

F A X Transmittal Sheet

CIVIL RIGHTS DIVISION

Date 9/6/89

To: Name Mo West
Organization Sen. Dole's office
FAX Phone # 224-8952
Office Phone # 224-8959

From: Name Irene Bowen
Organization Dept. of Justice
FAX Phone # 202 - 724-6961
Office Phone # 724-2245

SUBJECT: ADA -- technical assistance

Mo - Thanks for sending this - John Wodatch asked me to
FAX these comments from him and me - Bowen

Number of pages transmitted (including this sheet)
(max. trans. ☒ sheets)

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F A X Transmittal Sheet

CIVIL RIGHTS DIVISION

Date 9/6/89

To: Name Mo West
Organization Sen. Dole's office
FAX Phone # 224-8952
Office Phone # 224-8959

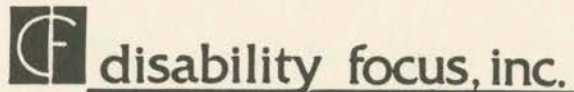
From: Name Irene Bowen
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(max. trans. ☐ sheets)

30



Mary Jane Owen, M.S.W.; Director
1010 Vermont Avenue, N.W. #1100
Washington, D.C. 20005
(202) 483-8582

August 23, 1989

Maureen West, Staff Assistant
Senator Robert Dole
Hart Senate Office Building - 141
Washington, DC 20510

Dear Mo:

Several individuals, after reviewing this letter of response to the NEW YORK TIMES piece on ADA, suggested you should get a copy of it. So here it is, along with a packet of the ADA related items I've circulated to the disability press. I hope you find these of interest. Some of the items may replicate the publications I shared with you earlier.

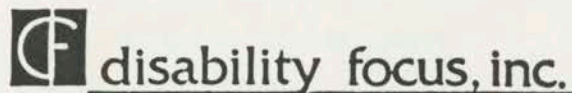
Don't hesitate to call me if I can be of assistance to you. Obviously, I welcome an opportunity to develop targeted supportive language. As you probably remember, as a board member of the National Organization on Disability, who has the responsibility to monitor ADA, I have been able to assist in preparation of some of Jim Brady's comments on ADA. I have been very pleased with the responses to his interest and commitment to the legislation.

I can be reached at 483-8582. It has been some time since I've talked with you about our common goals. I asked Ralph Neas yesterday if he'd heard anything about the TA aspects which Senator Dole was interested in developing. I assume you are coordinating with Durenburger's efforts. It is so critical that these important issues not slow passage of ADA, but I continue to anticipate the challenge of development of those mechanisms which will bring the idealism of ADA into reality.

Very truly yours,

Mary Jane Owen, Director

Enc: NEW YORK TIMES Letter
Guest Editorial for American Society of Newspaper Editors
Packet of ADA Columns



Mary Jane Owen, M.S.W.; Director
1010 Vermont Avenue, N.W. #1100
Washington, D.C. 20005
(202) 483-8582

August 16, 1989

Mr. Jack Rosenthal, Editorial Page Editor
THE NEW YORK TIMES
229 West 53rd Street
New York, NY 10036

Dear Mr. Rosenthal:

As the director of Disability Focus, a national membership organization which promotes a disability perspective on all social policy, as a board member of the National Organization on Disability, as well as the east coast chair of the Gray Panther Task Force on Disability, I have monitored the Americans with Disabilities Act as it has moved through the Congressional process. For many reasons the recent article by Susan F. Rasky about that landmark civil rights legislation, ("Bill Barring Bias Against Disabled Holds Wide Impact," August 14th issue of the NEW YORK TIMES) calls for thoughtful comments and a measure of systemic soul-searching.

For some years I've advocated for front page coverage of disability issues. Last Monday that wish was fulfilled, but with such simplicity as to mislead the general public. Your readers have come to expect balanced reporting, with some awareness of the context within which the "news" takes place. The ADA story read like an alert in a legislative newsletter from an organization apprehensive of passage of this long overdue legislation, not a balanced presentation of the issues. The realities of past exclusion from protections available to other minorities and the evolving demographic crisis are essential background to understanding the passion which prompts this bipartisan effort. The article presented a few scary cost estimates, while ignoring the ongoing hemorrhage of human and fiscal potential.

The misleading statements and unsupported assumptions included by the reporter after contacts with representatives of several organizations which have expressed fears about the impact of ADA needed a broader frame within which to assess the validity of its dire predictions. Inevitably, reporters and editors get caught up in the same psychological traps which block the larger society from taking "disability" seriously as a major national policy issue. Fear and discomfort about our shared human vulnerability may explain why otherwise rational people refrain from analyzing the consequences of a growing pattern of human survival beyond impairments.

While we weren't looking, disability changed from being an occasional individual tragedy into an event which can be anticipated to happen to an increasing proportion of our peers. In the meantime, the nation has been muddling along, spending billions on programs which promote dependency among millions of people who would prefer to live productively within their communities. Without legislation which promotes inclusion and

*Wendy
ap ed*

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prevents discrimination on the basis of disabilities, we will continue to bungle along with outmoded policy and programs which are based on a series of disfunctional assumptions we inherited from the past.

A few short decades ago people with severe impairments rarely lived long. Today knowledge extends our lives and provides devices which compensate for lost functions. Now we need the wisdom to find alternatives to herding increasing numbers of our peers out of productive roles into premature retirement simply because they survived traumas which would have eliminated their parents from further consideration! Programs which were benevolent in our past do violence today.

And, contrary to the thrust of the arguments presented, the status quo is not a bargain. In 1986 U.S. taxpayers invested over \$169.4 billion in disability programs, most of which bought us non-productivity. This cash outlay contributed little to the health of American business and even less to the GNP. Hopefully, the problem-solving strategies and creative ingenuity found within our private sector can be redirected toward inclusion of people with disabilities in every aspect of citizenship rather than in calling for continued exclusion. Current patterns of expenditures in maintenance programs threaten the nation's fiscal stability and our capacity to compete in the international marketplace.

This crisis has been evolving without adequate exposure to public scrutiny. Other interactive demographic factors have received public attention but their relationship to disability policy and the need for creative options have too often been missed. President Bush made that connection: "The United States is now beginning to face labor shortages as the baby boomers move through the work force. The disabled offer a pool of talented workers whom we simply cannot afford to ignore." The disability community apparently took George Bush seriously during his presidential campaign. Their 33 point shift in voter preference for Bush over Dukakis following Bush's repeated commitments to work for their inclusion in the American "opportunity society" helped secure his margin of victory. Those voters are watching this administration to see if the fears of one segment of society will outweigh the presidential awareness of benefits which will follow belated inclusion of "the disabled" on the list of those Americans whose basic rights are already guaranteed by federal law.

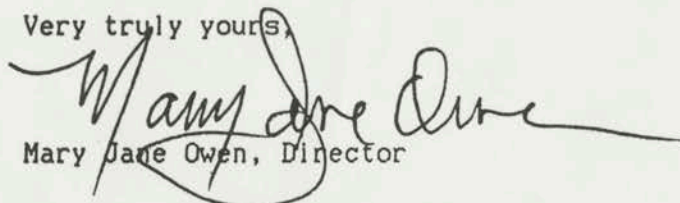
Obviously, there will be some initial costs in modifying environments to foster equity but studies of current accommodations already in place indicate these are modest in cost and good financial investments. Adequate exemptions to prevent individual businesses from risking their solvency are included. The thrust of ADA is that from this time forward we will no longer invest our resources in building barriers to inclusion. The

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longer that date is put off, the higher the eventual cost. We pay now or we pay more later. Demographic realities force that choice. Our entrepreneurial spirit has always addressed problems in the most direct and efficient manner possible. The more creatively the business community defines the "problem" of ADA, the quicker this challenge will be turned into expanding opportunities.

Senator Tom Harkin, whose subcommittee fostered the bipartisan effort, in reference to the compromise language developed with the White House, saw ADA as "changing the way Americans look at each other." We hope so. Some 40 million of us have already waited too long for that door of opportunity to open wide enough to let us in. We intend to break down the barriers which keep us dependent. We intend to claim self determination and gain equity. We need the larger society to join that effort. It's not just a "feel-good" effort. It's the American Way.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Mary Jane Owen". The signature is fluid and cursive, with a large loop at the end.

