCAL RESPONSIBILITIES.—The designated State agency shall—

“(i) receive, account for, and disperse funds under this part based on the State plan required in section 122; and

“(ii) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under this part.

“(C) RECORDS, ACCESS, AND FINANCIAL REPORTS.—The designated State agency shall keep such records and afford access thereto as the Secretary and the Council determine necessary. The designated State agency, if other than the Council, shall provide timely financial reports at the request of the Council regarding the status of expenditures, obligations, liquidation, and the Federal and non-Federal share.

“(D) NON-FEDERAL SHARE.—The designated State agency, if other than the Council, shall provide the required non-Federal share defined in section 125A(c).

“(E) ASSURANCES.—The designated State agency shall assist the Council in obtaining the appropriate State plan assurances and in ensuring that the plan is consistent with State law.

“(F) MEMORANDUM OF UNDERSTANDING.—On the request of the Council, the designated State agency shall enter into a memorandum of understanding with the Council delineating the roles and responsibilities of the designated State agency.

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

“(A) NECESSARY EXPENDITURES OF STATE DESIGNATED AGENCY.—At the request of any State, a portion of any allotment or allotments of such State under this part for any fiscal year shall be available to pay up to one-half (or the entire amount if the Council is the designated State agency) of the expenditures found necessary by the Secretary for the proper and efficient exercise of the functions of the State designated agency, except that not more than 5 percent of the total of the allotments of such State for any fiscal year, or \$50,000, whichever is less, shall

be made available for the total expenditure for such purpose by the State agency designated under this subsection.

“(B) CONDITION FOR FEDERAL FUNDING.—Amounts shall be provided under subparagraph (A) to a State for a fiscal year only on condition that there shall be expended from State sources for carrying out the responsibilities of the designated State agency under paragraph (3) not less than the total amount expended for carrying out such responsibilities from such sources during the previous fiscal year, except in such year as the Council may become the designated State agency.

“(C) SUPPORT SERVICES PROVIDED BY OTHER AGENCIES.—With the agreement of the designated State agency, the Council may use or contract with agencies other than the designated State agency to perform the functions of the designated State agency.

“(e) 1990 REPORT.—Not later than January 1, 1990, each Council shall complete the reviews, analyses, and final report described in this section.

“(I) COMPREHENSIVE REVIEW AND ANALYSIS.—Each Council shall conduct a comprehensive review and analysis of the eligibility for services provided, and the extent, scope, and effectiveness of, services provided and functions performed by, all State agencies (including agencies that provide public assistance) that affect or that potentially affect the ability of individuals with developmental disabilities to achieve the goals of independence, productivity, and integration and inclusion into the community, including individuals with developmental disabilities attributable to physical impairment, mental impairment, or a combination of physical and mental impairments.

“(2) CONSUMER SATISFACTION.—Each Council shall conduct a review and analysis of the effectiveness of, and consumer satisfaction with, the functions performed by, and services provided or paid for from Federal and State funds by, each of the State agencies (including agencies that provide public assistance) responsible for performing functions for, and providing services to, all individuals with developmental disabilities in the State. Such review and analysis shall be based upon a survey of a representative sample of individuals with developmental disabilities receiving services from each such agency, and if appropriate, shall include such individuals' families.

“(3) PUBLIC REVIEW AND COMMENT.—Each Council shall convene public forums, after the provision of notice within the State, in order to—

“(A) present the findings of the reviews and analyses prepared under paragraphs (1) and (2);

“(B) obtain comments from all interested individuals in the State regarding the unserved and underserved populations of individuals with developmental disabilities that result from physical impairment, mental impairment, or a combination of physical and mental impairments; and

“(C) obtain comments on any proposed recommendations concerning the removal of barriers to services for individuals with developmental disabilities and to connect such services to existing State agencies by recommending the designation of one or more State agencies, as appropriate, to be responsible for the provision and coordination of such services.

“(4) BASIS FOR STATE PLAN.—Each Council shall utilize the information developed pursuant to paragraphs (1), (2), and (3) in developing the State plan.”

SEC. 206. STATE ALLOTMENTS.

(a) SECTION HEADING.—Section 125 (42 U.S.C. 6025) is amended—

(1) by striking “SEC. 125.”; and

(2) in the section heading, by striking “STATE ALLOTMENTS” and inserting the following new section heading:

“SEC. 125. STATE ALLOTMENTS.”

(b) ALLOTMENTS.—Section 125 (42 U.S.C. 6025) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by realigning the margins of subparagraphs (A), (B), and (C) so as to align with the margin of subparagraph (A) of paragraph (4); and

(ii) by realigning the margin of the matter following subparagraph (C) so as to align with the margin of paragraph (3);

(B) by striking “(a)(1) For” and inserting the following:

“(a) ALLOTMENTS.—

“(1) IN GENERAL.—For”;

(C) in paragraph (2)—

(i) by striking “(2) Adjustments” and inserting the following:

“(2) ADJUSTMENTS.—Adjustments”;

(ii) by striking “may be” and inserting “shall be”; and

(iii) by striking “not less” and inserting “and the percentage of the total appropriation for each State not less”;

(D) in paragraph (3)—

(i) by striking “(3)(A) Except” and all that follows through “September 30, 1990.” and inserting the following:

“(3) MINIMUM ALLOTMENT FOR APPROPRIATIONS LESS THAN OR EQUAL TO \$75,000,000.—

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

“(i) to each of American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau (until the Compact of Free Association with Palau takes effect) may not be less than the greater of—

“(I) \$210,000; or

“(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)); and

“(ii) to any State not described in clause (i), may not be less than the greater of—

“(I) \$400,000; or

“(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)).”;

(ii) by striking “(B) Notwithstanding” and inserting the following:

“(B) REDUCTION OF ALLOTMENT.—Notwithstanding”;

(E) in paragraph (4), to read as follows:

“(4) MINIMUM ALLOTMENT FOR APPROPRIATIONS IN EXCESS OF \$75,000,000.—

“(A) IN GENERAL.—In any case in which amounts appropriated under section 130 for a fiscal year exceeds \$75,000,000, the allotment under this section for such fiscal year—

“(i) to each of American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands or the Republic of Palau (until the Compact of Free Association with Palau takes effect) may not be less than the greater of—

“(I) \$220,000; or

“(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)); and

“(ii) to any State not described in clause (i) may not be less than the greater of—

“(I) \$450,000; or

“(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)).”

“(B) REDUCTION OF ALLOTMENT.—The requirements of paragraph (3)(B) shall apply with respect to amounts to be allotted to States under subparagraph (A), in the same manner and to the same extent as such requirements apply with respect to amounts to be allotted to States under paragraph (3)(A).”;

(F) in paragraph (5)—

(i) by striking “In determining” and inserting “STATE SUPPORTS, SERVICES, AND OTHER ACTIVITIES.—In determining”;

(ii) by striking “section 122(b)(2)(C)” and inserting “section 122(c)(3)(A)”;

(G) in paragraph (6), by striking “In any case” and inserting “INCREASE IN ALLOTMENTS.—In any case”;

(2) in subsection (b), by striking “Any amount” and inserting “UNOBLIGATED FUNDS.—Any amount”;

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

(4) by inserting after subsection (b) the following new subsection:

“(c) OBLIGATION OF FUNDS.—For the purposes of this part, State Interagency Agreements are considered valid obligations for the purpose of obligating Federal funds allotted to the State under this part.”;

(5) in subsection (d) (as redesignated by paragraph (3)), by striking “Whenever” and inserting “COOPERATIVE EFFORTS BETWEEN STATES.—Whenever”;

(6) in subsection (e) (as redesignated by paragraph (3)), by striking “The amount” and inserting “REALLOTMENTS.—The amount”.

SEC. 207. FEDERAL SHARE AND NON-FEDERAL SHARE.

Part B of title I of the Act is amended by inserting after section 125 (42 U.S.C. 6025) the following new section:

“SEC. 125A. FEDERAL AND NON-FEDERAL SHARE.

“(a) AGGREGATE COSTS.—The Federal share of all projects in a State supported by an allotment to the State under this part may not exceed 75 percent of the aggregate necessary costs of all such projects as determined by the Secretary, except that—

“(1) in the case of projects whose activities or products target individuals with developmental disabilities who live in urban or rural poverty areas, the Federal share of all such projects may not exceed 90 percent of the aggregate necessary costs of such projects or activities, as determined by the Secretary; and

“(2) in the case of projects or activities undertaken by the Council or Council staff to implement State plan priority activities, the Federal share of all such activities may be up to 100 percent of the aggregate necessary costs of such activities.

“(b) NONDUPLICATION.—In determining the amount of any State's Federal share of the expenditures incurred by such State under a State plan approved under section 122, the Secretary shall not consider—

“(1) any portion of such expenditures that are financed by Federal funds provided under any provision of law other than section 125; and

“(2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds.

“(c) NON-FEDERAL SHARE.—

“(1) IN KIND CONTRIBUTIONS.—The non-Federal share of the cost of any project assisted by a grant or an allotment under this part may be provided in kind.

“(2) CONTRIBUTIONS OF POLITICAL SUBDIVISIONS, PUBLIC, OR PRIVATE ENTITIES.—

“(A) IN GENERAL.—Expenditures on projects or activities by a political subdivision of a State or by a public or private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe, be considered to be expendi-

tures by such State in the case of a project under this part.

“(B) STATE CONTRIBUTIONS.—State contributions, including contributions by the designated State agency to provide support services to the Council pursuant to section 124(d)(4), may be counted as part of such State’s non-Federal share of allotments under this part.

“(3) VARIATIONS OF THE NON-FEDERAL SHARE.—The non-Federal share required on a grant-by-grant basis may vary.”

SEC. 208. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.

Section 126 (42 U.S.C. 6026) is amended—

(1) by striking “SEC. 126.” and inserting “(a) STATE PLAN EXPENDITURES.—”;

(2) in the section heading, by striking “PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION AND SERVICES” and inserting the following new section heading:

“**SEC. 126. PAYMENTS TO THE STATES FOR PLANNING, ADMINISTRATION, AND SERVICES.**”;

and

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

“(b) SUPPORT SERVICES.—Payments to States for support services provided by the designated State agency pursuant to section 124(d)(4) may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.”

SEC. 209. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.

Section 127 (42 U.S.C. 6027) is amended—

(1) in the matter preceding paragraph (1), by striking “SEC. 127.”;

(2) in the section heading by striking “WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION AND SERVICES” and inserting the following new section heading:

“**SEC. 127. WITHHOLDING OF PAYMENTS FOR PLANNING, ADMINISTRATION, AND SERVICES.**”;

and

(3) in paragraph (1), by striking “sections” and inserting “section”.

SEC. 210. NONDUPLICATION.

Section 128 (42 U.S.C. 6028) is repealed.

SEC. 211. APPEALS BY STATES.

Section 129 (42 U.S.C. 6029) is amended—

(1) by striking “SEC. 129.”; and

(2) in the section heading, by striking “APPEALS BY STATES” and inserting the following new section heading:

“**SEC. 129. APPEALS BY STATES.**”

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

Section 130 (42 U.S.C. 6030) is amended by striking “\$77,400,000” and all that follows and inserting the following: “\$70,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.”

SEC. 213. REVIEW, ANALYSIS, AND REPORT.

