

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 86/2
6282 SENATE HEALTH, EDUCATION AND SOCIAL SERVICES 686

LEGALITY OF MARIJUANA IN THE HOME AMONG ALL ADULTS
BY
POLITICAL AND GENERAL DEMOGRAPHICS, BEHAVIORS AND PERCEPTIONS

ROW PERCENTS
JANUARY 19TH THROUGH JANUARY 29TH, 1990
SAMPLE SIZE = 606; MARGIN OF ERROR = + OR - 3.98%

	LEGALITY OF MARIJUANA IN THE HOME:			TOTAL COL %
	Legal	Illegal	Unde- cided	
REGISTERED TO VOTE?				
Yes.....	37.5%	60.7%	1.8%	85.2%
No.....	42.6%	55.2%	2.2%	14.8%
PARTY AFFILIATION:				
Democrat.....	40.9%	55.3%	3.8%	18.7%
Republican.....	30.5%	69.5%		27.5%
Libertarian.....	67.0%	33.0%		2.3%
Independent.....	40.2%	57.6%	2.3%	51.5%
VOTED IN 1986 GENERAL STATE ELECTION?				
Yes.....	36.0%	62.1%	1.9%	67.7%
No.....	42.9%	55.3%	1.8%	32.3%
VOTED IN 1988 GENERAL STATE ELECTION?				
Yes.....	35.2%	62.9%	1.9%	69.4%
No.....	45.0%	53.1%	1.9%	30.6%
STATE ELECTION VOTING BEHAVIOR:				
1986 Only.....	42.4%	57.6%		6.4%
1988 Only.....	34.4%	65.6%		8.1%
Both 1986 and 1988.....	35.4%	62.5%	2.1%	61.3%
Neither.....	45.8%	51.9%	2.4%	24.2%
IDEOLOGY OF RESPONDENT:				
Liberal.....	55.5%	41.9%	2.6%	37.1%
Moderate.....	37.0%	60.2%	2.8%	19.4%
Conservative.....	24.1%	75.1%	.8%	43.5%
INTEREST IN POLITICAL CAMPAIGNS:				
Very interested.....	37.0%	59.2%	3.8%	29.2%
Somewhat interested.....	36.5%	62.4%	1.2%	52.4%
Not very interested.....	45.3%	53.8%	.9%	18.4%
TOTAL ROW PERCENT.....	38.2%	59.9%	1.9%	100.0%

Rep. Hanley

VREMS TIME: 08:40
GPVR100P-RI

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 88MARI

DATE: 01/24/90
PAGE: 1

ID: 88MARI
TYPE: INITIATIVE

NAME: INITIATIVE PETITION RELATING TO REPEAL OF PERSONAL USE OF MARIJUANA

DATE APPLICATION RECEIVED: 12/19/88 DATE APPLICATION CERTIFIED: 04/03/89 DATE-PETITION CERTIFIED: 11/27/89

DATE BOOKLETS DISTRIBUTED: 04/20/89 LAST DATE PETITION CAN BE RECEIVED: 04/20/90

SPONSORING_GROUP_NAME: MARIE G. MAJEWSKE
ADDRESS: 4002 KINGSTON DRIVE
ANCHORAGE, AK 99504
333-0717

JURISDICTION RESTRICTED TO HOUSE DISTRICT:
JURISDICTION RESTRICTED TO SENATE DISTRICT:
JURISDICTION RESTRICTED TO JUDICIAL DISTRICT:
JURISDICTION RESTRICTED TO MINOR POLITICAL SUBDIVISIONS:

NUMBER OF VOTES CAST IN PREVIOUS GENERAL ELECTION WITHIN JURISDICTION: 203433

COMMENTS: LINDA ADAMS, P.O. BOX 7171, KETCHIKAN; GARRY HUTCHISON, 367 LEANN, FBKS

SPONSOR TOTALS

TOTAL QUALIFIED	920
AUTO	1
MANUAL	919

TOTAL UNQUALIFIED	18
DUPLICATE	0
NOT IN JURISDICTION	0
INACTIVE	0
NOT REGISTERED	12
ADDRESS NOT PROVIDED	0
UNABLE TO IDENTIFY	6
NOT YET PROCESSED	0
OTHER	0