Mary Jane Owen, Director

P.S. Enclosed is a series of my columns on ADA and a guest editorial printed by the American Society of Newspaper Editors. Originally appearing as "Can We Commit 'News' Behind Closed Doors" it addresses the need for coverage of disability issues.



The Library of Congress
Congressional Research Service

To: Hon. Robert Dole

Attn: Maureen West

Re: Copies of USCA citations
(your list is attached)

The attached material is being provided
by the Senate Reference Center.

Also available in the Senate Reference
Center:

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Issue Briefs, CRS Reports)
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- Newspapers and periodicals
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Please stop by and see the sources and
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Peggy Garvin
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NOTE: Each USCA citation is marked
with the corresponding number from
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was no item #1 on your printout.
5-156p (rev 8/86)

P.G.
Page 7 of 41

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enclosed

Hon. ROBERT DOLE
141 HART

ATTN: MAUREEN WEST
(x4-8959)

Deadline: 8/29/89

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CLIENT IDENTIFIER: BELL, CHRIS
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THE CURRENT DATABASE IS USC
YOUR QUERY:

2. s 426n. Technical assistance 33 USCA s 426n
3. s 1469d. General technical assistance 48 USCA s 1469d
4. s 1995. Participation and financial and technical assistance by other Federal departments, etc. to program participants 7 USCA s 1995
5. s 3129. Biomass energy educational and technical assistance programs 7 USCA s 3129
6. s 4204. Technical assistance 7 USCA s 4204
7. s 5212. Technical assistance in trade negotiations 7 USCA s 5212
8. s 3050. Fees for providing technical assistance services; waiver; accounting and availability 12 USCA s 3050
9. s 779. Coordination with, and technical assistance to, State governments 15 USCA s 779
10. s 2665. Technical assistance to States for radon programs 15 USCA s 2665
11. s 2343. Technical assistance 19 USCA s 2343
12. s 2546. Technical assistance 19 USCA s 2546
13. s 805. Technical assistance, studies, and publication of information 20 USCA s 805
14. s 1018d. Technical assistance and coordination contract 20 USCA s 1018d
15. s 1109b. Technical assistance centers 20 USCA s 1109b
16. s 1231c. Advice, counsel and technical assistance 20 USCA s 1231c
17. s 2837. Authorization of appropriations for evaluation and technical assistance 20 USCA s 2837
18. s 1896a. Restriction on commitments for technical assistance 22 USCA s 1896a

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20. s 410cc-33. Financial and technical assistance 16 USCA s 410cc-33
21. s 973m. Technical assistance 16 USCA s 973m
22.
s 1159. Federal agency consultations with and technical assistance to Secretary of Commerce or Commission; reimbursement for assistance 16 USCA s 1159
23. s 2005a. Technical assistance for water resources 16 USCA s 2005a
24. s 3434. Technical assistance 16 USCA s 3434
25.
s 1541. Competent management and technical assistance for economic enterprises 25 USCA s 1541
26.
s 1542. Agency cooperation; private contracts for management services and technical assistance 25 USCA s 1542
27. s 1805. Technical assistance contracts 25 USCA s 1805
28. s 6133. Regulations; technical assistance; program review
5 USCA s 6133
29. s 290cc-31. Technical assistance 42 USCA s 290cc-31
30. s 290dd. Technical assistance 42 USCA s 290dd
31. s 290ee. Technical assistance to State and local agencies
42 USCA s 290ee
32. s 293e. Technical assistance 42 USCA s 293e
33. s 298b-4. Technical assistance 42 USCA s 298b-4
34. s 300e-16. Training and technical assistance 42 USCA s 300e-16
35.
s 300j-1. Research, technical assistance, information, training of personnel
42 USCA s 300j-1
36. s 300x-9. Technical assistance 42 USCA s 300x-9
37.
s 300dd-10. Technical assistance and provision by Secretary of supplies and services in lieu of grant funds 42 USCA s 300dd-10

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38. s 300ee-4. Technical assistance 42 USCA s 300ee-4
39.
s 300ee-20. Technical assistance and provision by Secretary of supplies and services in lieu of grant funds 42 USCA s 300ee-20
40.
s 613. Technical assistance for developing management information systems 42 USCA s 613
41. s 642. Technical assistance for providers of employment or training 42 USCA s 642
42.
s 2000c-2. Technical assistance in preparation, adoption, and implementation of plans for desegregation of public schools 42 USCA s 2000c-2
43. s 2991c. Technical assistance and training 42 USCA s 2991c
44. s 3151. Technical assistance 42 USCA s 3151
45. s 3173. Source of information; technical assistance 42 USCA s 3173
46. s 3235. Technical assistance 42 USCA s 3235
47. s 4571. Technical assistance 42 USCA s 4571
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s 4725. Technical assistance; waiver of payments for costs; credits to appropriation or fund for payment of expenses 42 USCA s 4725
49. s 5106b. Technical assistance to States for child abuse prevention and treatment programs 42 USCA s 5106b
50. s 5654. Technical assistance and training functions 42 USCA s 5654
51. s 5712b. Grants for technical assistance and training 42 USCA s 5712b
52. s 6371e. Grants for project costs and technical assistance 42 USCA s 6371e
53. s 6372d. Applications for grants for technical assistance 42 USCA s 6372d
54. s 6372e. Grants for technical assistance 42 USCA s 6372e
55. s 6837. Technical assistance to States, etc. 42 USCA s 6837

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56.
s 6866. Monitoring and evaluation of funded projects; technical assistance;
limitation on assistance 42 USCA s 6866
57. s 8628a. Technical assistance and training 42 USCA s 8628a
58. s 9814. Training and technical assistance 42 USCA s 9814
59. s 9843. Technical assistance and training 42 USCA s 9843
60. s 9866. Technical assistance and training 42 USCA s 9866
61.
s 10203. Technical assistance to non-nuclear weapon states in the field of
spent fuel storage and disposal 42 USCA s 10203
62.
s 10410. Law enforcement training and technical assistance grants and contracts
42 USCA s 10410
63. s 10825. Technical assistance 42 USCA s 10825

END OF CITATIONS LIST



NATIONAL ASSOCIATION OF REHABILITATION FACILITIES

Edmund S. McLaughlin
President

John A. Dole
Executive Director

FAX Transmission

TO: Mo West
224 - 8952

DATE: 8-17-89

FROM: Michael Graham
(I'll call Friday, 8/18)

1 pages to follow.
If problem occurs, please call 703/648-9300.

TA Language for ADA

This language has the support of the
Business Community, including:

Nat'l Restaurant Assn.
Nat'l Assn. of Theatre Owners
Motion Picture Assn.
NFIB
Am. Hotel & Motel Assn.

also, top members of the disability community

DRAFT

Language for Technical Assistance Amendment, H.R. 2273/
S.933 - The Americans With Disabilities Act

Sec. 506. TECHNICAL ASSISTANCE

(a) AUTHORIZATION OF EDUCATION, TRAINING AND TECHNICAL ASSISTANCE. -- The Secretaries of the Departments of Commerce, and Transportation and the Chairman of the Federal Communications Commission are authorized to make grants to or to enter into contracts with national nonprofit organizations with experience in the rehabilitation and employment of persons with disabilities to provide education, training and technical assistance to businesses and other entities affected by this Act. Such education, training and technical assistance shall include the provision of information to employers, employment agencies, labor organizations and other affected entities regarding the needs and abilities of individuals with disabilities and cost-effective means of complying with this Act and regulations issued pursuant hereto.

(b) AUTHORIZATION OF APPROPRIATIONS. -- For the purpose of making grants and entering into contracts under this section there are authorized to be appropriated such sums as may be necessary.

REPORT LANGUAGE

Section 506 of the bill authorizes a program of education; training and technical assistance to entities affected by the Act and regulations issued under its authority. Such services will help to implement the Act through orderly compliance rather than enforcement activity. The authority to enter into grants and contracts to effect such services is given to the Secretaries of the Departments of Commerce, and Transportation and the Chairman of the Federal Communications Commission.