(a) REVIEW AND ANALYSIS.—The Secretary of Health and Human Services shall review and analyze the allotment formula in effect under parts B and C of title I of the Developmental Disabilities Assistance and Bill of Rights Act prior to the date of enactment of this Act, including the factors described in such parts, and the data elements and measures used by the Secretary, to determine whether such formula is consistent with the purpose of the Act.

(b) ALTERNATIVE FORMULAS.—The Secretary of Health and Human Services shall identify alternative formulas for allocating funds, consistent with the purpose of this Act.

(c) REPORT.—Not later than October 1, 1995, the Secretary of Health and Human Services shall submit a report on the review conducted under subsection (a) and a copy of the alternative formulas identified under subsection (b) to the Committee on Labor and

Human Resources of the Senate and to the Committee on Energy and Commerce of the House of Representatives.

TITLE III—PROTECTION AND ADVOCACY OF THE RIGHTS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES

SEC. 301. PART HEADING.

The heading of part C of title I of the Act is amended to read as follows:

“**PART C—PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS**”.

SEC. 302. PURPOSE.

Section 141 (42 U.S.C. 6041) is amended—

(1) by striking “SEC. 141.”;

(2) in the section heading, by striking “PURPOSE” and inserting the following new section heading:

“**SEC. 141. PURPOSE.**”;

(3) by striking “system” and inserting “Protection and Advocacy system (hereafter referred to in this part as the ‘system’)”; and

(4) by striking “persons” and inserting “individuals”.

SEC. 303. SYSTEM REQUIRED.

(a) SECTION HEADING.—Section 142 (42 U.S.C. 6042) is amended—

(1) by striking “SEC. 142.”; and

(2) in the section heading, by striking “SYSTEM REQUIRED” and inserting the following new section heading:

“**SEC. 142. SYSTEM REQUIRED.**”

(b) SYSTEM.—Section 142 (42 U.S.C. 6042) is amended—

(1) in subsection (a)—

(A) by striking “In order” and inserting “SYSTEM REQUIRED.—In order”;

(B) in paragraph (1), by striking “persons” and inserting “individuals”;

(C) in paragraph (2)—

(i) by striking “persons” each place such term appears and inserting “individuals”;

(ii) in subparagraph (A), by striking “minority” and inserting “ethnic and racial minority”;

(iii) by striking subparagraph (C);

(iv) in subparagraph (E), by striking “Planning Council” and inserting “Developmental Disabilities Council authorized under part B”;

(v) in subparagraph (F), by striking “and” at the end thereof; and

(vi) in subparagraph (G)—

(I) in clause (i), by striking “person” each place such term appears and inserting “individual”;

(II) in the matter preceding subclause (I) of clause (ii), by striking “person” and inserting “individual”;

(III) in clause (ii)(I), by striking “by reason of the mental or physical condition of such person” and inserting “by reason of such individual’s mental or physical condition”;

(IV) in clause (ii)(II), by striking “person” and inserting “individual”;

(V) in clause (iii), by realigning the margins of subclauses (I), (II), and (III) so as to align with the margins of subclauses (I), (II), and (III) of clause (ii);

(VI) in clause (iii), by striking “(iii) any” and inserting the following:

“(iii) any”; and

(VII) in clause (iii)(III), by striking “person” and inserting “individual”;

(vii) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively;

(viii) by inserting after subparagraph (B) the following new subparagraphs:

“(C) on an annual basis, develop a statement of objectives and priorities for the system’s activities; and

“(D) on an annual basis, provide to the public, including individuals with developmental disabilities attributable to either physical impairment, mental impairment, or a combination of physical or mental impair-

ments, and their representatives, as appropriate, non-State agency representatives of the State Developmental Disabilities Council, and the university affiliated program (if applicable within a State), an opportunity to comment on—

“(i) the objectives and priorities established by the system and the rationale for the establishment of such objectives; and

“(ii) the activities of the system, including the coordination with the advocacy programs under the Rehabilitation Act of 1973, the Older Americans Act of 1965, and the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and with other related programs, including the parent training and information centers, education ombudsman programs and assistive technology projects;”;

(ix) by inserting after subparagraph (G), as so redesignated in clause (vii), the following new subparagraph:

“(H) have access at reasonable times and locations to any resident who is an individual with a developmental disability in a facility that is providing services, supports, and other assistance to such a resident;”;

(x) by adding at the end the following new subparagraphs:

“(J) hire and maintain sufficient numbers and types of staff, qualified by training and experience, to carry out such system’s function except that such State shall not apply hiring freezes, reductions in force, prohibitions on staff travel, or other policies, to the extent that such policies would impact staff or functions funded with Federal funds and would prevent the system from carrying out its functions under this Act;

“(K) have the authority to educate policymakers; and

“(L) provide assurances to the Secretary that funds allotted to the State under this section will be used to supplement and increase the level of funds that would otherwise be made available for the purposes for which Federal funds are provided and not to supplant such non-Federal funds;”;

(D) by striking paragraphs (3) and (5);

(E) in paragraph (4)—

(i) by striking “the State” and all that follows through “provided with” and inserting “the State must provide to the system”;

(ii) by striking “1902(a)(31)(B)” and inserting “1902(a)(31)”;

(iii) by redesignating such paragraph as paragraph (3); and

(F) by adding at the end the following new paragraph:

“(4) the agency implementing the system will not be redesignated unless there is good cause for the redesignation and unless—

“(A) notice has been given of the intention to make such redesignation to the agency that is serving as the system including the good cause for such redesignation and the agency has been given an opportunity to respond to the assertion that good cause has been shown;

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

“(C) the system has the opportunity to appeal to the Secretary that the redesignation was not for good cause.”;

(2) in subsection (b)—

(A) by striking “(b)(1) To” and inserting the following:

“(b) ALLOTMENTS.—

“(1) IN GENERAL.—To”;

(B) in paragraph (1)—

“(i) in subparagraph (A), to read as follows:

“(A) the total amount appropriated under section 143 for a fiscal year is at least \$20,000,000—

“(i) the allotment of each of American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern

Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect) for such fiscal year may not be less than the greater of—

- “(I) \$107,000; or
- “(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)); and
- “(ii) the allotment of any State not described in clause (i) for such fiscal year may not be less than the greater of—

- “(I) \$200,000; or
- “(II) the greater of the allotments received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)).”; and

(i) in subparagraph (B), to read as follows:“(B) the total amount appropriated under section 143 for a fiscal year is less than \$20,000,000—

- “(i) the allotment of each of American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect) for such fiscal year may not be less than the greater of—

- “(I) \$80,000; or
- “(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)); and

(ii) the allotment of any State not described in clause (i) for such fiscal year may not be less than the greater of—

- “(I) \$150,000; or
- “(II) the greater of the allotment received by such State for fiscal year 1992, or the allotment received by such State for fiscal year 1993, under this section (determined without regard to subsection (d)).”; and

(C) by realigning the margins of subparagraphs (A) and (B) of paragraph (2) so as to align with subparagraphs (A) through (C) of subsection (a)(4);

(D) by realigning the margins of paragraphs (2) through (4) so as to align with paragraph (4) of subsection (a);

(E) in paragraph (2), by striking “In any case” and inserting “INCREASE IN ALLOTMENTS.—In any case”;

(F) in paragraph (3), by striking “A State” and inserting “MONITORING THE ADMINISTRATION OF THE SYSTEM.—A State”;

(G) in paragraph (4), by striking “Notwithstanding” and inserting “REDUCTION OF ALLOTMENT.—Notwithstanding”; and

(H) by inserting at the end the following new paragraph:

“(5) TECHNICAL ASSISTANCE AND AMERICAN INDIAN CONSORTIUM.—In any case in which amounts appropriated under section 143 for a fiscal year exceeds \$24,500,000, the Secretary shall—

“(A) use not more than 2 percent of the amounts appropriated to provide technical assistance (consistent with requests by such systems for such assistance in the year that appropriations reach \$24,500,000) to eligible systems with respect to activities carried out under this title; and

“(B) provide grants in accordance with paragraph (1)(A)(i) to American Indian Consortia to provide protection and advocacy services.”;

(3) in subsection (c), by striking “Any amount” and inserting “UNOBLIGATED FUNDS.—Any amount”;

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “In States” and inserting “GOVERNING BOARD.—In States”;

(B) in paragraph (1), by inserting before the semicolon “and include individuals with developmental disabilities who are eligible for

services, or have received or are receiving services, or parents, family members, guardians, advocates, or authorized representatives of such individuals”;

(C) in paragraph (2), by striking “and” at the end thereof;

(D) in paragraph (3), by striking the period and inserting “; and”;

(E) by adding at the end the following new paragraph:

“(4) in States in which the system is organized as a public system without a multi-member governing or advisory board, the system shall establish an advisory council that shall—

“(A) advise the system on policies and priorities to be carried out in protecting and advocating the rights of individuals with developmental disabilities; and

“(B) consist of a majority of individuals with developmental disabilities who are eligible for services, or have received or are receiving services, or parents, family members, guardians, advocates, or authorized representatives of such individuals.”;

(5) in subsection (e), by striking “As used” and inserting “RECORDS.—As used”;

(6) in subsection (f)—

(A) by striking “If the” and inserting “ACCESS TO RECORDS.—If the”; and

(B) in the matter preceding paragraph (1) by striking “persons” and inserting “individuals”;

(7) in subsection (g)—

(A) by striking “(g)(1) Nothing” and inserting the following:

“(g) LEGAL ACTION.—

“(1) IN GENERAL.—Nothing”;

(B) in paragraph (1), by striking “persons” and inserting “individuals”; and

(C) in paragraph (2), by striking “(2) Amounts” and inserting the following:

“(2) USE OF AMOUNTS FROM JUDGMENT.—Amounts”;

(8) in subsection (h), by striking “Notwithstanding” and inserting “PAYMENT TO SYSTEMS.—Notwithstanding”;

(9) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively;

(10) by inserting after subsection (a) the following new subsection:

“(b) AMERICAN INDIAN CONSORTIUM.—Upon application to the Secretary, an American Indian consortium, as defined in section 102, established to provide protection and advocacy services under this part, shall receive funding pursuant to subsection (c)(5). Such consortium shall coordinate activities with existing systems.”; and

(11) by adding at the end the following new subsections:

“(j) DISCLOSURE OF INFORMATION.—For purposes of any periodic audit, report, or evaluation required under this Act, the Secretary shall not require a program to disclose the identity of, or any other personally identifiable information related to, any individual requesting assistance under such program.

“(k) PUBLIC NOTICE OF FEDERAL ONSITE REVIEW.—The Secretary shall provide advance public notice of any Federal programmatic and administrative review and solicit public comment on the system funded under this part through such notice. The findings of the public comment solicitation notice shall be included in the onsite visit report. The results of such review shall be distributed to the Governor of the State and to other interested public and private parties.”.

SEC. 304. AUTHORIZATION OF APPROPRIATIONS.

Section 143 (42 U.S.C. 6043) is amended—

(1) by striking “SEC. 143.”;

(2) in the section heading, by striking “AUTHORIZATION OF APPROPRIATIONS” and inserting the following new section heading:

“SEC. 143. AUTHORIZATION OF APPROPRIATIONS.”;

(3) by striking “\$24,200,000 for fiscal year 1991” and inserting “\$24,000,000 for fiscal year 1994”; and

(4) by striking “fiscal years 1992 and 1993” and inserting “fiscal years 1995 and 1996”.

TITLE IV—UNIVERSITY AFFILIATED PROGRAMS

SEC. 401. PART HEADING.