TOTAL WITHDRAWN 0

VREMS TIME: 08:40
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 88MARI

DATE: 01/24/90
PAGE: 19

ID: 88MARI
TYPE: INITIATIVE

NAME: INITIATIVE PETITION RELATING TO REPEAL OF PERSONAL USE OF MARIJUANA

TOTAL BOOKLETS ISSUED: 1030
TOTAL BOOKLETS RECEIVED: 497
TOTAL BOOKLETS ENTERED: 369

TOTAL SIGNATURES REQUIRED: 20343
TOTAL QUALIFIED: 21439
TOTAL UNQUALIFIED: 7568
TOTAL POTENTIAL SIGNATURES: 42408
TOTAL NOT YET PROCESSED: 0

NUMBER OF DISTRICTS IN STATE: 27
NUMBER OF DISTRICTS REQUIRED: 18
NUMBER OF DISTRICTS WITH SIGNATURES: 27

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

1	2080
2	383
3	297
4	1893
5	467
6	283
7	558
8	1417
9	1584
10	1073
11	479
12	570
13	819
14	142
15	1254
16	1086
17	279
18	1334
19	946
20	1510
21	860
22	238
23	201
24	149
25	161
26	59

VREMS TIME: 08:40
GPVR100P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 88MARI

DATE: 01/24/90
PAGE: 20

ID: 88MARI
TYPE: INITIATIVE

NAME: INITIATIVE PETITION RELATING TO REPEAL OF PERSONAL USE OF MARIJUANA

QUALIFIED SIGNATURES BY DISTRICT: DIST SIGNATURES

27 33

CORRECTION

**THIS DOCUMENT
HAS BEEN REPHOTOGRAPHED
TO ASSURE LEGIBILITY**

VREMS TIME: 08:40
GPVR10:P-R1

STATE OF ALASKA -- DIVISION OF ELECTIONS
PETITION STATISTICS REPORT FOR PETITION - 88MARI

DATE: 01/24/90
PAGE: 20

ID: 88MARI
TYPE: INITIATIVE

NAME: INITIATIVE PETITION RELATING TO REPEAL OF PERSONAL USE OF MARIJUANA

QUALIFIED SIGNATURES BY DISTRICT:	DIST	SIGNATURES
	27	33

S J R

21

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 5-DAY NOTICE 3/9/89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

DATE TURNED INTO OFFICE 3/16/89

2/1/89

Mr. President:

HESS Committee considered SJR 21

Encouraging favorable consideration of a state grant application by the division of vocational rehabilitation of the Department of Education for federal funds to provide assistive technology devices and services and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- _____ letter of intent adopted
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

FISCAL NOTE(S) attached zero fiscal impact
 appropriation no FN attached GOV. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Handwritten signatures]

Paul Finch (Do Pass)
Chairman signature and recommendation

Committee backup attached

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Education
 Title: Assistive Technology BRU: Division of Vocational Rehabilitation
 Sponsor: Senator Bettye Fahrenkamp, et. al. Components: New Component
 Requestor: Senator Fahrenkamp "Assistive Technology Devices and Services"

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

Public Law 100-407 was passed by Congress and signed by President Reagen last fall. This law provides grants to states for assistive technology devices and services. Governor Cowper designated the Division of Vocational Rehabilitation as the official state agency for application and implementation

Prepared by: F. Pat Young Phone: (907) 465-2814
 Division: Vocational Rehabilitation Date: 02/07/89

Approved by Commissioner: William G. Demmert Date: 02/07/89
 Agency: Education

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Assistive Technology

Agency Affected: Education
BRU: Div. of Vocational Rehabilitation

Sponsor: Senator Bettve Fahrenkamp, et al
Requestor: Sen. Fahrenkamp

Components: New Component
"Assistive Technology Devices & Services"

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		42.0	84.0	86.5	86.5	88.3
TRAVEL		12.0	12.0	14.0	14.0	15.0
CONTRACTUAL		10.0	10.0	10.3	10.3	10.6
SUPPLIES		1.5	1.0	1.0	1.0	1.0
EQUIPMENT		25.0	5.0	3.0	3.0	3.0
LAND & STRUCTURES						
GRANTS, CLAIMS		400.9	388.0	385.2	385.2	387.1
MISCELLANEOUS						
TOTAL OPERATING		500.0	500.0	500.0	500.0	500.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS		500.0	500.0	500.0	500.0	500.0
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME		2.0	2.0	2.0	2.0	2.0
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: F. Pat Young Phone: 465-2814
Division: Division of Vocational Rehabilitation Date: 2/7/89

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

page _____ of _____

Analysis (continued):

of grants under the new Assistive Technology Act of 1988 (Public Law 100-407). See attached letter.