The bill authorizes grants and/or contracts with national nonprofit organizations with expertise in employment, training and rehabilitation of individuals with disabilities such as the National Association of Rehabilitation Facilities, National Easter Seal Society, Goodwill Industries of America, etc. For example, the Committee expects the Secretaries to develop programs with such organizations providing a network of informational services.

National Easter Seal Society
Office of Governmental Affairs

1350 New York Avenue N.W., Suite 415
Washington, D.C. 20005
202 347.3066



FACSIMILE TRANSMITTAL
COVER SHEET

PLEASE DELIVER THE FOLLOWING PAGES:

TO: MAUREEN WEST DATE: 9-6-89
OF: Sen. Dole's OFFICE TIME: 11⁰⁰
FROM: Randy RUTTA JOB #

Total number of pages 3, including this page.

If you do not receive all the pages, please call 202-347-3066

Our FACSIMILE Telephone Number is 202-737-7914

Mo -

It is my understanding that Sen. Dole is interested in proposing a technical assistance amendment to ADA. Joe Romer and I developed the attached draft with Mike Graham of NARF.

Please call me regarding the status of this amendment effort and your reaction to the draft.
How can I help??!

Randy

SEP 6 '89 11:29 FROM GOVERNMENTAL AFFAIRS

PAGE.002

DRAFT

Language for Technical Assistance Amendment, H.R. 2273/S. 933 - The Americans With Disabilities Act

Sec. 506. TECHNICAL ASSISTANCE

(a) **AUTHORIZATION OF EDUCATION, TRAINING AND TECHNICAL ASSISTANCE.** -- The Secretaries of the Departments of Commerce, Transportation, Education and Labor and the Chairman of the Federal Communications Commission are authorized to make grants to or to enter into contracts with national nonprofit organizations with experience in rehabilitation, employment, transportation and communication services for persons with disabilities to provide education, training and technical assistance to businesses, transit authorities, state and local governments and other entities affected by this Act. Such education, training, and technical assistance shall include the provision of information to employers, employment agencies, labor organizations, transit authorities, state and local governments, businesses and other affected entities regarding the needs and abilities of individuals with disabilities and cost-effective means of complying with this Act and regulations issued pursuant hereto.

(b) **AUTHORIZATION OF APPROPRIATIONS.** -- For the purpose of making grants and entering into contracts under this Section there are authorized to be appropriated such sums as may be necessary.

REPORT LANGUAGE

Section 506 of the bill authorizes a program of education, training and technical assistance to entities affected by the Act and regulations issued under its authority. Such services will help to implement the Act through orderly compliance. The authority to enter into grants and contracts to effect such services is given to the Secretaries of the Departments of Commerce, Transportation, Education and Labor and the Chairman of the Federal Communications Commission.

The bill authorizes grants and/or contracts with national nonprofit organizations with expertise in employment, training, rehabilitation, transportation and communication services for individuals with disabilities such as the National Association of Rehabilitation Facilities, National Easter Seal Society, Goodwill Industries of America, etc. For example, the Committee expects the Secretaries to develop programs with such organizations providing a network of informational services.

In 1988, Congress initiated a multi-year research and demonstration program, called Project ACTION, to improve access to mass transportation for people with disabilities. Project ACTION, which is administered by the National

Easter Seal Society, involves national and local transit, government and disability interests in the research, refinement and dissemination of innovative approaches to improve transit accessibility.

The research, demonstration and education products derived from Project ACTION are directly related to the implementation of the Americans with Disabilities Act. Recognizing Project ACTION's clear compatibility with the goals of ADA, Congress directs that Project ACTION expand its activities to include the provision of technical assistance under ADA. Funding to conduct Project ACTION technical assistance activities shall be made available under this Section.

Nothing in this Section shall be interpreted to abrogate the responsibility of businesses, transit authorities, state and local governments and other entities affected by this Act to comply fully with this Act. The education, training and technical assistance provided herein are intended to facilitate compliance in the most expeditious manner possible, not to undermine, delay or otherwise interfere with the compliance and enforcement required by this Act.

AMENDMENT NO. _____

Calendar No. _____

Purpose: To provide a plan to provide entities with technical assistance.

IN THE SENATE OF THE UNITED STATES—101st Cong., 1st Sess.

S. 933

To establish a clear and comprehensive prohibition of discrimination on the basis of disability.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DOLE

Viz:

1 On page 95, strike lines 4 through 14 and insert the
2 following new subsections:

3 (a) PLAN FOR ASSISTANCE.—

4 (1) IN GENERAL.—Not later than 180 days after
5 the date of enactment of this Act, the Attorney Gen-
6 eral, in consultation with the Chairman of the Equal
7 Employment Opportunity Commission, the Secretary
8 of Transportation, the Chairperson of the Architec-
9 tural and Transportation Barriers Compliance Board,
10 and the Chairman of Federal Communications Com-
11 mission, shall develop a plan to assist entities cov-

1 ered under this Act, along with other executive agen-
2 cies and commissions, in understanding the responsi-
3 bility of such entities, agencies, and commissions
4 under this Act.

5 (2) PUBLICATION OF PLAN.—The Attorney Gen-
6 eral shall publish the plan referred to in paragraph
7 (1) for public comment in accordance with the Ad-
8 ministrative Procedure Act (5 U.S.C. 551 et seq.).

9 (b) AGENCY AND PUBLIC ASSISTANCE.—The Attorney
10 General is authorized to obtain the assistance of other Fed-
11 eral agencies in carrying out subsection (a), including the
12 National Council on Disability, the President's Committee
13 on Employment of People with Disabilities, the Small
14 Business Administration, and the Department of Com-
15 merce.

16 (c) IMPLEMENTATION.—

17 (1) AUTHORITY TO CONTRACT.—Each department
18 or agency that has responsibility for implementing
19 this Act may render technical assistance to individ-
20 uals and institutions that have rights or responsibil-
21 ities under this Act.

22 (2) IMPLEMENTATION OF TITLES.—

23 (A) TITLE I.—The Attorney General, in co-
24 ordination with the Equal Employment Opportu-
25 nity Commission, shall implement the plan for

1 assistance, as described in subsection (a), for
2 title I.

3 (B) TITLE II.—

4 (i) IN GENERAL.—Except as provided
5 for in clause (ii), the Attorney General
6 shall implement such plan for assistance
7 for title II.

8 (ii) EXCEPTION.—The Secretary of
9 Transportation shall implement such plan
10 for assistance for section 203.

11 (C) TITLE III.—The Attorney General, in
12 coordination with the Secretary of Transporta-
13 tion and the Chairperson of the Architectural
14 Transportation Barriers Compliance Board, shall
15 implement such plan for assistance for title III.

16 (D) TITLE IV.—The Chairman of the Fed-
17 eral Communications Commission, in coordina-
18 tion with the Attorney General, shall implement
19 such plan for assistance for title IV.

20 (d) GRANTS AND CONTRACTS.—

21 (1) IN GENERAL.—Each department and agency
22 having responsibility for implementing this Act may
23 make grants or enter into contracts with individuals,
24 profit institutions, and nonprofit institutions, includ-
25 ing educational institutions and groups or associa-

1 tions representing individuals who have rights or
2 duties under this Act, to effectuate the purposes of
3 this Act.

4 (2) DISSEMINATION OF INFORMATION.—Such
5 grants and contracts, among other uses, may be de-
6 signed to ensure wide dissemination of information
7 about the rights and duties established by this Act
8 and to provide information and technical assistance
9 about techniques for effective compliance with this
10 Act.

11 (e) FAILURE TO RECEIVE ASSISTANCE.—An employer,
12 public accommodation, or other entity covered under this
13 Act shall not be excused from meeting the requirements of
14 this Act because of any failure to receive technical assist-
15 ance under this section.