The heading of part D of title I of the Act is amended to read as follows:

“PART D—UNIVERSITY AFFILIATED PROGRAMS”.

SEC. 402. PURPOSE.

Section 151 (42 U.S.C. 6061) is amended to read as follows:

“SEC. 151. PURPOSE AND SCOPE OF ACTIVITIES.

“The purpose of this part is to provide for grants to university affiliated programs that are interdisciplinary programs operated by universities, or by public or nonprofit entities associated with a college or university, to provide a leadership role in the promotion of independence, productivity, and integration and inclusion into the community of individuals with developmental disabilities through the provision of the following activities, which are conducted in a culturally competent manner:

“(1) Interdisciplinary preservice preparation of students and fellows, including the preparation of leadership personnel.

“(2) Community service activities that shall include community training and technical assistance for or with individuals with developmental disabilities, family members of individuals with developmental disabilities, professionals, paraprofessionals, students, and volunteers. Such activities may include state-of-the-art direct services including family support, individual support, personal assistance services, educational, vocational, clinical, health, prevention, or other direct services.

“(3) Dissemination of information and research findings, which may include the empirical validation of activities relevant to the purposes described in paragraphs (1) and (2) and contributions to the development of new knowledge in the field of developmental disabilities.”.

SEC. 403. GRANT AUTHORITY.

(a) SECTION HEADING.—Section 152 (42 U.S.C. 6062) is amended—

(1) by striking “SEC. 152.”; and

(2) in the section heading, by striking “GRANT AUTHORITY” and inserting the following new section heading:

“SEC. 152. GRANT AUTHORITY.”.

(b) AUTHORITY.—Section 152 (42 U.S.C. 6062) is amended—

(1) in subsection (a)—

(A) by striking “From appropriations” and inserting “ADMINISTRATION AND OPERATION.—From appropriations”; and

(B) by striking “102(18).” and inserting “151. Grants may be awarded for a period not to exceed 5 years.”;

(2) in subsection (b), to read as follows:

“(b) TRAINING PROJECTS.—

“(1) IN GENERAL.—From amounts appropriated under section 156(a), the Secretary shall make grants to university affiliated programs receiving grants under subsection (a) to support training projects to train personnel to address the needs of individuals with developmental disabilities in areas of emerging national significance, as described in paragraph (3). Grants awarded under this subsection shall be awarded on a competitive basis and may be awarded for a period not to exceed 5 years.

“(2) ELIGIBILITY LIMITATIONS.—A university affiliated program shall not be eligible to receive funds for training projects under this subsection unless—

“(A) such program has operated for at least 1 year; or

“(B) the Secretary determines that such program has demonstrated the capacity to develop an effective training project during the first year such program is operated.

“(3) AREAS OF FOCUS.—Training projects under this subsection shall train personnel to address the needs of individuals with developmental disabilities in the areas of emerging national significance described in subparagraphs (A) through (H).

“(A) EARLY INTERVENTION.—Grants under this subsection for training projects with respect to early intervention services shall be for the purpose of assisting university affiliated programs in providing training to family members of children with developmental disabilities and personnel from all disciplines involved with interdisciplinary intervention to infants, toddlers, and preschool age children with developmental disabilities. Such training projects shall include instruction on family-centered, community-based, coordinated care for infants, toddlers, and preschool age children with developmental disabilities and their families.

“(B) AGING.—Grants under this subsection for training projects with respect to aging and developmental disabilities shall be for the purpose of supporting the planning, design, and implementation of coordinated interdisciplinary training programs between existing aging or gerontological programs and university affiliated programs in order to prepare professional staff to provide services for aging individuals with developmental disabilities and their families.

“(C) COMMUNITY SERVICES.—Grants under this subsection for training projects with respect to community services shall be for the purpose of providing training that enhances direct supports and services for individuals with developmental disabilities, including training to community members, families, individuals with developmental disabilities, and community-based direct service providers. The Secretary shall ensure that all grants under this subparagraph are made only to university affiliated programs that involve community-level direct support services in the preparation of the application for such grant and that assure that any training under the university affiliated program will be coordinated with local community services and support systems and with State, local, and regional governmental or private agencies responsible for the planning or delivery of services to individuals with developmental disabilities.

“(D) POSITIVE BEHAVIORAL SUPPORTS.—Grants awarded under this subsection for training projects with respect to positive behavioral supports shall be for the purpose of assisting university affiliated programs in providing training to family members of individuals with developmental disabilities and personnel in methods of developing individual supports that maximize opportunities for independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities and severe behavior problems. Such training projects shall provide training to—

“(i) address ethical and legal principles and standards, including the role of personal and cultural values in designing assessments and interventions;

“(ii) address appropriate assessment approaches that examine the range of factors that contribute to problem behavior;

“(iii) address the development of a comprehensive plan that considers the needs and preferences of an individual with a developmental disability;

“(iv) address the competence in the types of skills training, environmental modification, and incentive procedures that encourage alternative behaviors;

“(v) familiarize training participants with crisis intervention approaches and the separate role of such approaches as short-term emergency procedures;

“(vi) familiarize training participants with medical interventions and how to evaluate the effect of such interventions on behavior; and

“(vii) address techniques for evaluating the outcomes of interventions.

“(E) ASSISTIVE TECHNOLOGY SERVICES.—Grants under this subsection for training projects with respect to assistive technology services shall be for the purpose of assisting university affiliated programs in providing training to personnel who provide, or will provide, assistive technology services and devices to individuals with developmental disabilities and their families. Such projects may provide training and technical assistance to improve access to assistive technology services for individuals with developmental disabilities and may include stipends and tuition assistance for training project participants. Such projects shall be coordinated with State technology coordinating councils wherever such councils exist.

“(F) AMERICANS WITH DISABILITIES ACT.—Grants under this subsection for training projects with respect to the provisions of the Americans with Disabilities Act of 1990 shall be for the purpose of assisting university affiliated programs in providing training to personnel who provide, or will provide, services to individuals with developmental disabilities, and to others concerned with individuals with developmental disabilities.

“(G) COMMUNITY TRANSITION.—Grants under this subsection for training projects with respect to transition from school to adult life shall be for the purpose of assisting university affiliated programs in providing training to individuals with developmental disabilities and their families, generic community agencies, advocacy organizations, and others in order to stimulate the development and improvement of policies, procedures, systems, and other mechanisms that prepare youth with developmental disabilities to enter adult life. Such projects shall be coordinated with State transition projects funded under section 626(e) of the Individuals with Disabilities Education Act, where such State transition projects exist.

“(H) OTHER AREAS.—Grants under this subsection for training projects with respect to programs in other areas of national significance shall be for the purpose of training personnel in an area of special concern to the university affiliated program, and shall be developed in consultation with the State Developmental Disabilities Council.

“(4) COURSES, TRAINEESHIPS AND FELLOWSHIPS.—Grants under this subsection may be used by university affiliated programs to—

“(A) assist in paying the costs of courses of training or study for personnel to provide services for individuals with developmental disabilities and their families; and

“(B) establish fellowships or traineeships providing such stipends and allowances as may be determined by the Secretary.

“(5) PROHIBITED ACTIVITIES.—Grants awarded under this subsection shall not be used for administrative expenses for the university affiliated program under subsection (a).

“(6) CRITERIA.—Grants awarded under this subsection shall meet the criteria described in subparagraphs (A) and (B).

“(A) APPLICATION.—An application that is submitted for a grant under this subsection shall present evidence that training projects assisted by funds awarded under this section are—

“(i) competency and value based;

“(ii) designed to facilitate independence, productivity, and integration and inclusion for individuals with developmental disabilities; and

“(iii) evaluated utilizing state-of-the-art evaluation techniques in the programmatic areas selected.

“(B) GENERAL PROJECT REQUIREMENTS.—Training projects under this subsection shall—

“(i) represent state-of-the-art techniques in areas of critical shortage of personnel that are identified through consultation with the consumer advisory committee described in section 153(d) and the State Developmental Disabilities Council;

“(ii) be conducted in consultation with the consumer advisory committee described in section 153(d) and the State Developmental Disabilities Council;

“(iii) be integrated into the appropriate university affiliated program and university curriculum;

“(iv) be integrated with relevant State agencies in order to achieve an impact on statewide personnel and service needs;

“(v) to the extent practical, be conducted in environments where services are actually delivered;

“(vi) to the extent possible, be interdisciplinary in nature;

“(vii) utilize strategies to recruit and train members from racial and ethnic minority backgrounds and individuals with disabilities; and

“(viii) address the issue of cultural competence in the training provided.”;

(3) in subsection (c)—

(A) by striking “From amounts appropriated under section 154(b)” and inserting “SUPPLEMENTAL AWARDS.—From amounts appropriated under section 156(a)”;

(B) in paragraph (1)—

(i) by striking “service-related training to persons” and inserting “interdisciplinary training, community training and technical assistance, community services, or dissemination of information to individuals”;

(ii) by striking “integration into the community of persons with developmental disabilities” and inserting “integration and inclusion into the community of individuals with developmental disabilities and not otherwise specified in subsection (b)”;

(iii) by striking “persons” each place such term appears and inserting “individuals”;

(C) in paragraph (2)—

(i) by striking “(A) the” and inserting “the”;

(ii) by striking “persons” and inserting “individuals”;

(iii) by striking “(B) the” and inserting “the”; and

(iv) by striking “parents” and inserting “family members”;

(4) by striking subsection (d);

(5) in subsection (e)—

(A) by striking “(e) From amounts appropriated under section 154(a)” and inserting

“(d) FEASIBILITY STUDIES.—From amounts appropriated under section 156(a)”;

(B) by striking—

(i) “or a satellite center”; and

(ii) “or satellite center”; and

(6) by striking subsections (f) and (g).

SEC. 404. APPLICATIONS.

(a) SECTION HEADING.—Section 153 (42 U.S.C. 6063) is amended—

(1) by striking “SEC. 153.”; and

(2) in the section heading, by striking “APPLICATIONS” and inserting the following new section heading:

“SEC. 153. APPLICATIONS.”

(b) APPLICATIONS.—Section 153 (42 U.S.C. 6063) is amended—

(1) in subsection (a)—

(A) by striking “Not later than six” and inserting: “STANDARDS.—Not later than 12”;

(B) by striking “Act of 1984” and inserting “Assistance and Bill of Rights Act Amendments of 1994”;

(C) by striking “persons” and inserting “individuals”; and

(D) by striking "section 102(18)" and inserting "section 151";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "No grants" and all that follows through "Such an application" and inserting "ASSURANCES.—The application under subsection (a)";

(B) in paragraph (1), by striking "grant will" and all that follows through "level of such funds;" and inserting the following: "grant will—

"(A) not result in any decrease in the use of State, local, and other non-Federal funds for services for individuals with developmental disabilities and for training of individuals to provide such services, which funds would (except for such grant) be made available to the applicant; and

"(B) be used to supplement and, to the extent practicable, increase the level of such funds;"

(C) in paragraph (2), by striking "subsection (a)" each place such term appears and inserting "subsection (b)";

(D) in paragraph (3)—

(i) by striking "persons" each place such term appears and inserting "individuals";

(ii) by striking "treatment, services, or habilitation" and inserting "services"; and

(iii) by striking "the developmentally disabled" and inserting "individuals with developmental disabilities"; and

(E) in paragraph (5)—

(i) by striking "Planning" and inserting "Developmental Disabilities"; and

(ii) by striking "or the satellite center is or will be located";

(3) by striking subsections (c) and (d);

(4) by redesignating subsections (a), (b), and (e) as subsections (b), (c), and (f), respectively;

(5) by inserting after the section heading the following new subsection:

"(a) IN GENERAL.—No grants may be made under section 152(a) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner, and contain such information, as the Secretary may require."