This fiscal note is being prepared in anticipation of a successful grant application. There will be ten (10) grants awarded the first year, 1990, with a maximum amount of \$500,000 for each successful applicant. Twenty (20) grants will be awarded in FY 91 and grants will be available to all states in FY 92. The Alaska Division of Vocational Rehabilitation is applying for a first-year grant. If the Division is successful in being awarded this grant, there will also be grants available in the following two years up to a maximum of \$500,000 each year. In addition, there are two more succeeding years to reapply for continuation funds for a total five-year funding period. All funds are 100% federal with no required state match.

To date, the Division of Vocational Rehabilitation has not received a grant application. Since the regulations are still being promulgated, we have been notified by Washington, D.C., that we should receive the grant application sometime in the middle of April. From our discussions with the individuals involved and reading the information now available, it is our understanding that the system developed must be consumer responsive, statewide and available to individuals of all ages with disabilities, with particular emphasis on persons who have traditionally been underserved. The program would be operated as a separate component of DVR directly supervised by the Director's Office and would most likely be based in Anchorage. The Division will, of course, follow the regulations as outlined in the grant application. We anticipate, however, that the services offered would include information and referral, functional evaluation, assessment of similar benefits, direct services, etc. I would like to emphasize at this time that the services provided in this grant are not just for the Division of Vocational Rehabilitation's clients but for any client requiring this type of service regardless of age or whether they are capable of working. Within our budget structure, we would set up a separate budget component entitled, "Assistive Technology Devices and Services."

The purposes of the Act are as follows:

1. To provide financial assistance to the states to help each state to develop and implement a consumer-responsive statewide program of technology-related assistance (TRA) for individuals of all ages with disabilities that is designed to:

Analysis (continued):

- A. increase aware of needs of individuals with disabilities for Assistive technology devices (ATD) and assistive technology services (ATS);
- B. increase awareness of policies, practices and procedures that facilitate or impede the availability of these devices and services;
- C. increase availability of and funding for ATD and ATS for individuals with disabilities;
- D. increase awareness and knowledge of the effectiveness of ATD and ATS among individuals with disabilities, their families, public and private agencies that have contact with individuals with disabilities (including insurers), employers and other appropriate individuals;
- E. increase capacity of public and private agencies to provide TRA, particularly ATD and ATS and to pay for the provision of these devices and services;
- F. increase coordination and collaboration among state, public and private agencies that provide TRA;
- G. increase the probability that individuals of all ages with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living.

If you have any further questions or concerns, please do not hesitate to call.

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 99701
OFFICE (907) 452-4882
HOME (907) 456-2899



Senate

WHILE IN JUNEAU
PO. BOX V
JUNEAU, ALASKA 99811
CAPITOL, ROOM 125
OFFICE (907) 465-3834
HOME (907) 780-6027

M E M O R A N D U M

TO: Senator Paul Fischer, Chairman
Senate Health, Education and Social Services Committee

FROM: Senator Bettye Fahrenkamp *may we talk about this*

DATE: February 15, 1989

SUBJECT: Senate Joint Resolution 21

"Encouraging favorable consideration of a state grant application by the division of vocational rehabilitation of the Department of Education for federal funds to provide assistive technology devices and services."

Senate Joint Resolution 21 was introduced on behalf of the Division of Vocational Rehabilitation. In that resolution, the legislature supports the Division's request for a \$500,000 grant from the U.S. Department of Education. Those funds would be used to establish a program to provide disabled Alaskans with the most current "assistive technology"--a phrase used to describe technological tools and services that help people with disabilities.

The grant is a true grant, requiring no state match funds. Only ten grants are being offered to states this year; twenty grants will be available next year, and all states will be eligible for grants in the third year. If the Division is successful in obtaining a grant this year, it will automatically be awarded another \$500,000 grant next year and the following year.