24-6961

SENATOR DOLE'S TECHNICAL ASSISTANCE AMENDMENT TO ADA

A) PLAN FOR TECHNICAL ASSISTANCE -- THE ATTORNEY GENERAL, IN CONSULTATION WITH THE EQUAL OPPORTUNITY COMMISSION, THE DEPARTMENT OF TRANSPORTATION, THE ARCHITECTURAL TRANSPORTATION BARRIERS COMPLIANCE BOAR, AND THE FEDERAL COMMUNICATIONS COMMISSION SHALL WITHIN 180 DAYS AFTER ENACTMENT, DEVELOP A PLAN TO ASSIST ENTITIES COVERED UNDER THE ACT TO UNDERSTAND THEIR RESPONSIBILITIES IN CARRYING OUT COMPLIANCE UNDER THIS ACT.

B) AGENCY ASSISTANCE -- THE ATTORNEY GENERAL IS AUTHORIZED TO OBTAIN THE ASSISTANCE OF THE OTHER FEDERAL AGENCIES IN CARRYING OUT THE RESPONSIBILITIES AS DIRECTED IN SUBSECTION A, INCLUDING THE NATIONAL COUNCIL ON DISABILITY, THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES, THE SMALL BUSINESS ADMINISTRATION AND THE DEPARTMENT OF COMMERCE.

C) IMPLEMENTATION -- THE ATTORNEY GENERAL, THE EEOC, THE DEPARTMENT OF TRANSPORTATION, AND THE FEDERAL COMMUNICATIONS COMMISSION ARE AUTHORIZED TO MAKE OR ENTER INTO CONTRACTS WITH INDIVIDUALS, ORGANIZATIONS OR ENTITIES WITH KNOWLEDGE AND EXPERTISE IN CARRYING OUT DISABILITY POLICY AND PROGRAMS AND BUSINESS AND OTHER ENTITIES AFFECTED BY THIS ACT.

TITLE I -- WITH RESPECT TO TITLE I, THE EEOC SHALL IMPLEMENT THE PLAN FOR TECHNICAL ASSISTANCE UNDER TITLE I.

TITLE II -- THE ATTORNEY GENERAL SHALL IMPLEMENT THE PLAN FOR TECHNICAL ASSISTANCE UNDER TITLE II, WITH THE EXCEPTION OF 203 WHICH SHALL BE IMPLEMENTED BY DOT.

TITLE III -- THE ATTORNEY GENERAL, IN COORDINATION WITH THE DEPARTMENT OF TRANSPORTATION AND THE ARCHITECTURAL TRANSPORTATION BARRIERS COMPLIANCE BOARD, SHALL IMPLEMENT THE PLAN FOR TECHNICAL ASSISTANCE UNDER TITLE III.

TITLE IV -- THE FEDERAL COMMUNICATIONS COMMISSION, IN COORDINATION WITH THE ATTORNEY GENERAL, SHALL IMPLEMENT THE PLAN FOR TECHNICAL ASSISTANCE UNDER TITLE IV.

D) AUTHORIZATION -- THE CONGRESS SHALL APPROPRIATE SUCH SUMS AS NECESSARY TO CARRY OUT THE PROVISIONS OF SEC. 506 OF THIS ACT.

to John Wodarech
hi - Thanks for your
comments, additions, whatever!
phone # 224-8959 " Mo
224-8952
Page 23 of 41
fax # ↑

AMENDMENT NO. _____

Calendar No. _____

Purpose: To provide a plan to provide entities with technical assistance.

IN THE SENATE OF THE UNITED STATES—101st Cong., 1st Sess.

S. 933

To establish a clear and comprehensive prohibition of discrimination on the basis of disability.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. DOLE

Viz:

- 1 On page 95, strike lines 4 through 14 and insert the
- 2 following new subsections:
- 3 (a) PLAN FOR ASSISTANCE.—Not later than 180 days
- 4 after the date of enactment of this Act, the Attorney Gener-
- 5 al, in consultation with the Chairman of the Equal Employ-
- 6 ment Opportunity Commission, the Secretary of Transpor-
- 7 tation, the Chairperson of the Architectural and Transpor-
- 8 tation Barriers Compliance Board, and the Chairman of the
- 9 Federal Communications Commission, shall develop a
- 10 plan to assist entities covered under this Act to understand
- 11 the responsibility of such entities under this Act.

1 (b) AGENCY ASSISTANCE.—The Attorney General is
2 authorized to obtain the assistance of other Federal agen-
3 cies in carrying out subsection (a), including the National
4 Council on Disability, the President's Committee on Em-
5 ployment of People with Disabilities, the Small Business
6 Administration, and the Department of Commerce.

7 (c) IMPLEMENTATION.—

8 (1) AUTHORITY TO CONTRACT.—The Attorney
9 General, along with the Chairman of the Equal Em-
10 ployment Opportunity Commission, the Secretary of
11 Transportation, and the Chairman of the Federal
12 Communications Commission, may make or enter
13 into contracts with—

14 (A) individuals, organizations, or entities
15 with knowledge and expertise in carrying out
16 disability policies and programs; and

17 (B) businesses and other entities affected
18 by this Act.

19 (2) IMPLEMENTATION OF TITLES.—

20 (A) TITLE I.—The Chairman of the Equal
21 Employment Opportunity Commission shall im-
22 plement the plan for assistance, as described in
23 subsection (a), for title I.

24 (B) TITLE II.—

1 (i) IN GENERAL.—Except as provided
2 for in clause (ii), the Attorney General
3 shall implement such plan for assistance
4 for title II.

5 (ii) EXCEPTION.—The Secretary of
6 Transportation shall implement such plan
7 for assistance for section 203.

8 (C) TITLE III.—The Attorney General, in
9 coordination with the Secretary of Transporta-
10 tion and the Chairperson of the Architectural
11 Transportation Barriers Compliance Board, shall
12 implement such plan for assistance for title III.

13 (D) TITLE IV.—The Chairman of the Fed-
14 eral Communications Commission, in coordina-
15 tion with the Attorney General, shall implement
16 such plan for assistance for title IV.

17 (d) AUTHORIZATION OF APPROPRIATION.—There is au-
18 thorized to be appropriated such sums as may be necessary
19 to carry out this section.

Section 506 Technical Assistance

Technical
A) PLAN FOR ASSISTANCE -- THE ATTORNEY GENERAL, IN CONSULTATION WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, THE SECRETARY OF TRANSPORTATION, THE ARCHITECTURAL TRANSPORTATION BARRIERS COMPLIANCE BOARD, ~~CHAIRMAN OF THE FEDERAL COMMUNICATIONS COMMISSION~~, AND THE SECRETARY OF COMMERCE SHALL, WITHIN 180 DAYS OF THE ENACTMENT OF THIS ACT, DEVELOP AND IMPLEMENT A PLAN TO ASSIST ENTITIES COVERED UNDER THIS ACT TO UNDERSTAND THEIR RESPONSIBILITIES IN CARRYING OUT COMPLIANCE UNDER THIS ACT.

B) AGENCY ASSISTANCE -- THE ATTORNEY GENERAL IS AUTHORIZED TO OBTAIN THE ASSISTANCE OF OTHER FEDERAL AGENCIES IN CARRYING OUT THE RESPONSIBILITIES AS DESCRIBED IN SUBSECTION (A).

The Dept of
C) EDUCATION *Implementation of original* ~~THE ATTORNEY GENERAL, IN COOPERATION WITH THE COMMISSIONER OF THE EEOC AND SECRETARIES OF THE DEPARTMENTS OF COMMERCE, TRANSPORTATION, AND THE FEDERAL COMMUNICATIONS COMMISSION AND THE NATIONAL COUNCIL ON DISABILITY ARE AUTHORIZED TO MAKE OR ENTER INTO CONTRACTS WITH NATIONAL NONPROFIT ORGANIZATIONS WITH EXPERIENCE IN THE REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES, BUSINESS AND OTHER ENTITIES AFFECTED BY THIS ACT. SUCH EDUCATION, TRAINING AND TECHNICAL ASSISTANCE SHALL INCLUDE THE PROVISION OF INFORMATION TO EMPLOYERS, EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND OTHER ENTITIES SO THAT THIS INFORMATION WHEN DISSEMINATED IN THE PRIVATE SECTOR BECOMES COMMON BUSINESS PRACTICE. EFFECTED ENTITIES NEED ACCURATE INFORMATION REGARDING THE NEEDS AND ABILITIES OF INDIVIDUALS WITH DISABILITIES AND COST-EFFECTIVE MEANS OF COMPLYING WITH THIS ACT AND REGULATIONS ISSUED PURSUANT HERETO.~~
enveloped
transp

D) THIS TECHNICAL ASSISTANCE SECTION WOULD BE RENDERED IN CONJUNCTION WITH SUCH OTHER AGENCIES AS THE NATRIONAL COUNCIL ON DISABILITY, AND THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES, *the small bus assoc and the*

Dept. of Commerce

with respect to Title II - the
prov of

Agencies imp t.A pursuant to
shall have authority to contract
with nat'l nonprofit org.