(6) by inserting after subsection (c), as so redesignated by paragraph (4), the following new subsections:

"(d) CONSUMER ADVISORY COMMITTEE.—The Secretary shall only make grants under section 152(a) to university affiliated programs that establish a consumer advisory committee comprised of individuals with developmental disabilities, family members of individuals with developmental disabilities, representatives of State protection and advocacy systems, State developmental disabilities councils (including State service agency directors), local agencies, and private nonprofit groups concerned with providing services for individuals with developmental disabilities, which may include representatives from parent training and information centers. The consumer advisory committee shall reflect the racial and ethnic diversity of the geographic area served by the university affiliated program.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of any project to be provided through grants under this part may not exceed 75 percent of the necessary cost of such project, as determined by the Secretary, except that if the project activities or products target individuals with developmental disabilities who live in an urban or rural poverty area, the Federal share may not exceed 90 percent of the project's necessary costs as so determined by the Secretary.

"(2) PROJECT EXPENDITURES.—For the purpose of determining the Federal share with respect to any project, expenditures on that project by a political subdivision of the

State or by a public or private entity shall, subject to such limitations and conditions as the Secretary may by regulation prescribe, be considered to be expenditures made by a university affiliated program under this part."

(7) in subsection (f), as so redesignated by paragraph (4)—

(A) by striking "(f)(1) The Secretary" and inserting the following:

"(f) PEER REVIEW.—

"(1) IN GENERAL.—The Secretary";

(B) in paragraph (1), by striking "Such peer review" and all that follows through "152(b)(1)(D).";

(C) in paragraph (2)—

(i) by striking "(2) Regulations" and inserting the following:

"(2) REGULATIONS.—Regulations"; and

(ii) by striking "experience or training" and inserting "experience and training";

(D) in paragraph (3), to read as follows:

"(3) APPROVAL.—

"(A) IN GENERAL.—The Secretary may approve an application under this part only if such application has been recommended by a peer review group that has conducted the peer review required under paragraph (1).

"(B) APPLICABILITY.—This paragraph shall apply to the approval of grant applications received for fiscal year 1990 and succeeding fiscal years."

(E) in paragraph (4)—

(i) by striking "(4) The Secretary" and inserting the following:

"(4) ESTABLISHMENT OF PEER REVIEW GROUPS.—The Secretary"; and

(ii) by realigning the margins of subparagraphs (A) and (B) so as to align with the margin of subparagraph (A) of paragraph (3); and

(F) in paragraph (5), by striking "(5) The Secretary" and inserting the following:

"(5) WAIVERS OF APPROVAL.—The Secretary"; and

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

"(g) REVIEW BY OTHER FEDERAL AGENCIES.—The Secretary shall establish such a process for the review of applications for grants under section 152(a) as will ensure, to the maximum extent feasible, that each Federal agency that provides funds for the direct support of the applicant's program reviews the application."

SEC. 405. GRANT AWARDS.

Section 154 (42 U.S.C. 6064) is amended to read as follows:

"SEC. 154. PRIORITY FOR GRANT AWARDS.

"(a) IN GENERAL.—In awarding and distributing grant funds under this part, the Secretary, subject to the availability of appropriations, shall award and distribute grant funds in accordance with the following order of priorities:

"(1) EXISTING STATE UNIVERSITY AFFILIATED PROGRAMS.—First priority shall be given, with respect to the provision of grant awards under section 152(a) in the amount of \$200,000, to an existing State university affiliated program that meets the requirements under section 153.

"(2) UNSERVED STATES.—Second priority shall be given, with respect to the provision of grant awards under section 152(a) in the amount of \$200,000, to a university or public or nonprofit entity associated with a college or university that desires to establish a university affiliated program in a State that is unserved by a university affiliated program as of the date of enactment of the Developmental Assistance and Bill of Rights Act Amendments of 1994.

"(3) TRAINING PROJECTS IN ALL UNIVERSITY AFFILIATED PROGRAMS.—Third priority shall be given, with respect to the provision of grant awards, to each university affiliated program that receives funding under section

152(a) and that meets the eligibility limitations under section 152(b) to the establishment of training projects under section 152(b) in the amount of \$90,000 in each such program.

"(4) INCREASED FUNDING FOR TRAINING PROJECTS.—Fourth priority shall be given, with respect to the provision of grant awards, to the provision of an increase in the amount of a training project grant award under section 152(b) to \$100,000.

"(5) INCREASED FUNDING FOR UNIVERSITY AFFILIATED PROGRAMS.—Fifth priority shall be given, with respect to the provision of grant awards, to the provision of an increase in the amount of a university affiliated program grant award under section 152(a) to \$250,000.

"(6) ADDITIONAL TRAINING.—Sixth priority shall be given, with respect to the provision of grant awards, to an existing university affiliated program in a State that is served by such program under section 152(a) to provide additional training under subsection (b) or (c) of section 152 within such State or other geographic regions, or to a university or public or nonprofit entity associated with a college or university that desires to establish another university affiliated program within such State under section 152(a). All applications submitted to the Secretary for such grant awards shall document plans for coordinating activities with an existing university affiliated program in the State (if applicable) and in consultation with the State Developmental Disabilities Council.

"(b) ADDITIONAL PROGRAMS.—For purposes of making grants under subsection (a)(6), the Secretary shall consider applications for grants for university affiliated programs—

"(1) for States that are currently underserved by a university affiliated program; and

"(2) that are in addition to the total number of university affiliated programs receiving grants under this subsection for the preceding fiscal year.

"(c) SINGLE APPLICATION.—When every State is served by a university affiliated program under section 152(a) in the amount of \$200,000 and every such program has been awarded a training grant under section 152(b) in the amount of \$90,000, the Secretary may accept applications under such sections in a single application."

SEC. 406. AUTHORIZATION OF APPROPRIATIONS AND DEFINITION.

Part D of title I (42 U.S.C. 151 et seq.) is amended by adding at the end the following new sections:

"SEC. 155. DEFINITION.

"For purposes of this part, the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.

"SEC. 156. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—For the purpose of making grants under subsections (a), (b), (c), and (d) of section 152, there are authorized to be appropriated \$19,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 and 1996.

"(b) LIMITATION.—With respect to peer review or other activities directly related to peer review, the Secretary may not use—

"(1) for fiscal year 1994, more than \$300,000 of the funds made available under subsection (a) for such review or such other activities; and

"(2) for any succeeding fiscal year, more than the amount of the funds made available under paragraph (1) adjusted to take into account the increase in the Consumer Price Index for such fiscal year for such review or such other activities."

TITLE V—PROJECTS OF NATIONAL SIGNIFICANCE

SEC. 501. PART HEADING.

The heading of part E of title I of the Act is amended to read as follows:

“PART E—PROJECTS OF NATIONAL SIGNIFICANCE”

SEC. 502. PURPOSE.

Section 161 (42 U.S.C. 6081) is amended to read as follows:

“SEC. 161. PURPOSE.

“The purpose of this part is to provide for grants and contracts for projects of national significance that support the development of national and State policy to enhance the independence, productivity, and integration and inclusion of individuals with developmental disabilities through—

“(1) data collection and analysis;

“(2) technical assistance to enhance the quality of State Developmental Disabilities Councils, protection and advocacy systems, and university affiliated programs; and

“(3) other projects of sufficient size and scope that hold promise to expand or improve opportunities for individuals with developmental disabilities, including—

“(A) technical assistance for the development of information and referral systems;

“(B) educating policymakers;

“(C) Federal interagency initiatives;

“(D) the enhancement of participation of racial and ethnic minorities in public and private sector initiatives in developmental disabilities;

“(E) transition of youth with developmental disabilities from school to adult life; and

“(F) special pilots and evaluation studies to explore the expansion of programs under part B to individuals with severe disabilities other than developmental disabilities.”.

SEC. 503. GRANT AUTHORITY.

(a) SECTION HEADING.—Section 162 (42 U.S.C. 6082) is amended—

(1) by striking “SEC. 162.”; and

(2) in the section heading, by striking “GRANT AUTHORITY” and inserting the following new section heading:

“SEC. 162. GRANT AUTHORITY.”.

(b) AUTHORITY.—Section 162 (42 U.S.C. 6082) is amended—

(1) in subsection (a), to read as follows:

“(a) IN GENERAL.—The Secretary—

“(1) shall make grants to and enter into contracts with public or nonprofit private entities for projects of national significance relating to individuals with developmental disabilities to—

“(A) support ongoing data collection on expenditures, residential services and employment, and develop an ongoing data collection system, including data collection on the accomplishments of State Developmental Disabilities Councils, protection and advocacy systems, and university affiliated programs that includes data on the participation of individuals from racial and ethnic minority backgrounds; and

“(B) provide technical assistance (including research, training, and evaluation) that expands or improves the effectiveness of State Developmental Disabilities Councils under part B, protection and advocacy systems under part C, and university affiliated programs under part D, including the evaluation and assessment of the quality of services provided to individuals with developmental disabilities and other activities performed by programs under parts B, C, and D; and

“(2) may make grants to and enter into contracts with public or nonprofit private entities for projects of national significance relating to individuals with developmental disabilities to conduct other nationally significant initiatives of sufficient size and scope that hold promise of expanding or oth-

erwise improving opportunities for individuals with developmental disabilities, including—

“(A) conducting research and providing technical assistance to assist States to develop statewide, comprehensive information and referral and service coordination systems for individuals with developmental disabilities and their families that are culturally competent and that improve supportive living and quality of life opportunities that enhance recreation, leisure, and fitness;

“(B) educating policymakers, including the training of self-advocates and family members of individuals with developmental disabilities;

“(C) pursuing Federal interagency initiatives that enhance the ability of Federal agencies to address the needs of individuals with developmental disabilities and their families;

“(D) expanding or otherwise improving opportunities for individuals with developmental disabilities who are from racial and ethnic minority backgrounds including projects to encourage members of such groups to participate in the Developmental Disabilities Programs authorized under parts B, C, and D, and increase the involvement of students and professionals of such groups in the provision of services to, supports to, and advocacy for, individuals with developmental disabilities; and

“(E) conducting research and providing technical assistance to policymakers concerning the transition of youth with developmental disabilities from school to work and to adult life.”;

(2) in subsection (b), to read as follows:

“(b) APPLICATION AND OTHER GRANT REQUIREMENTS.—No grant may be made under subsection (a) unless—

“(1) an application has been submitted to the Secretary in such form, in such manner, and containing such information as the Secretary shall by regulation prescribe and such application has been approved by the Secretary;

“(2) each State in which the applicant's project will be conducted has a State plan approved under section 122;

“(3) the application provides assurances that the human rights of all individuals with developmental disabilities (especially those individuals without familial protection) who are receiving services under projects assisted under this part will be protected consistent with section 110 (relating to the rights of individuals with developmental disabilities);

“(4) the applicant demonstrates, where appropriate, how the project will address, in whole or part, the needs of individuals with developmental disabilities from racial and ethnic minority backgrounds; and

“(5) the Secretary provides to the State Developmental Disabilities Council in such State an opportunity to review the application for such project and to submit its comments on the application.”;

(3) in subsection (c), by striking “Not later” and inserting “PRIORITIES FOR GRANTS.—Not later”;

(4) in subsection (d)—

(A) by striking “Payments under” and inserting “GRANT PAYMENTS.—Payments under”; and

(B) by inserting before the period in the second sentence “, except as otherwise provided under section 163”;

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

(6) by inserting after subsection (a) the following new subsection:

“(b) INVESTIGATIONS.—

“(1) IN GENERAL.—Not later than April 1, 1994, there shall be a special initiative to support grants to investigate the expansion of part B activities to individuals with se-

vere disabilities other than developmental disabilities. Such investigations shall be implemented through the following activities:

“(A) A national study of State Developmental Disabilities Councils that are currently mandated under State law or Executive order to focus on individuals with disabilities other than developmental disabilities. Such study shall be completed not later than June 30, 1995.