You will find enclosed a zero fiscal note and a position paper from the Division of Vocational Rehabilitation. If I can provide any other information or answer any questions, please don't hesitate to contact me. I would greatly appreciate your early scheduling and favorable consideration of this resolution.

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 99701
OFFICE (907) 452-4882
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Senate

WHILE IN JUNEAU
P.O. BOX V
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M E M O R A N D U M

To: Senator Bettye Fahrenkamp
From: Joan Hope *JH*
Date: March 7, 1989
Subject: Senate Joint Resolution 21

Encouraging favorable consideration of a state grant application by the division of vocational rehabilitation of the Department of Education for federal funds to provide assistive technology devices and services.

You asked me to list the backup materials I have provided to Senator Fischer for his use in scheduling this resolution. Those materials are:

1. Fiscal note (Ø) from Division of Vocational Rehabilitation (this 3-page fiscal note includes a position paper under the "analysis" section).
2. Memorandum dated 2/15/89 from you to Senator Fischer summarizing the effect of the bill
3. A fiscal analysis (dated 2/1/89, prepared on a fiscal note form by Pat Young, deputy director of Voc. Rehab.) which shows how much of the grant would be spent for overhead and how much would go to actual grants.
4. A memo from Governor Cowper to Secretary William Bennett designating the Division of Vocational Rehabilitation as the official state agency for assistive technology grants.
5. A copy of the federal enacting legislation, entitled "Technology Related Assistance for Individuals with Disabilities Act of 1988" (22 pages).
6. An 8-page summary of the federal act, bearing the same title as the act; this document included (on pages 7-8) a proposed timeline for implementation, as well as lists of people proposed to be on a statewide and on regional committees which will be charged with assessing needs in their areas.

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, RESOURCES COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 997
OFFICE (907) 452-4882
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Senate

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HOME (907) 780-6027

M E M O R A N D U M

To: Senator Paul Fischer, Chair
Senate Health, Education & Social Services Committee

From: Senator Bettye Fahrenkamp

Date: March 7, 1989

Subject: Senate Joint Resolution 21

Encouraging favorable consideration of a state grant application by the division of vocational rehabilitation of the Department of Education for federal funds to provide assistive technology devices and services.

Attached is a list of all the materials my staff has provided to you relating to SJR 21. This is all the information that is available at this time.

The enabling legislation was passed by Congress just last year, and this year is the first year that grants will be offered. Therefore, there is no history available showing what kinds of grants are funded.

Because only ten grants will be offered this year, we are hopeful that Alaska will be among those first ten grantees. This will not only ensure a total grant of \$1.5 million over the next three years (with no state match); it will also give Alaska the opportunity to take a lead in assisting the disabled in obtaining technology that can help in daily life.

STEVE COWPER
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

RECEIVED
SEP 26 1988

OVR CENTRAL OFFICE

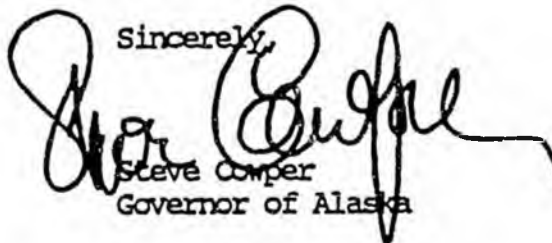
September 16, 1988

Honorable William Bennett
Secretary
Department of Education
Washington, D. C. 20202

Dear Mr. Secretary:

This is to inform you that the Alaska Division of Vocational Rehabilitation has been designated as the official state agency for application and implementation of grants under the new "Assistive Technologies Act of 1988" (P.L. 100-407).

Sincerely,



Steve Cowper
Governor of Alaska

cc: Keith J. Anderson, Director
Division of Vocational Rehabilitation



UNITED STATES DEPARTMENT OF EDUCATION
REHABILITATION SERVICES ADMINISTRATION
M/S _____ THIRD AND BROAD BUILDING
2901 THIRD AVENUE
SEATTLE, WASHINGTON 98121



Rehabilitation Is Good Business

September 6, 1988

REGIONAL REHABILITATION SERVICES ADMINISTRATION MEMORANDUM 88-40

TO : State Directors VR Agencies (Blind)
State Directors VR Agencies (General)

FROM : RSA Regional Commissioner

SUBJECT : Technology Related Assistance for Individuals with
Disabilities Act of 1988 and Related Committee Report

For your information and consideration, we transmit the above named documents. Copies of this are also being shared with your IL Centers and some of the university people who we feel would be interested.