Section 506 Technical Assistance

(A) PLAN FOR ASSISTANCE -- THE ATTORNEY GENERAL, IN CONSULTATION WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, THE SECRETARY OF TRANSPORTATION, THE ARCHITECTURAL TRANSPORTATION BARRIERS COMPLIANCE BOARD, ~~THE FEDERAL COMMUNICATIONS COMMISSION, AND THE SECRETARY OF COMMERCE SHALL, WITHIN 180 DAYS OF THE ENACTMENT OF THIS ACT, DEVELOP AND IMPLEMENT A PLAN TO ASSIST ENTITIES COVERED UNDER THIS ACT TO UNDERSTAND THEIR RESPONSIBILITIES IN CARRYING OUT COMPLIANCE UNDER THIS ACT.~~

The Congress

(B) AGENCY ASSISTANCE -- THE ATTORNEY GENERAL IS AUTHORIZED TO OBTAIN THE ASSISTANCE OF OTHER FEDERAL AGENCIES IN CARRYING OUT THE RESPONSIBILITIES AS DESCRIBED IN SUBSECTION (A).

(C) THE ATTORNEY GENERAL, IN CONSULTATION WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, THE SECRETARY OF TRANSPORTATION, AND THE ARCHITECTURAL TRANSPORTATION BARRIERS COMPLIANCE BOARD, ~~SHALL, WITHIN 180 DAYS OF THE ENACTMENT OF THIS ACT, DEVELOP AND IMPLEMENT A PLAN TO ASSIST ENTITIES COVERED UNDER THIS ACT TO UNDERSTAND THEIR RESPONSIBILITIES IN CARRYING OUT COMPLIANCE UNDER THIS ACT.~~

(D) THIS TECHNICAL ASSISTANCE SECTION WOULD BE REPEALED IN CONJUNCTION WITH SUCH OTHER AGENCIES AS THE NATIONAL COUNCIL ON DISABILITY, AND THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES, ~~THE SECRETARY OF COMMERCE, AND THE~~

Section 705 of Title VII

42 USC E

41380

- Title I With respect to Title I, the EEOC shall implement the plan for TA under Title I.
- Title II The AG shall implement the plan for TA under Title II, with the exception of 203, which shall be implemented by DOT.
- Title III The AG, in coordination w/ DOT and ATBCB, shall implement the plan for TA under Title III.
- Title IV The FCC, in coordination with the AG, shall implement the plan for TA under Title IV.

D. The Congress shall ~~provide~~ appropriate ^{sum} such as necessary to carry out the provisions of Sec. 506 ~~of~~ of this Act.

A) PLAN FOR ASSISTANCE -- THE ATTORNEY GENERAL, IN CONSULTATION WITH THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, THE SECRETARY OF TRANSPORTATION, THE ARCHITECTURAL TRANSPORTATION BARRIERS COMPLIANCE BOARD, CHAIRMAN OF THE FEDERAL COMMUNICATIONS COMMISSION, ~~AND THE SECRETARY OF COMMERCE~~ SHALL, WITHIN 180 DAYS OF THE ENACTMENT OF THIS ACT, DEVELOP AND ~~IMPLEMENT~~ A PLAN TO ASSIST ENTITIES COVERED UNDER THIS ACT TO UNDERSTAND THEIR RESPONSIBILITIES IN CARRYING OUT COMPLIANCE UNDER THIS ACT.

B) AGENCY ASSISTANCE -- THE ATTORNEY GENERAL IS AUTHORIZED TO OBTAIN THE ASSISTANCE OF OTHER FEDERAL AGENCIES IN CARRYING OUT THE RESPONSIBILITIES AS DESCRIBED IN SUBSECTION (A) *including*

IMPLEMENTATION

C) ~~THE ATTORNEY GENERAL, IN COOPERATION WITH THE COMMISSIONER OF THE EEOC AND SECRETARIES OF THE DEPARTMENTS OF COMMERCE, TRANSPORTATION, AND THE FEDERAL COMMUNICATIONS COMMISSION AND THE NATIONAL COUNCIL ON DISABILITY ARE AUTHORIZED TO MAKE OR ENTER INTO CONTRACTS WITH NATIONAL NONPROFIT ORGANIZATIONS WITH EXPERIENCE IN THE REHABILITATION AND EMPLOYMENT OF PERSONS WITH DISABILITIES, BUSINESS AND OTHER ENTITIES AFFECTED BY THIS ACT. SUCH EDUCATION, TRAINING AND TECHNICAL ASSISTANCE SHALL INCLUDE THE PROVISION OF INFORMATION TO EMPLOYERS, EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND OTHER ENTITIES SO THAT THIS INFORMATION WHEN DISSEMINATED IN THE PRIVATE SECTOR BECOMES COMMON BUSINESS PRACTICE. EFFECTED ENTITIES NEED ACCURATE INFORMATION REGARDING THE NEEDS AND ABILITIES OF INDIVIDUALS WITH DISABILITIES AND COST-EFFECTIVE MEANS OF COMPLYING WITH THIS ACT AND REGULATIONS ISSUED PURSUANT HERETO.~~

D) ~~THIS TECHNICAL ASSISTANCE SECTION WOULD BE RENDERD IN CONJUNCTION WITH SUCH OTHER AGENCIES AS THE NATRIONAL COUNCIL ON DISABILITY, AND THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.~~ *SBA, DEPT OF COMMERCE.*

D. Authorization -

1 *facilities, and vehicles are accessible, in terms of architec-*
2 *ture and design, transportation, and communication, to in-*
3 *dividuals with disabilities.*

4 *SEC. 505. ATTORNEY'S FEES.*

5 *In any action or administrative proceeding com-*
6 *menced pursuant to this Act, the court, or agency, in its*
7 *discretion, may allow the prevailing party, other than the*
8 *United States, a reasonable attorney's fee, including litiga-*
9 *tion expenses, and costs, and the United States shall be*
10 *liable for the foregoing the same as a private individual.*

11 *SEC. 506. TECHNICAL ASSISTANCE.*

12 *(a) PLAN FOR ASSISTANCE.—The Attorney General, in*
13 *consultation with the Secretary of Transportation, the*
14 *Chairman of the Federal Communications Commission,*
15 *and the Secretary of Commerce shall, within 180 days of*
16 *the enactment of this Act, develop and implement a plan to*
17 *assist entities covered under this Act in understanding the*
18 *responsibilities of such entities under this Act.*

19 *(b) AGENCY ASSISTANCE.—The Attorney General is au-*
20 *thorized to obtain the assistance of other Federal agencies*
21 *in carrying out the responsibilities as described in subsec-*
22 *tion (a).*

TITLES OF
UNITED STATES CODE
AND
UNITED STATES CODE ANNOTATED

UNITED STATES CODE
ANNOTATED

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- | | |
|---|---|
| 1. General Provisions. | 28. Judiciary and Judicial Procedure. |
| 2. The Congress. | 29. Labor. |
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| 4. Flag and Seal, Seat of Government, and the States. | 31. Money and Finance. |
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| 7. Agriculture. | 34. Navy (<i>See Title 10, Armed Forces</i>). |
| 8. Aliens and Nationality. | 35. Patents. |
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| 26. Internal Revenue Code. | |
| 27. Intoxicating Liquors. | |

Title 42

The Public Health and Welfare

§§ 2011 to 3100

Comprising All Laws of a General and Permanent Nature
Under Arrangement of Official Code of
the Laws of the United States

with

Annotations from Federal and State Courts

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42 § 2984b PUBLIC HEALTH AND WELFARE Ch. 34

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 92-424, see 1972 U.S.Code Cong. and Adm.News, p. 3224.