“(B) Pilot initiatives by not more than five additional State Developmental Disabilities Councils, in consultation with and with the support of the protection and advocacy system and the university affiliated program in such State, to study the implications of such expansion in States in which such Councils are located and to delineate barriers, opportunities, and critical issues. Such initiatives shall be completed not later than January 1996.

“(C) A national study of the process and outcomes of the pilot studies conducted under subparagraph (B). Such study shall be completed not later than May 30, 1996.

“(2) APPLICATION.—No grant may be made under this subsection unless an applicant submits to the Secretary an application, and meets the additional application requirements, under subsection (c).”; and

(7) by adding at the end thereof the following new subsection:

“(f) LIST OF RECIPIENTS.—Not later than September 1 of each fiscal year, the Secretary shall publish in the Federal Register a list of the recipients of grants and contracts in each of the areas authorized in subsections (a) and (b), including a brief description of the project, and the amount of funds granted to each such project. The amounts for such grants and contracts shall total the amount appropriated under this part for such fiscal year.”.

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 163(a) (42 U.S.C. 6083(a)) is amended—

(1) by striking “\$3,650,000” and inserting “\$4,000,000”;

(2) by striking “fiscal year 1991” and inserting “fiscal year 1994”; and

(3) by striking “fiscal years 1992 and 1993” and inserting “fiscal years 1995 and 1996”.

(b) LIMITATIONS.—Section 163(b) (42 U.S.C. 6083(b)) is amended to read as follows:

“(b) LIMITATIONS.—

“(1) PROJECTS OF NATIONAL SIGNIFICANCE.—At least 8 percent, but in no event less than \$300,000, of the amounts appropriated pursuant to subsection (a) shall be used to carry out the provisions of section 162(a)(1)(B).

“(2) INVESTIGATIONS.—

“(A) IN GENERAL.—The additional authority to fund projects under section 162(b) shall not be construed as requiring the Secretary to supplant funding for other priorities described in this part.

“(B) TIME LINE FOR FUNDING.—If amounts are available to carry out subparagraphs (A), (B), and (C) of section 162(b)(1), the Administration shall provide funding to carry out such subparagraphs not later than May 1 of the fiscal year in which such funds become available.

“(3) PROGRAMMATIC REVIEWS OR OTHER ADMINISTRATIVE ACTIVITIES.—The Secretary may not use the funds made available under subsection (a) for programmatic reviews as prescribed by regulation or other administrative activities under parts B, C, and D.

“(4) TECHNICAL ASSISTANCE FOR PROTECTION AND ADVOCACY SYSTEMS.—If technical assistance to improve the effectiveness of protection and advocacy systems under part C is provided under section 142(c)(5)—

“(A) no funding for the provision of such technical assistance to protection and advocacy systems shall be provided under this part; and

“(B) the amount set aside for technical assistance under section 162(a)(1)(B) shall be proportionally reduced.”

And the House agree to the same.

- JOHN D. DINGELL,
HENRY A. WAXMAN,
SHERROD BROWN,
CARLOS J. MOORHEAD,
TOM BLILEY,

Managers on the Part of the House.

- EDWARD M. KENNEDY,
TOM HARKIN,
HOWARD M. METZENBAUM,
NANCY LANDON
KASSEBAUM,
DAVE DURENBERGER,

Managers on the Part of the Senate.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. WAXMAN and Mr. MOORHEAD, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said conference report?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said conference report was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said conference report was agreed to was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

27.19 RECESS—1:42 P.M.

The SPEAKER pro tempore, Mr. MONTGOMERY, pursuant to clause 12 of rule I, declared the House in recess at 1 o'clock and 42 minutes p.m., until 2:30 p.m.

27.20 AFTER RECESS—2:31 P.M.

The SPEAKER pro tempore, Mr. COLEMAN, called the House to order.

27.21 SUBMISSION OF CONFERENCE REPORT—H.R. 1804

Mr. KILDEE submitted a conference report (Rept. No. 103-446) on the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes; together with a statement thereon, for printing in the Record under the rule.

27.22 AMERICA'S SCHOOLS

The SPEAKER pro tempore, Mr. COLEMAN, pursuant to House Resolution 366 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of

the bill (H.R. 6) to extend for six years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

Mr. PRICE, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

27.23 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ROTH:

Beginning on page 618, strike line 1 and all that follows through page 688, line 10.

It was decided in the Yeas 58 negative Nays 334

27.24 [Roll No. 73]

AYES—58

- Archer, Duncan, McMillan, Archer, Everrett, Mica, Bachus (AL), Ewing, Myers, Baker (CA), Fawell, Oxley, Baker (LA), Fields (TX), Packard, Barrett (NE), Gekas, Paxon, Bartlett, Goodlatte, Petri, Bentley, Hancock, Rogers, Bliley, Hansen, Rohrabacher, Bunning, Herger, Roth, Burton, Hunter, Royce, Callahan, Hutchinson, Sensenbrenner, Coble, Johnson, Sam, Shuster, Collins (GA), Kim, Smith (OR), Combest, King, Solomon, Crane, Kingston, Spence, DeLay, Knollenberg, Stump, Dickey, Linder, Taylor (NC), Doolittle, Manzullo, Dreier, McCandless

NOES—334

- Abercrombie, Coppersmith, Gilman, Allard, Costello, Glickman, Andrews (NJ), Coyne, Gonzalez, Andrews (TX), Cramer, Goodling, Applegate, Crapo, Gordon, Baesler, Cunningham, Goss, Ballenger, Danner, Green, Barca, Darden, Greenwood, Barcia, de la Garza, Gunderson, Barrett (WI), de Lugo (VI), Hall (OH), Barton, Deal, Hall (TX), Bateman, DeFazio, Hamilton, Beilenson, DeLauro, Harman, Bereuter, Dellums, Hastert, Berman, Derrick, Hayes, Beville, Diaz-Balart, Hefley, Bilbray, Dicks, Hefner, Billirakis, Dingell, Hilliard, Bishop, Dixon, Hinchey, Blackwell, Dooley, Hoagland, Blute, Dornan, Hobson, Boehner, Dunn, Hochbrueckner, Bonilla, Durbin, Hoekstra, Bonior, Edwards (CA), Holden, Borski, Edwards (TX), Horn, Brewster, Ehlers, Houghton, Brooks, Emerson, Hoyer, Browder, Engel, Huffington, Brown (CA), English, Hughes, Brown (FL), Eshoo, Hutto, Brown (OH), Evans, Hyde, Bryant, Farr, Inglis, Calvert, Fazio, Inhofe, Camp, Fields (LA), Inslee, Canady, Filner, Istook, Cantwell, Fingerhut, Jacobs, Cardin, Fish, Jefferson, Flake, Johnson (CT), Foglietta, Johnson (GA), Ford (MI), Johnson (SD), Frank (MA), Kanjorski, Franks (CT), Kaptur, Franks (NJ), Kasich, Frost, Kennedy, Furse, Kennelly, Gallegly, Kildee, Gejdenson, Kleczka, Gephardt, Klein, Geren, Klink, Gibbons, Klug, Cooper, Gilchrist, Kolbe

- Kopetski, Norton (DC), Skeen, Kreidler, Nussle, Skelton, Kyl, Oberstar, Slaughter, LaFalce, Obey, Smith (IA), Lambert, Olver, Smith (MI), Lancaster, Ortiz, Smith (NJ), Lantos, Orton, Smith (TX), LaRocco, Pallone, Snowe, Laughlin, Parker, Spratt, Lazio, Pastor, Stark, Leach, Payne (NJ), Stearns, Levin, Payne (VA), Stenholm, Levy, Penny, Strickland, Lewis (CA), Peterson (FL), Studds, Lewis (FL), Peterson (MN), Stupak, Lewis (GA), Pickett, Sweet, Lightfoot, Pombo, Swift, Lipinski, Pomeroy, Synar, Livingston, Porter, Talent, Lloyd, Portman, Tanner, Long, Poshard, Tauzin, Machtley, Price (NC), Taylor (MS), Maloney, Pryce (OH), Tejeda, Mann, Quillen, Thomas (CA), Manton, Quinn, Thomas (WY), Margolies-Mezvinsky, Rahall, Thompson, Ramstad, Thornton, Markey, Rangel, Thurman, Martinez, Ravenel, Torricelli, Matsui, Reed, Torres, Mazzoli, Regula, Torricelli, McCollum, Reynolds, Towns, McCrery, Richardson, Traficant, McCurdy, Roberts, Tucker, McDade, Roemer, Unsold, McDermott, Ros-Lehtinen, Upton, McHale, Rose, Valentine, McHugh, Roukema, Vento, McInnis, Rowland, Visclosky, McKeon, Roybal-Allard, Volkmer, McKinney, Rush, Vucanovich, McNulty, Sabo, Walker, Menendez, Sanders, Walsh, Meyers, Sangmeister, Waters, Mfume, Santorum, Watt, Michel, Sarpalius, Waxman, Miller (FL), Sawyer, Weldon, Mineta, Saxton, Wheat, Minge, Schaefer, Whitten, Mink, Schenk, Williams, Moakley, Schiff, Wilson, Costello, Molinari, Schroeder, Wise, Molohan, Schumer, Wolf, Montgomery, Scott, Woolsey, Moorhead, Serrano, Wyden, Moran, Sharp, Wynn, Morella, Shaw, Yates, Murtha, Shays, Young (AK), Nadler, Shepherd, Young (FL), Neal (MA), Sisisky, Zimmer, Neal (NC), Skaggs

NOT VOTING—46

- Ackerman, Gillmor, Murphy, Andrews (ME), Gingrich, Natcher, Bacchus (FL), Grams, Owens, Barlow, Grandy, Pelosi, Becerra, Gutierrez, Pickle, Boehlert, Hamburg, Ridge, Boucher, Hastings, Romero-Barcelo, Buyer, Hoke, (PR), Clay, Johnson, E. B., Rostenkowski, Cox, Johnston, Slattery, Deutsch, Lehman, Stokes, Faleomavaega, Lowey, Sundquist, (AS), McCloskey, Underwood (GU), Ford (TN), Meehan, Velazquez, Fowler, Meek, Washington, Gallo, Miller (CA), Zeliff

So the amendment was not agreed to. After some further time,

27.25 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WILLIAMS to the amendment submitted by Mr. Sam JOHNSON of Texas:

Amendment submitted by Mr. WILLIAMS:

In section 9508, as proposed to be added by the amendment—

(1) in the heading, strike "PROHIBITION AGAINST"; and

(2) in the text, strike "Notwithstanding" and all that follows through "in such", and insert the following:

"No funds authorized to be appropriated under this Act may be used by any State or local educational agency to adopt policies that prevent voluntary prayer and medication in".