In 1989 there will be ten state grantees, each receiving about \$500,000 to establish a technologies program.

William J. Bean

Enclosures

cc: Dr. Stolov, U. of W.
Dr. Kite, S. U.
Dr. Freeburg, WOSC
- IL Centers (16)
Mr. Mike Warren

M6/ts

fat

TECHNOLOGY RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988 .

PURPOSE - The purposes of the Act are as follows:

1. To provide financial assistance to the States to help each State to develop and implement a consumer-responsive statewide program of technology-related assistance (TRA) for individuals of all ages with disabilities that is designed to:

- A. increase awareness of needs of individuals with disabilities for assistive technology devices (ATD) and assistive technology services (ATS);
- B. increase awareness of policies, practices, and procedures that facilitate or impede the availability of these devices and services;
- C. increase availability of and funding for ATD and ATS for individuals with disabilities;
- D. increase awareness and knowledge of the effectiveness of ATD and ATS among individuals with disabilities, their families, public and private agencies that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;
- E. increase capacity of public and private agencies to provide TRA, particularly ATD and ATS and to pay for the provision of these devices and services;
- F. increase coordination and collaboration among state, public, and private agencies that provide TRA;
- G. increase the probability that individuals of all ages with disabilities will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living.

2. To facilitate:

- A. the identification of federal policies that facilitate payment for ATD and ATS;
- B. the identification of federal policies that impede such payment;
- C. the elimination of inappropriate barriers to such payment.



3. -- To enhance the ability of the Federal Government to provide the States with:

- A. technical assistance, information, and training and public awareness programs relating to the provision of ATD and ATS; and
- B. funding for model demonstration and innovation projects.

DEFINITIONS:

Assistive Technology Device: any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

Assistive Technology Service: any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device including:

- A. an evaluation of individual needs, including a functional evaluation of the individual in his or her customary environment;
- B. purchasing, leasing, or otherwise providing for the acquisition of ATD;
- C. selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of ATD;
- D. coordinating and using other therapies, interventions, or services with ATD, such as those associated with existing education and rehabilitation plans and program;
- E. training or technical assistance for the individual with disabilities, or, where appropriate, his or her family;
- F. training or technical assistance for professionals, employers, or other individuals who are substantially involved in the major life functions of individuals with disabilities.

GRANTS TO STATES

Any State that receives a grant under Title I may accomplish the purposes described in the ACT by carrying out any of the following functions:

1. Identification and Needs Assessment
2. Identification and Coordination of Resources.
3. Provision of Assistive Technology Devices and Services
4. Dissemination of Information
5. Training and Technical Assistance
6. Public Awareness Program
7. Assistance to Statewide and Community-Based Organizations
8. Partnerships and Cooperative Initiatives
9. Qualifications of Staff
10. Program Data
11. Procedures for Involvement of Concerned Individuals
12. Any Other Functions the Secretary Considers Appropriate

In carrying out the functions described above, any State may use amounts made available to the State through the grant for the following activities:

1. MODEL DELIVERY SYSTEMS, which may include:
 - A. the purchase, lease, or other acquisition of ATD and ATS or payment for the provision of those devices and services;
 - B. the use of counselors, including peer counselors, to assist individuals with disabilities and their families to obtain ATD and ATS;
 - C. the involvement of individuals with disabilities or, if appropriate, families or representatives in decisions related to the provision of ATD and ATS;
 - D. the evaluation of the effectiveness of the particular model delivery system involved.

2. STATEWIDE NEEDS ASSESSMENT, which may include:

A. estimates of the numbers of individuals with disabilities within the state, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

B. a description of efforts during the fiscal year ending before the date of the enactment of this ACT to provide ATD and ATS to individuals within the state, including numbers served and a description of the devices and services provided;

C. the number of persons in need of ATD and ATS, and a description of the devices and services needed;

D. the cost of providing ATD and ATS to all persons who need such devices and services;

E. a description of state and local public resources and private resources (including insurance) that are available to establish a statewide program;

F. the identification of federal and state policies that facilitate or interfere with the operation of a statewide program;