PART D.—GENERAL PROVISION

§ 2985. Program duration and authority

The Director shall carry out programs provided for in this subchapter during the fiscal year ending June 30, 1972, and for the three succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law.

Pub.L. 88-452, Title VII, § 741, as added Pub.L. 92-424, § 25(a), Sept. 19, 1972, 86 Stat. 703.

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 92-424, see 1972 U.S.Code Cong. and Adm.News, p. 3224.

Library References

Manufactures ☞1.

C.J.S. Manufactures § 1 et seq.

SUBCHAPTER VIII.—VOLUNTEERS IN SERVICE TO AMERICA

§ 2991. Congressional statement of purpose

This subchapter provides for a program of full-time volunteer service, for programs of part-time or short-term community volunteer service, and for special volunteer programs, together with other powers and responsibilities designed to assist in the development and coordination of volunteer programs. Its purpose is to strengthen and supplement efforts to eliminate poverty and to deal with environmental problems focused primarily upon the needs of low-income persons and the communities in which they reside, by encouraging and enabling persons from all walks of life and all age groups, including elderly and retired Americans, to perform meaningful and constructive service as volunteers in part-time or short-term programs in their home or nearby communities, and as full-time volunteers serving in rural areas and urban communities, on Indian reservations, among migrant workers, in Job Corps centers, and in other agencies, institutions, and situations where the application of human talent and dedication may help the poor to overcome the handicaps of poverty and to secure and exploit opportunities for self-advancement.

Pub.L. 88-452, Title VIII, § 801, as added Pub.L. 89-794, Title VIII, § 801, Nov. 8, 1966, 80 Stat. 1472, and amended Pub.L. 90-222, Title I,

Ch. 34 **ECONOMIC OPPORTUNITY** **42 § 2991e**

§ 110, Dec. 23, 1967, 81 Stat. 722; Pub.L. 92-424, § 26(a), Sept. 19, 1972, 86 Stat. 703.

Historical Note

1972 Amendment. Pub.L. 92-424 stated as a purpose of this subchapter the strengthening and supplementing of efforts to deal with environmental problems focused primarily upon the needs of low-income persons and the communities in which they reside.

1967 Amendment. Pub.L. 90-222 restated the purposes of this subchapter, adding reference, among others, to full-time volunteer service, part-time or short-time community volunteer service, special volunteer programs, other powers and responsibilities designed to assist in the development and coordination of vol-

unteer programs, and elderly and retired Americans.

Effective Date of 1967 Amendment. Amendment by Pub.L. 90-222 effective Dec. 23, 1967, see section 401 of Pub.L. 90-222, set out as a note under section 2711 of this title.

Legislative History. For legislative history and purpose of Pub.L. 89-794, see 1966 U.S.Code Cong. and Adm.News, p. 4269. See, also, Pub.L. 90-222, 1967 U.S. Code Cong. and Adm.News, p. 2428; Pub.L. 92-424, 1972 U.S.Code Cong. and Adm.News, p. 3224.

Library References

Social Security and Public Welfare ☞2.

C.J.S. Social Security and Public Welfare §§ 2, 3.

§§ 2991a to 2991e. Omitted

Historical Note

Codification. Sections were omitted in the general reorganization of this subchapter by Pub.L. 90-222, Title I, § 110, Dec. 23, 1967, 81 Stat. 722.

Section 2991a, Pub.L. 88-452, Title VIII, § 802, as added Pub.L. 89-794, Title VIII, § 801, Nov. 8, 1966, 80 Stat. 1473, covered the recruitment, selection, training, referral, and assignment of volunteers and the consent of the Governors of the States in which these activities are conducted.

Section 2991b, Pub.L. 88-452, Title VIII, § 803, as added Pub.L. 89-794, Title VIII, § 801, Nov. 8, 1966, 80 Stat. 1473, provided for the stipend for volunteers, living, travel, and leave allowances, and subsistence.

Section 2991c, Pub.L. 88-452, Title VIII, § 804, as added Pub.L. 89-794, Title VIII, § 801, Nov. 8, 1966, 80 Stat. 1473, and

amended Pub.L. 90-83, § 10(b), Sept. 11, 1967, 81 Stat. 224, provided for the applicability of specified Federal laws, the required oath or affirmation, and the status of volunteers as Federal employees and as persons employed in the executive branch of the Federal Government. See section 2994b of this title.

Section 2991d, Pub.L. 88-452, Title VIII, § 805, as added Pub.L. 89-794, Title VIII, § 801, Nov. 8, 1966, 80 Stat. 1474, provided for special programs and projects and placed limitations on the use of appropriated funds. See section 2994c of this title.

Section 2991e, Pub.L. 88-452, Title VIII, § 806, as added Pub.L. 89-794, Title VIII, § 801, Nov. 8, 1966, 80 Stat. 1474, provided for the duration of the VISTA program through June 30, 1970. See, section 2994d of this title.

UNITED STATES CODE ANNOTATED

Title 42

The Public Health and Welfare
§§ 2011 to 3100

1989

Supplementary Pamphlet
Covering Years 1974 to 1988

Replacing 1988 pocket part in back of volume

Includes the Laws of the
100th CONGRESS, SECOND SESSION (1988)

For close of Notes of Decisions
See page III

For Later Laws and Cases
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The Secretary may prescribe such other regulations as may be necessary to carry out the purposes of this section, including regulations involving reporting and auditing.

(f) Authorization of appropriations; investment in obligations of United States; deposit of unneeded monies as miscellaneous receipts in Treasury

(1) There is authorized to be appropriated for fiscal years 1988, 1989, and 1990 the aggregate amount \$3,000,000 for all such fiscal years for the purpose of carrying out the provisions of this section. Any amount appropriated under this paragraph shall remain available for expenditure without fiscal year limitation.

(2) The revolving loan fund that is required to be established under subsection (a)(1) of this section shall be maintained as a separate account. Any portion of the revolving loan fund that is not required for expenditure shall be invested in obligations of the United States or in obligations guaranteed or insured by the United States.

(3)(A) All monies that are in the revolving loan fund at the close of the 5-year period beginning on November 29, 1987, and that are not otherwise needed (as determined by the Secretary) to carry out the provisions of this section shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) All monies deposited in the revolving loan fund after the close of such period pursuant to subsection (a)(1)(B) of this section shall be deposited into the Treasury of the United States as miscellaneous receipts.

(g) Reports to Congress; contents

(1) The Secretary, in consultation with the agency or organization to which a grant is awarded under subsection (a)(1) of this section, shall submit to the Congress—

- (A) an interim report not later than 2 years after November 29, 1987; and
- (B) a final report not later than 4 years after November 29, 1987;

regarding the administration of this section.

(2) Each such report shall include the views and recommendations of the Secretary regarding—

- (A) the effectiveness of the demonstration project;
- (B) whether the demonstration project should be expanded to other groups eligible for assistance under this subchapter; and
- (C) whether the duration of the demonstration project should be extended.

(Pub.L. 88-452, Title VIII, § 803A, as added Pub.L. 100-175, Title V, § 506(a), Nov. 29, 1987, 101 Stat. 976.)

Effective Date. Section effective upon the expiration of the 90-day period beginning on November 29, 1987, see section 701(c) of Pub.L. 100-175, set out as a note under section 3001 of this title.

Legislative History. For legislative history and purpose of Pub.L. 100-175, see 1987 U.S.Code Cong. and Adm.News, p. 866.

§ 2991c. Technical assistance and training

The Secretary may provide, directly or through other arrangements, (1) technical assistance to public and private agencies in developing, conducting, and administering projects under this subchapter, and (2) short-term in-service training for specialized or other personnel which is needed in connection with projects receiving financial assistance under this subchapter.

(Pub.L. 88-452, Title VIII, § 804, as added Pub.L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2324.)