Amendment submitted by Mr. Sam JOHNSON of Texas:

Page 762, after line 8, insert the following: "SEC. 9508. PROHIBITION AGAINST FUNDS FOR PROTECTED PRAYER.

"Notwithstanding any provision of law, no funds made available through the Department of Education under this Act, or any other Act, shall be available to any State or local educational agency which has a policy of denying or which effectively prevents participation in, constitutionally protected prayer in public schools by individuals on a voluntary basis. Neither the United States nor any State nor any local educational agency shall require any person to participate in prayer or influence the form or content of any constitutionally protected prayer in such public schools."

It was decided in the Yeas 171 negative 239

27.26 [Roll No. 74] AYES—171

- Abercrombie Gilman Pallone
Andrews (ME) Glickman Pastor
Andrews (NJ) Gonzalez Payne (NJ)
Barca Green Pelosi
Barlow Gutierrez Pomeroy
Barrett (WI) Hamburg Porter
Becerra Harman Price (NC)
Beilenson Hilliard Rahall
Berman Hinchey Rangel
Bishop Hoagland Reed
Blackwell Hochbrueckner Reynolds
Boehlert Hughes Richardson
Bonior Insee Roybal-Allard
Borski Jefferson Rush
Brooks Johnson (CT) Sabo
Brown (CA) Johnson (SD) Sanders
Brown (FL) Kennelly Sawyer
Brown (OH) Kildee Schenk
Bryant Kleczka Schroeder
Cantwell Klein Schumer
Cardin Kopetski Scott
Carr Kreidler Serrano
Clayton LaFalce Sharp
Clyburn Lambert Shays
Coleman Lantos Shepherd
Collins (IL) LaRocco Sisisky
Collins (MI) Laughlin Skaggs
Coppersmith Leach Slaughter
Coyne Levin Smith (IA)
de Lugo (VI) Lewis (GA) Spratt
DeFazio Lowey Stark
DeLauro Maloney Stokes
Dellums Manton Strickland
Derrick Margolies-Studds
Dicks Mezvinsky Stupak
Dingell Markey Sweet
Dixon Martinez Swift
Durbin Matsui Synar
Edwards (CA) McDermott Thompson
Engel McKinney Thornton
English Meehan Thurman
Eshoo Menendez Torres
Evans Meyers Torricelli
Farr Mfume Towns
Fazio Miller (CA) Tucker
Fields (LA) Mineta Unsoeld
Filner Minge Velazquez
Fingerhut Mink Vento
Flake Moakley Visclosky
Foglietta Moran Waters
Ford (MI) Murtha Watt
Ford (TN) Nadler Waxman
Frank (MA) Neal (MA) Williams
Frost Norton (DC) Woolsey
Furse Oberstar Wyden
Gejdenson Obey Yates
Gephardt Olver
Gibbons Owens

NOES—239

- Allard Applegate Arney
Andrews (TX) Archer Bachus (AL)

- Baesler Hall (OH)
Baker (CA) Hall (TX)
Baker (LA) Hamilton
Ballenger Hancock
Barcia Hansen
Barrett (NE) Hastert
Bartlett Hayes
Barton Hefley
Bateman Hefner
Bentley Herger
Bereuter Hobson
Bevill Hoekstra
Bilbray Holden
Bilirakis Horn
Bliley Houghton
Blute Huffington
Boehner Hunter
Bonilla Hutchinson
Boucher Hutto
Brewster Hyde
Browder Inglis
Bunning Inhofe
Burton Istook
Callahan Jacobs
Calvert Johnson (GA)
Camp Johnson, Sam
Canady Kanjorski
Castle Kaptur
Chapman Kasich
Clement Kennedy
Clinger Kim
Coble King
Collins (GA) Kingston
Combust Klink
Condit Klug
Conyers Knollenberg
Cooper Kolbe
Costello Kyl
Cramer Lancaster
Crane Lazio
Crapo Lehman
Cunningham Levy
Danner Lewis (CA)
Darden Lewis (FL)
de la Garza Lightfoot
Deal Linder
DeLay Lipinski
Diaz-Balart Livingston
Dickey Lloyd
Dooley Stenholm
Doolittle Dooley
Dornan Sundquist
Dreier Mann
Duncan Manzullo
Dunn Mazzoli
Edwards (TX) McCloskey
Ehlers McCollum
Emerson McCrery
Everett McCurdy
Ewing McDade
Fawell McHale
Fields (TX) McHugh
Fish McClinnis
Fowler McKeon
Franks (CT) McMillan
Franks (NJ) McNulty
Gallegly Mica
Michel Miller (FL)
Gekas Molinari
Geren Mollohan
Gilchrest Mollan
Gingrich Moolhan
Goodlatte Montgomery
Gordon Moorhead
Goss Morella
Grams Myers
Greenwood Neal (NC)
Gunderson Nussle
Ortiz

NOT VOTING—28

- Ackerman Gillmor Pickle
Bacchus (FL) Grandy Ridge
Buyer Hastings Romero-Barcelo
Byrne Hoke (PR)
Clay Hoyer Rostenkowski
Cox Johnson, E. B. Santorum
Deutsch Johnston Slattery
Faleonavaega Meek Underwood (GU)
(A.S) Murphy Washington
Gallo Natcher Wheat

So the amendment to the amendment was not agreed to.

After some further time,

27.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the

Whole on the foregoing amendment submitted by Mr. JOHNSON of Texas.

It was decided in the Yeas 345 affirmative Nays 64

27.28 [Roll No. 75] AYES—345

- Allard Ewing Lazio
Andrews (NJ) Farr Leach
Andrews (TX) Fawell Lehman
Applegate Fazio Levin
Archer Fields (LA) Levy
Armye Fields (TX) Lewis (CA)
Baesler Fish Lewis (FL)
Baker (CA) Flake Lightfoot
Baker (LA) Foglietta Linder
Ballenger Ford (TN) Lipinski
Barca Fowler Livingston
Barcia Franks (CT) Lloyd
Barlow Franks (NJ) Long
Barrett (NE) Frost Lowey
Barrett (WI) Gallegly Machtleigh
Bartlett Gejdenson Maloney
Barton Gekas Mann
Bateman Gephardt Manton
Bentley Geren Manzullo
Bereuter Gibbons Martinez
Bevill Gilchrest Matsui
Bilbray Gilman Mazzoli
Bilirakis Gingrich McCandless
Bishop Glickman McCloskey
Blackwell Goodlatte McCollum
Bliley Goodling McCrery
Blute Gordon McCurdy
Boehlert Goss McDade
Boehner Grams McDermott
Bonilla Green McHale
Borski Greenwood McHugh
Boucher Gunderson McInnis
Brewster Gutierrez McKeon
Brooks Hall (OH) McMillan
Browder Hall (TX) McNulty
Brown (CA) Hamilton Menendez
Brown (FL) Hancock Meyers
Brown (OH) Hansen Mfume
Bryant Hastert Mica
Bunning Hayes Michel
Burton Hefley Miller (FL)
Byrne Hefner Minge
Callahan Herger Moakley
Calvert Hilliard Molinari
Camp Hinchey Mollohan
Canady Hoagland Montgomery
Cantwell Hobson Moorhead
Carr Hochbrueckner Moran
Castle Hoekstra Morella
Chapman Holden Murtha
Clayton Claydon Horn
Clement Houghton Neal (MA)
Clinger Huffington Neal (NC)
Clyburn Hughes Norton (DC)
Coble Hunter Obey
Coleman Hutchinson Ortiz
Collins (GA) Hutto Orton
Combust Hyde Oxley
Condit Inglis Packard
Cooper Inhofe Pallone
Costello Inslee Parker
Cramer Istook Pastor
Crane Jacobs Paxon
Crapo Jefferson Payne (VA)
Cunningham Johnson (CT) Penny
Danner Johnson (GA) Peterson (FL)
Darden Johnson (SD) Peterson (MN)
de la Garza Johnson, Sam Petri
de Lugo (VI) Kanjorski Pickett
Deal Kaptur Pombo
DeFazio Kasich Pomeroy
DeLauro Kennedy Porter
DeLay Kennelly Portman
Derrick Kildee Poshard
Diaz-Balart Kim Price (NC)
Dickey King Pryce (OH)
Dicks Kingston Quillen
Dixon Kleczka Quinn
Dooley Klein Rahall
Doolittle Klink Ramstad
Dornan Klug Rangel
Dreier Knollenberg Ravenel
Duncan Kolbe Regula
Dunn Kreidler Richardson
Durbin Kyl Roberts
Edwards (TX) LaFalce Roemer
Ehlers Lambert Rogers
Emerson Lancaster Rohrabacher
English Lantos Ros-Lehtinen
Evans LaRocco Rose
Everett Laughlin Roth

| | | |
|---------------|-------------|------------|
| Roukema | Smith (NJ) | Thompson |
| Rowland | Smith (OR) | Thornton |
| Royce | Smith (TX) | Thurman |
| Sanders | Snowe | Torkildsen |
| Sangmeister | Solomon | Torricelli |
| Sarpalius | Spence | Trafficant |
| Sawyer | Spratt | Tucker |
| Saxton | Stearns | Upton |
| Schaefer | Stenholm | Valentine |
| Schiff | Stokes | Volkmer |
| Schroeder | Strickland | Vucanovich |
| Schumer | Studds | Walker |
| Sensenbrenner | Stump | Walsh |
| Sharp | Stupak | Weldon |
| Shaw | Sundquist | Whitten |
| Shays | Sweet | Wilson |
| Shepherd | Talent | Wise |
| Shuster | Tanner | Wolf |
| Sisisky | Tauzin | Wyden |
| Skeen | Taylor (MS) | Wynn |
| Skelton | Taylor (NC) | Young (AK) |
| Slaughter | Tejeda | Young (FL) |
| Smith (IA) | Thomas (CA) | Zeliff |
| Smith (MI) | Thomas (WY) | Zimmer |

NOES—64

| | | |
|--------------|---------------|-----------|
| Abercrombie | Gonzalez | Rush |
| Andrews (ME) | Hamburg | Sabo |
| Becerra | Harman | Schenk |
| Beilenson | Kopetski | Scott |
| Berman | Lewis (GA) | Serrano |
| Bonior | Margolies- | Skaggs |
| Cardin | Mezvinsky | Stark |
| Collins (IL) | Markey | Swift |
| Collins (MI) | McKinney | Synar |
| Conyers | Meehan | Torres |
| Coppersmith | Miller (CA) | Towns |
| Coyne | Mineta | Unsoeld |
| Dellums | Mink | Velazquez |
| Dingell | Nadler | Vento |
| Edwards (CA) | Oberstar | Visclosky |
| Engel | Olver | Waters |
| Eshoo | Owens | Watt |
| Filner | Payne (NJ) | Waxman |
| Fingerhut | Pelosi | Williams |
| Ford (MI) | Reed | Woolsey |
| Frank (MA) | Reynolds | Yates |
| Furse | Roybal-Allard | |

NOT VOTING—29

| | | |
|--------------|----------------|----------------|
| Ackerman | Grandy | Ridge |
| Bacchus (FL) | Hastings | Romero-Barcelo |
| Bacchus (AL) | Hoke | (PR) |
| Buyer | Hoyer | Rostenkowski |
| Clay | Johnson, E. B. | Santorum |
| Cox | Johnston | Slattery |
| Deutsch | MEEK | Underwood (GU) |
| Faleonavaega | Murphy | Washington |
| (AS) | Natcher | Wheat |
| Gallo | Nussle | |
| Gillmor | Pickle | |

So the amendment was agreed to.

After some further time,

The SPEAKER pro tempore, Mr. PETERSON of Florida, assumed the Chair.

When Mr. DARDEN, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶27.29 WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT TO ACCOMPANY H.R. 1804

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-447) the resolution (H. Res. 393) waiving points of order against the conference report to accompany the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national

system of skill standards and certifications, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

¶27.30 AMERICA'S SCHOOLS

The SPEAKER pro tempore, Mr. PETERSON of Florida, pursuant to House Resolution 366 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6) to extend for six years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

Mr. DARDEN, Acting Chairman, assumed the chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. PETERSON of Florida, assumed the Chair.

When Mr. DARDEN, Acting Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶27.31 EDUCATION AND SHARING DAY, U.S.A.

On motion of Ms. NORTON, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the joint resolution (H.J. Res. 329) designating March 23, 1994, as "Education and Sharing Day, U.S.A."

When said joint resolution was considered, read twice, ordered to be engrossed and read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶27.32 SMALL FAMILY FARM WEEK

On motion of Ms. NORTON, by unanimous consent, the Committee on Post Office and Civil Service was discharged from further consideration of the joint resolution of the Senate (S.J. Res. 171) to designate March 20 through March 26, 1994, as "Small Family Farm Week"

When said joint resolution was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶27.33 SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 171. Joint resolution to designate March 20 through March 26, 1994, as "Small Family Farm Week"; to the Committee on Post Office and Civil Service.

¶27.34 SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 56. Joint resolution to designate the week beginning April 11, 1994, as "National Public Safety Telecommunications Week."

¶27.35 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. GALLO, for today and the balance of the week;

To Mr. BUYER, for today;

To Mrs. FOWLER, for today until 6:30 p.m.; and

To Mrs. MEEK, for today.

And then,

¶27.36 ADJOURNMENT

On motion of Ms. Pelosi, pursuant to the special order of the House of February 11, 1994, at 10 o'clock and 45 minutes p.m., the House adjourned until 10:30 a.m., Tuesday, March 22, 1994.

¶27.37 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3235. A bill to amend subchapter II of chapter 53 of title 31, United States Code, to improve enforcement of antimoney laundering laws, and for other purposes; with an amendment (Rept. No. 103-438). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2760. A bill to authorize the Marine Mammal Protection Act for a period of 6 years, to establish a new regime to govern the incidental taking of marine mammals in the course of commercial fishing operations, and for other purposes; with amendments (Rept. No. 103-439). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 3360. A bill to direct the Secretary of Transportation to demonstrate on vessels ballast water management technologies and practices, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in U.S. waters; with an amendment (Rept. No. 103-440). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 3886. A bill to amend the boundaries of the Flower Garden Banks National Marine Sanctuary (Rept. No. 103-441). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee of Conference. Conference report on S. 1284. An Act to amend the Developmental Disabilities Assistance and Bill of Rights Act to expand or modify certain provisions relating to programs for certain individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes (Rept. No. 103-442). Ordered to be printed.

Mr. MILLER of California: Committee on Natural Resources. S. 1574. An Act to author-

ize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes; with an amendment (Rept. No. 103-443). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 4034. A bill to amend the Urban Park and Recreation Recovery Act of 1978 to authorize grants for the expansion of recreation opportunities for at risk youth in urban areas with a high prevalence of crime, and for other purposes; with an amendment (Rept. No. 103-444). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 3786. A bill to amend title 46, United States Code, to establish requirements to ensure safe operation of recreational vessels, to require allocation of State recreational boating safety program assistance based on State adoption of laws regarding boating while intoxicated, and for other purposes (Rept. No. 103-445). Referred to the Committee of the Whole House on the State of the Union.

Mr. FORD of Michigan: Committee of Conference. Conference report on H.R. 1804. A bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes (Rept. No. 103-446). Ordered to be printed.

Mr. DERRICK: Committee on Rules. House Resolution 393. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1804) to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high level of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications, and for other purposes (Rept. No. 103-447).

¶27.38 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BILIRAKIS:

H.R. 4094. A bill to require that a study be conducted with respect to the medical benefits and services that are available to individuals by virtue of being Members of Congress; to the Committee on House Administration.

By Mrs. FOWLER:

H.R. 4095. A bill to repeal the Medicare and Medicaid coverage data bank, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HILLIARD:

H.R. 4096. A bill to ensure that certain unresolved commercial disputes between American firms and Saudi Arabia are resolved satisfactorily; to the Committee on Foreign Affairs.

By Mr. LEACH:

H.R. 4097. A bill to reform the Federal regulation of depository institution service corporations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MONTGOMERY:

H.R. 4098. A bill to suspend through September 30, 1995, the duty on certain textile manufacturing machinery; to the Committee on Ways and Means.

By Mr. MORAN:

H.R. 4099. A bill to amend the Internal Revenue Code of 1986 to index the basis of certain assets for purposes of determining gain; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 4100. A bill to limit the *Seawolf* submarine program to two vessels and to limit the costs of procurement of those vessels; to the Committee on Armed Services.

By Mr. SANGMEISTER (for himself, Mr. LIPINSKI, and Mr. COSTELLO):

H.R. 4101. A bill to amend title 28, United States Code, to create a southern division in the Northern Judicial District of Illinois; to the Committee on the Judiciary.

By Mr. BARCA of Wisconsin:

H. Con. Res. 228. Concurrent resolution expressing the sense of Congress with respect to violence against truckers; to the Committee on the Judiciary.

¶27.39 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

314. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to the Washington State Rural Development Council; to the Committee on Agriculture.

315. Also, memorial of the Legislature of the State of Washington, relative to disabled veterans; to the Committee on Armed Services.

316. Also, memorial of the Legislature of the State of Washington, relative to allowing States to require a notice requirement before imposing a Federal lien on real property; to the Committee on Ways and Means.

317. Also, memorial of the Legislature of the State of Washington, relative to employment security system funding; jointly, to the Committees on Education and Labor, Ways and Means, and Government Operations.

¶27.40 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MCCOLLUM introduced a bill (H.R. 4102) for the relief of Jacques H. Mims; which was referred to the Committee on the Judiciary.

¶27.41 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 302: Mr. PETERSON of Florida.
 H.R. 412: Mr. BACHUS of Alabama.
 H.R. 567: Mr. GILCHREST.
 H.R. 587: Mr. MINETA.
 H.R. 885: Mr. BROWN of Ohio.
 H.R. 911: Mr. LEVY.
 H.R. 998: Mr. TORKILDSEN.
 H.R. 1309: Mr. PAYNE of Virginia.
 H.R. 1342: Mr. JOHNSTON of Florida.
 H.R. 1438: Mrs. MEYERS of Kansas.
 H.R. 1517: Ms. WOOLSEY.
 H.R. 1712: Mr. PAXON.
 H.R. 1719: Mr. FIELDS of Texas, Mr. SAM JOHNSON of TEXAS and Mr. CALVERT.
 H.R. 1906: Mrs. MALONEY.
 H.R. 1910: Mr. BARRETT of Nebraska.
 H.R. 2741: Mr. NADLER.
 H.R. 2873: Mr. BAESLER, Mr. MCKEON, Mr. LIVINGSTON, Mr. PASTOR, and Mr. BARLOW.
 H.R. 2898: Mr. MCDERMOTT.
 H.R. 2930: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DE LUGO, Mr. BLACKWELL, and Mr. BONIOR.
 H.R. 2951: Mr. DICKEY.

H.R. 2995: Ms. FURSE.

H.R. 3023: Mr. DEAL, Mr. TORRES, Mr. DUNCAN, Mr. DIAZ-BALART, Mr. BONILLA, and Mr. TANNER.

H.R. 3246: Mr. BILBRAY, Mr. BURTON of Indiana, Mr. COMBEST, Ms. DANNER, Mr. DEFAZIO, Mr. EWING, Mr. GRAMS, Mr. HUTTO, Mr. LANCASTER, Mr. MANZULLO, Mr. OLVER, Mr. RICHARDSON, Mr. ROWLAND, and Ms. SNOWE.

H.R. 3266: Mr. WYDEN, Mr. BARCIA of Michigan, Mr. DIAZ-BALART, Mrs. ROUKEMA, Mr. GENE GREEN of Texas, Mr. ROBERTS, Mr. FIELDS of Texas, Mr. BARCA of Wisconsin, Mr. HANSEN, Ms. DANNER, Mr. GILMAN, Mr. BAESLER, Mr. JOHNSON of Georgia, Mr. PARKER, Mr. PETERSON of Florida, Mr. MCCREERY, Mr. ROTH, Mr. SKEEN, Mr. SMITH of Oregon, Mr. SPENCE, Ms. SCHENK, Mr. MANN, Mr. GRAMS, Mr. LEWIS of Florida, Mr. SARPALIUS, Mr. BATEMAN, Mr. CALLAHAN, Mr. CLINGER, Mrs. BENTLEY, Mr. INSLEE, Mr. FISH, Mr. SCHAEFER, and Mr. LEVY.

H.R. 3288: Mr. FOGLIETTA.

H.R. 3293: Mr. SKEEN and Mr. EVANS.

H.R. 3302: Mrs. MEYERS of Kansas.

H.R. 3320: Mr. CALVERT and Mr. HAYES.

H.R. 3328: Mr. GOODLATTE.

H.R. 3333: Mr. BAKER of California.

H.R. 3365: Mr. DEUTSCH and Ms. DELAURA.

H.R. 3367: Mr. BARTON of Texas, Mr. KNOLLENBERG, Mr. MCDADE, Mr. HASTERT, Mr. HEFLEY, Mr. BREWSTER, Mr. BROWDER, Mr. LEVY, Mr. POSHARD, Mr. CRAPO, and Mr. MCCANDLESS.

H.R. 3386: Mr. LINDER and Mr. BAKER of Louisiana.

H.R. 3481: Mr. CLAY and Mr. JACOBS.

H.R. 3490: Mr. STENHOLM.

H.R. 3513: Mr. LEVIN, Mr. RAMSTAD and Mr. KLEIN.

H.R. 3704: Mr. HOBSON.

H.R. 3805: Mr. SAXTON.

H.R. 3810: Mrs. THURMAN, Mr. COLEMAN, and Mr. MURPHY.

H.R. 3841: Mr. HINCHEY.

H.R. 3845: Mr. DEFAZIO, Mr. SYNAR, Mr. CASTLE, and Ms. SHEPHERD.

H.R. 3851: Mr. CAMP, Mr. GEKAS, Mr. YOUNG of Alaska, Mr. GRAMS, Mr. MCCANDLESS, Mr. TORKILDSEN, Mr. GENE GREEN of Texas, Mr. FISH, Mr. CHAPMAN, Mr. BARCIA of Michigan, Mr. HOKE, Mr. WELDON, Mr. SENSENBRENNER, Mr. GINGRICH, Mr. ROHRBACHER, Mr. HYDE, and Mr. ZIMMER.