Prior Provisions. A prior section 2991c, Pub.L. 88-452, Title VIII, § 804, as added Pub.L. 89-794, Title VIII, § 801, Nov. 8, 1966, 80 Stat. 1473, and amended Pub.L. 90-83, § 10(b), Sept. 11, 1967, 81 Stat. 224, providing for the applicability of specified Federal laws, the required oath or affirmation, and the status of volunteers as

executive branch of the Federal Government, was omitted in the general reorganization of this subchapter by Pub.L. 90-222, Title I, § 110, Dec. 23, 1967, 81 Stat. 722. See section 2994b of this title.

Change of Name. The Department of Health, Education, and Welfare was redesignated the Department of Health and Human Services, and the

any other official of the Department of Health, Education, and Welfare was redesignated the Secretary or official, as appropriate, of Health and Human Services, with any reference to the Department of Health, Education, and Welfare, the Secretary of Health, Education, and Welfare, or any official of the Department of Health, Education, and Welfare, in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of Pub.L. 96-88, as prescribed by section 601 of Pub.L. 96-88, Title VI, Oct. 17, 1979, 93 Stat. 696, set out as a note under section 3401 of Title 20,

Education, deemed to refer and apply to the Department of Health and Human Services or the Secretary of Health and Human Services, respectively, except to the extent such reference is to a function or office transferred to the Secretary of Education or the Department of Education under Pub.L. 96-88, Title III, §§ 301 to 307, Oct. 17, 1979, 93 Stat. 677-681. See sections 3441 to 3447 and 3508 of Title 20.

Legislative History. For legislative history and purpose of Pub.L. 93-644, see 1974 U.S.Code Cong. and Adm.News, p. 8043.

§ 2991d. Research, demonstration, and pilot projects

(a) The Secretary may provide financial assistance through grants or contracts for research, demonstration, or pilot projects conducted by public or private agencies which are designed to test or assist in the development of new approaches or methods that will aid in overcoming special problems or otherwise furthering the purposes of this subchapter.

(b) The Secretary shall establish an overall plan to govern the approval of research, demonstration, and pilot projects and the use of all research authority under this subchapter. The plan shall set forth specific objectives to be achieved and priorities among such objectives.

(Pub.L. 88-452, Title VIII, § 805, as added Pub.L. 93-644, § 11, Jan. 4, 1975, 88 Stat. 2324.)

Prior Provisions. A prior section 2991d, Pub.L. 88-452, Title VIII, § 805, as added Pub.L. 89-794, Title VIII, § 801, Nov. 8, 1966, 80 Stat. 1474, providing for special programs and projects and placing limitations on the use of appropriated funds, was omitted in the general reorganization of this subchapter by Pub.L. 90-222, Title I, § 110, Dec. 23, 1967, 81 Stat. 722. See section 2994c of this title.

Change of Name. The Department of Health, Education, and Welfare was redesignated the Department of Health and Human Services, and the Secretary of Health, Education, and Welfare or any other official of the Department of Health, Education, and Welfare was redesignated the Secretary or official, as appropriate, of Health and Human Services, with any reference to the Department of Health, Education, and Welfare, the Secretary of Health, Education, and Welfare, or

any official of the Department of Health, Education, and Welfare, in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of Pub.L. 96-88, as prescribed by section 601 of Pub.L. 96-88, Title VI, Oct. 17, 1979, 93 Stat. 696, set out as a note under section 3401 of Title 20, Education, deemed to refer and apply to the Department of Health and Human Services or the Secretary of Health and Human Services, respectively, except to the extent such reference is to a function or office transferred to the Secretary of Education or the Department of Education under Pub.L. 96-88, Title III, §§ 301 to 307, Oct. 17, 1979, 93 Stat. 677-681. See sections 3441 to 3447 and 3508 of Title 20.

Legislative History. For legislative history and purpose of Pub.L. 93-644, see 1974 U.S.Code Cong. and Adm.News, p. 8043.

§ 2991d-1. Panel review of applications for assistance

(a) Establishment of formal panel; members

(1) The Secretary shall establish a formal panel review process for purposes of—

- (A) evaluating applications for financial assistance under sections 2991b and 2991d of this title; and
- (B) determining the relative merits of the projects for which such assistance is requested.

(2) To implement the process established under paragraph (1), the Secretary shall appoint members of review panels from among individuals who are not officers or employees of the Administration for Native Americans. In making appointments to such panels, the Secretary shall give preference to American Indians, Native Hawaiians, other Native American Pacific Islanders (including American Samoan Natives), and Alaskan Natives.

(b) Duties of panel

Each review panel appointed under subsection (a)(2) of this section that reviews any application for financial assistance shall—

-2-

During the mark-up by the Senate Labor and Human Resources Committee, an amendment was offered to Title V of S-933 (Section 506) which calls for the Attorney General in conjunction with the Chairman of the Federal Communications Commission (FCC) and the Secretaries of Transportation and Commerce to develop a technical assistance package. While this amendment is laudable, we are concerned that this language may not provide sufficient guidance in the provision of comprehensive technical assistance. Thus, we would like to dialogue with the White House on ways in which Section 506 can be strengthened to assure a strong government-wide technical assistance program.

o Need for a National Advisory Commission (Panel) on Implementation of the ADA

In addition to the need for a technical assistance program, we strongly recommend the establishment of a National Advisory Commission on the Implementation of ADA to assess and oversee the implementation of the new law. Such a panel would bring together representatives from the disability community as well as newly covered entities to engage in the following activities:

- o Assure that the technical assistance rendered by the federal government accurately informs Americans with disabilities and their families about their new legal rights under the Act;
- o Recommend ways which government agencies can provide constructive information to newly covered entities about their legal obligations under the new law;
- o Monitor the development of regulations by the various federal agencies and Departments to assure these regulations are issued in a timely fashion and reflect the intent of the legislation;
- o Assess and analyze the degree to which covered entities are complying with the requirements of ADA.
- o Promote an ongoing dialogue between persons with disabilities and newly covered entities which will foster understanding and interdependence.

We recommend that a legislative proposal be developed by the National Council and the White House which will establish this advisory panel under S-933. Such a proposal would delineate the entities which could be represented on the National Advisory Commission on the Implementation of the ADA including (but not limited to) representatives of small business, the hotel and restaurant industry, sports complexes, the communication industry, physicians and medical facilities, labor, and representatives from state and local government. Equally important, this panel must reflect a true cross section of persons with disabilities who can articulate the types of accommodations which will be needed in order to make the dreams envisioned in the "Americans with Disabilities Act" (ADA) become a reality.



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CONCEPT PAPER

Formal legislative consideration of S-933, the "Americans with Disabilities Act of 1989" (ADA) has begun with the Senate Labor and Human Resources Committee's favorable consideration of the bill on August 2, 1989. With the President's historical endorsement of this legislation, it is likely to receive swift Congressional consideration.

The National Council on Disability is the originator of the "Americans with Disabilities Act" (ADA) and we have followed its development closely. The purpose of this concept paper is to recommend that the White House, in collaboration with the National Council, develop legislative proposals for a strong government-wide technical assistance program and the establishment of a National Advisory Commission (Panel) on the Implementation of ADA to assess the implementation of this landmark legislation.