H.R. 3866: Mr. HILLIARD, Mr. BRYANT, Ms. BYRNE, Mr. MINGE, Mr. BLACKWELL, and Mrs. CLAYTON.

H.R. 3872: Mr. GENE GREEN of Texas, Mr. FAZIO, and Mr. HERGER.

H.R. 3875: Mr. HANCOCK, Mr. EVERETT, Mr. BAKER of Louisiana, Mr. LIGHTFOOT, Mr. BARCIA of Michigan, Mr. BATEMAN, Mr. SKEEN, and Mr. INGLIS of South Carolina.

H.R. 3895: Mr. HUNTER and Mr. TAYLOR of North Carolina.

H.R. 3900: Mr. BONIOR, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. JACOBS, Mr. LAFALCE, Mr. MARTINEZ, Mr. MILLER of California, Mr. PALLONE, Mr. RAHALL, Mr. SPRATT, and Mr. STOKES.

H.R. 3923: Mr. BARTLETT of Maryland.

H.R. 3926: Mr. LEVY, Mr. HUGHES, and Mr. MENENDEZ.

H.R. 3951: Mr. BOUCHER, Mr. STUPAK, Mr. WILSON, and Mr. POSHARD.

H.R. 3986: Mrs. THURMAN, Mr. WOLF, Mr. LAUGHLIN, Ms. LAMBERT, Mr. BARRETT of Wisconsin, Mr. PETRI, Ms. DANNER, and Mr. LINDER.

H.R. 3992: Mr. STUMP, Mr. DEFAZIO, Mr. DELAY, Mr. HANCOCK, and Mr. DUNCAN.

H.R. 3993: Mr. LANTOS and Ms. BYRNE.

H.R. 3994: Mr. LEVY.

H.R. 4024: Ms. ROYBAL-ALLARD, Mr. HINCHEY, Mr. FILNER, and Mr. ABERCROMBIE.

H.R. 4030: Mr. MCHALE.

H.R. 4034: Mr. NEAL of Massachusetts, Mr. HILLIARD, Mr. TEJEDA, Mr. HALL of Ohio, Mr. COLEMAN, Mr. EDWARDS of California, Ms. NORTON, Mr. FLAKE, and Mr. FARR.

H.R. 4036: Mr. SMITH of New Jersey, Mr. BLUTE, and Mr. ACKERMAN.

H.R. 4050: Mr. BRYANT and Mr. HINCHEY.

H.R. 4073: Mr. COYNE.

H.R. 4078: Mr. SKEEN.

H.J. Res. 253: Mrs. MALONEY, Mr. ENGEL, Mr. DEFazio, Mr. CRAPO, Mr. BROWDER, Mr. DUNCAN, Mr. WAXMAN, Mr. JACOBS, Mr. GUNDERSON, Mr. BILBRAY, Mr. CALLAHAN, and Mrs. THURMAN.

H.J. Res. 291: Mr. COSTELLO, Mr. SWIFT, Mr. BARRETT of Nebraska, Mr. PETERSON of Minnesota, Mr. MCKEON, Mr. FINGERHUT, Mr. INSLER, Mr. DIXON, Ms. DUNN, Mr. EDWARDS of Texas, Mr. JOHNSON of Georgia, Mr. WHITTEN, Mr. VOLKMER, Mr. GLICKMAN, Mr. PRICE of North Carolina, Ms. DANNER, Ms. LAMBERT, Mr. OBERSTAR, Mr. PASTOR, Mr. PAYNE of Virginia, Mr. ROEMER, Ms. SLAUGHTER, Mr. STEARNS, Mr. TANNER, Mrs. VUCANOVICH, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARCA of Wisconsin, Mr. BARCIA of Michigan, Mr. BARTLETT of Maryland, Mr. BILBRAY, Mr. BLACKWELL, Mr. BREWSTER, Mr. BROOKS, Mr. BROWN of Ohio, Mr. BRYANT, Ms. BYRNE, Mr. CALLAHAN, Mr. CALVERT, Mr. COLEMAN, Mr. CONDIT, Mr. CONYERS, Mr. COPPERSMITH, Mr. DEAL, Mr. DE LUGO, Mr. DELAY, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DOOLEY, Mr. FRANK of Massachusetts, Mr. GEJDENSON, Mr. PETE GEREN of Texas, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HILLIARD, Mr. HINCHEY, Mr. HORN, Mr. HOUGHTON, Mr. KANJORSKI, Ms. KAPTUR, Mr. KASICH, Mr. KENNEDY, Mr. KIM, Mr. LAROCCO, Mr. MCCRERY, Mr. MACHTLEY, Mrs. MALONEY, Ms. MARGOLIES-MEZVINSKY, Mr. MILLER of Florida, Mr. MINETA, Mr. MOLLOHAN, Mrs. MORELLA, Mr. MURTHA, Mr. BURTON of Indiana, Mr. DARDEN, Mr. DOOLITTLE, Mr. GILMAN, Mr. KINGSTON, Mr. LEVIN, Mr. MCCLOSKEY, Mr. MARKEY, Mr. MEEHAN, Mr. MFUME, Mr. MILLER of California, Mr. MOAKLEY, Mr. MORAN, Mr. MYERS of Indiana, Mr. QUINN, Mr. ROBERTS, Mr. SKELTON, Mr. SPRATT, and Mr. TORRES.

H.J. Res. 297: Ms. COLLINS of Michigan, Mr. HILLIARD, and Mr. WILSON.

H.J. Res. 317: Mr. STUPAK and Mr. BONIOR.

H.J. Res. 329: Mr. SKEEN, Mrs. MEYERS of Kansas, Mr. TORKILDSEN, Mr. HOKE, Mr. PICKETT, Mr. BEVILL, Mr. LIPINSKI, Ms. PRYCE of Ohio, Mr. GORDON, Ms. COLLINS of Michigan, and Mr. MARTINEZ.

H.J. Res. 333: Mr. FROST, Ms. SCHENK, Mr. BATEMAN, Mr. TRAFICANT, Mr. FAWELL, Mr. DIAZ-BALART, Mrs. THURMAN, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. WAXMAN, and Mr. SYNAR.

H. Con. Res. 147: Mr. GEJDENSON.

H. Con. Res. 199: Mr. MANZULLO, Mr. ROHRABACHER, Mr. ROYCE, Mr. CANADY, Mr. MCCRERY, Mr. PORTER, Mr. MCDADE, Mr. QUINN, Mr. LAFALCE, Mr. PAXON, Mr. MCKEON, Mr. GILLMOR, Mr. BAKER of Louisiana, Mr. EVERETT, Ms. DUNN, Mr. THOMAS of California, Mr. MOORHEAD, Mr. DIAZ-BALART, Mr. BEILSON, Mr. OWENS, Mr. BATEMAN, Mr. KYL, and Mr. BILBRAY.

H. Con. Res. 202: Mr. SLATTERY.

H. Res. 247: Mr. EHLERS, Mr. YOUNG of Alaska, and Mr. MINGE.

H. Res. 270: Mr. LEVY.

H. Res. 383: Mr. ROHRABACHER and Mr. WALSH.

H. Res. 390: Mr. DINGELL.

TUESDAY, MARCH 22, 1994 (28)

¶28.1 DESIGNATION OF SPEAKER PRO TEMPORE

The House was called to order by the SPEAKER pro tempore, Mr. MONTGOMERY, at 10:30 o'clock a.m., who laid before the House the following communication:

HOUSE OF REPRESENTATIVES,

Washington, DC, March 22, 1994.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,

Speaker of the House of Representatives.

Whereupon, pursuant to the order of the House of Friday, February 11, 1994, Members were recognized for "morning hour" debates.

¶28.2 RECESS—11:13 A.M.

The SPEAKER pro tempore, Mr. LAROCCO, pursuant to clause 12 of rule I, declared the House in recess at 11 o'clock and 13 minutes a.m., until 12 o'clock noon.

¶28.3 AFTER RECESS—12:00 NOON

The SPEAKER pro tempore, Mr. MCNULTY, called the House to order.

¶28.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. MCNULTY, announced he had examined and approved the Journal of the proceedings of Monday, March 21, 1994. Pursuant to clause I, rule I, the Journal was approved.

¶28.5 AMERICA'S SCHOOLS

The SPEAKER pro tempore, Mr. FIELDS of Louisiana, pursuant to House Resolution 366 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6) to extend for six years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

Mrs. KENNELLY, Acting Chairman, assumed the chair; and after some time spent therein,

¶28.6 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. UNSOELD to the amendment submitted by Mr. DOOLITTLE:

Amendment submitted by Mrs. UNSOELD:

In the subsection (a) of the amendment made to page 762, strike "in classes that teach" and insert "which use such funds to teach".

In subsection (b) of the amendment made to page 762, strike "shall satisfy" and insert "may use".

Add at the end of the amendment made to page 762, after line 8, add the following:

"(c) No FEDERAL CONTROL OF CURRICULUM.—Nothing in this section shall be construed—

"(1) to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or schools' instructional content, curriculum, or related activities;

"(2) to limit the application of the General Education Provisions Act;

"(3) to require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or

"(4) to create any legally enforceable right.

"(d) RULE OF CONSTRUCTION.—In carrying out the provisions of this section, the Secretary shall not—

"(1) review any curricula or instructional materials;

"(2) promulgate regulations; or

"(3) take any administrative or legal action against a State or local educational agency or school.

Amendment submitted by Mr. DOOLITTLE:

Page 762, after line 8, insert the following: **SEC. 9506. SEX EDUCATION.**

"(a) SEX EDUCATION INSTRUCTION.—All public elementary and secondary schools receiving assistance under this act in classes that teach sex education or discuss sexual intercourse, sexually transmitted diseases (STDs), including acquired immune deficiency syndrome (AIDS), shall continuously stress throughout the sex education program and sexual intercourse discussion that abstinence from sexual intercourse is the only protection that is 100 percent effective against unwanted teenage pregnancy, STDs, and AIDS when transmitted sexually. All material and instruction in classes that teach sex education and discuss sexual intercourse shall be age appropriate.

"(b) CRITERIA.—All sex education courses that discuss sexual intercourse shall satisfy the following criteria:

"(1) Course material and instruction shall be age appropriate.

"(2) Course material and instruction shall stress that abstinence is the only contraceptive method which is 100 percent effective, and that all other methods of contraception carry a risk of failure in preventing unwanted teenage pregnancy. Statistics based on the latest medical information shall be provided to pupils citing the laboratory and real-life failure and success rates of condoms and other contraceptives in preventing pregnancy.

"(3) Course material and instruction shall stress that STDs are serious possible hazards of sexual intercourse. Pupils shall be provided with statistics based on the latest medical information citing the laboratory and real-life failure and success rates of condoms in preventing AIDS and other STDs among elementary and secondary pupils.

"(4) Course material and instruction shall include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse outside of marriage and the consequences of unwanted adolescent pregnancy.

"(5) Course material and instruction shall stress that pupils should abstain from sexual intercourse until they are ready for marriage.

"(6) Course material and instruction shall teach honor and respect for monogamous heterosexual marriage.

"(7) Course material and instruction shall advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock.

"(8) Course material and instruction shall advise pupils that it is unlawful for males of any age to have sexual relations with females under a certain age to whom they are not married.

"(9) Course material and instruction shall emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others.

"(10) Course material and instruction shall teach pupils to refrain from making unwanted physical and verbal sexual advances and how to say no to unwanted sexual advances. Pupils shall be taught that it is