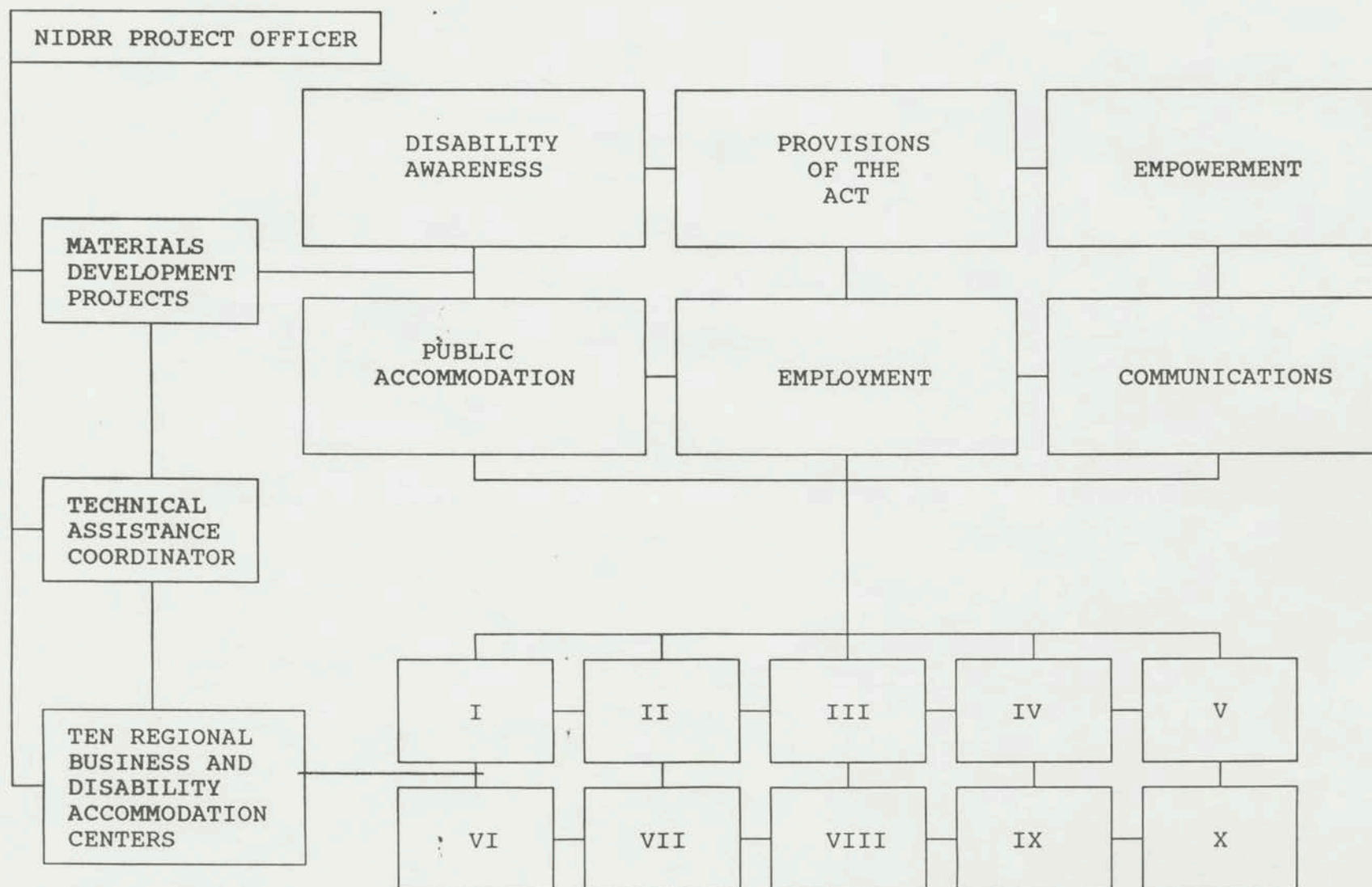
o Need for Technical Assistance

As the National Council on Disability has participated in the dialogue surrounding S-933, we have been struck by the intricacies of this legislation. We have begun to wonder how private businesses, government entities, and other newly covered agencies and organizations will understand their legal obligations under the "Americans with Disabilities Act" (ADA). If Americans with disabilities are to fully realize the civil rights envisioned in S-933, then employers, as well as their newly covered entities, must have a place where they can turn for information and assistance. Therefore, the National Council strongly urges the establishment of a strong government-wide technical assistance program.

History has shown that technical assistance can be a powerful and effective tool for enabling compliance. The technical assistance provided for the implementation of Section 504 of the "Rehabilitation Act of 1973" (the current federal law providing anti-discrimination protections for persons with disabilities) was considered very valuable in providing recipients with practical solutions to difficult problems such as developing physical accessibility in older buildings or accommodating services for individuals with sensory impairments. While there are many ways to construct a technical assistance program, the National Council believes that it must have two primary objectives: 1) to inform newly covered entities of the legal responsibilities and to provide assistance in how they might meet these obligations and; 2) to educate persons with disabilities and their families of their new rights under the law.

NIDRR ADA TECHNICAL ASSISTANCE INITIATIVE

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Activities of the Regional Business and Disability Accommodation Centers

- 1.) Collect and disseminate existing information.
- 2.) Develop and utilize local, State and regional networks of communication
- 3.) Develop and utilize resource pools (i.e., make referrals to consultants).
- 4.) Provide training (e.g., workshops, seminars, on-site training)
- 5.) Provide basic direct technical assistance (e.g., use of accessibility checklist).
- 6.) Provide general information to the public.

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MATERIALS DEVELOPMENT PROJECTS

PROJECT	MATERIALS DEVELOPMENT OBJECTIVES	PRIMARY TARGET AUDIENCES	FUNDING
DISABILITY AWARENESS	TRAINING PROGRAMS AND MATERIALS ADDRESSING: DISABLING CONDITIONS AND ABILITIES OF PERSONS W/DISABILITIES, STEREOTYPES, MYTHS, NEGATIVE ATTITUDES, EMPLOYEE RELATIONS, AND CUSTOMER RELATIONS	EMPLOYERS SERVICE PROVIDERS STATE/LOCAL GOV'T COMMERCIAL EST.	
PROVISIONS OF THE ACT	SURVEY EXISTING INFO ON THE ADA REVISE/REFORMAT EXISTING INFO TRAINING PROGRAMS AND MATERIALS ADDRESSING NEW INFORMATION AND REFORMATTED EXISTING INFORMATION	PERSONS WITH DISABILITIES STATE/LOCAL GOV'T SERVICE PROVIDERS COMMERCIAL EST.	
EMPOWERMENT	TRAINING PROGRAMS AND MATERIALS ADDRESSING: ADA COVERAGE FOR FAMILIES AND INDIVIDUALS, SELF-ADVOCACY AND REPRESENTATION	PERSONS WITH DISABILITIES SERVICE PROVIDERS ORGANIZATIONS OF AND FOR PERSONS PERSONS WITH DISABILITIES	
PUBLIC ACCOMMODATION	TRAINING PROGRAMS AND MATERIALS ADDRESSING ACCESSIBILITY INCLUDING: SELF-ADMINISTERED SURVEYS/CHECKLISTS, DESIGN ALTERNATIVES, AND LOW-COST OPTIONS	COMMERCIAL EST. SERVICE PROVIDERS PERSONS WITH DISABILITIES STATE/LOCAL GOV'T EMPLOYERS	

MATERIALS DEVELOPMENT PROJECTS (con't)

PROJECT	MATERIALS DEVELOPMENT OBJECTIVES	PRIMARY TARGET AUDIENCES	FUNDING
EMPLOYMENT	<p>TRAINING PROGRAMS AND MATERIALS ADDRESSING: ADVERTISING, TAX INCENTIVES DRUG TESTING, JOB RECRUITMENT, MEDICAL EXAMINATIONS, INSURANCE AND SELECTION</p> <p>INTERVIEW GUIDES, MODEL JOB DESCRIPTIONS AND MODEL JOB QUALIFICATIONS</p> <p>TRAINING PROGRAMS AND MATERIALS ADDRESSING: WORK SCHEDULES, JOB ANALYSIS, JOB RESTRUCTURING, AND JOB REASSIGNMENT</p> <p>TRAINING PROGRAMS AND MATERIALS ADDRESSING RETOOLING, SPECIALIZED EQUIPMENT, AUXILIARY AIDS, ASSISTIVE DEVICES, AND ASSISTIVE SERVICES</p>	EMPLOYERS PERSONS WITH DISABILITIES STATE/LOCAL GOV'T	
COMMUNICATION	<p>TRAINING PROGRAMS AND MATERIALS ADDRESSING TELECOMMUNICATION (INCLUDING TELEPHONE RELAY SYSTEMS), SENSORY AIDS, SAFETY/EMERGENCY COMMUNICATION SYSTEMS, SIGNAGE, ALTERNATIVE METHODS OF COMMUNICATION, AND ASSISTIVE TECHNOLOGY</p>	PERSONS WITH DISABILITIES COMMERCIAL EST. DISABILITIES STATE/LOCAL GOV'T SERVICE PROVIDERS EMPLOYERS	