G. a description of 1) alternative state-financed systems of subsidies for the provision of ATD and ATS including a loan system for ATD, a low-interest loan fund; a revolving fund; a loan insurance program, and a partnership with private entities for the purchase, lease, or other provision of ATD and ATS, and 2) a description of the eligibility criteria for such a system;

H. a description of the state's procurement policies and to the extent to which such policies will ensure, to the extent practicable, that ATD acquired through the grant are compatible with other technology devices, including those designed primarily for use by individuals without disabilities, elderly individuals, or individuals with particular disabilities; and an inquiry into whether it is advantageous for either a state agency or a task force to study the practices of private insurance companies within the state that offer health or disability insurance policies under which an individual may obtain reimbursement for the acquisition of ATD or the use of ATS.

3. SUPPORT GROUPS

A. The state may encourage the creation or maintenance of statewide or community-based organizations or systems that assist individuals with disabilities to use ATD or ATS, or support any existing organization or system that provides such assistance.

4. PUBLIC AWARENESS PROGRAMS, which may include;

A. the development and dissemination of information relating to the nature of ATD and ATS; the appropriateness, cost, and availability of, and access to ATD and ATS; and the effectiveness of ATD and ATS with respect to enhancing the capacity of individuals with disabilities;

B. procedures for providing direct communication between public providers of ATD and ATS and private providers of such devices and services (including employers);

C. the development and dissemination of information relating to the use of the program and the nature of the inquiries made.

5. TRAINING AND TECHNICAL ASSISTANCE

6. ACCESS TO TECHNOLOGY-RELATED INFORMATION, which may include:

A. developing, compiling, and categorizing print, braille, audio, and video materials containing information about ATD and ATS;

B. identifying and classifying existing funding sources, conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the state;

C. identifying existing support groups and systems designed to help individuals with disabilities make effective use of technology-related assistance;

D. maintaining a record of the extent to which citizens of the state make use or make inquiries of the system established and of the nature of such inquiries.

7. INTERSTATE AGREEMENTS

8. OTHER ACTIVITIES NECESSARY FOR DEVELOPING, IMPLEMENTING, OR EVALUATING THE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.

ORGANIZATION

1. 10 grants up to \$500,000 each will be available the first year.
2. 20 grants will be available the second year.
3. Grants will be made available to all states in the third year.
4. The system developed must be consumer-responsive, state-wide, and available to individuals of all ages with disabilities, with particular emphasis on persons who have traditionally been under-served.
5. The Alaska Division of Vocational Rehabilitation has been designated by the Governor as the official state agency for the development and implementation of technology-related assistance and is the only state agency authorized to apply for TRA grants.
6. The program would be operated as a separate component of DVR, with direct supervision coming out of the Director's office and would most likely be Anchorage-based.
7. Services offered may include information and referral, functional evaluation, assessment of similar benefits, direct services, etc.

TIMELINE

January 10, 1989: Organizing committee meets in Anchorage. At this point in time, suggested members include:

Pat Young - Chairman
Millie Ryan
Rick Kiefer
Christie Hagmeier
Kathe Matrone
Karen Lamb
Don Brandon
Tami Hamler
Dave Canterberry
Stu Davies
Ellen Garley
Dick Siegrist

Organizing committee members are subject to change, depending upon availability and on the needs of the DVR regional representatives. They should all be people who have the time and resources to make a major commitment to the program and who are action-oriented.

Between January 10, 1989 and February 9, 1989, regional meetings will be held to gather additional input and information from a larger constituency. Suggested members include:

Southeast

Millie Ryan - Chair
Rick Kiefer
Chrisite Hagmeier
Pioneer Homes
Older Alaskan Commission
ANB/ANS
Special Education
Deaf Representative
Public Health/Village Aides
SERRC
SEARHC
Sitka PACS
Community Connections
PRO
Workers Compensation
Madelyn Woolf
Mike Birdsall
Dave Quisenberry
Kootzancowo
St. Jude
State Medical Assistance
DVR Staff

Central

Kathe Matrone - Chair
Karen Lamb
Don Brandon
Tami Hamler
Dave Canterberry
Louise Rude Center
ACCESS
ASETS
SESA
Hope Cottages
Abbey Rents
Liz Dowier
Stan Ridgeway
Challenge Alaska
Frontier Training Center
Dr. Wolf
Handicapped Children's Program (Linda Vlastuin)
DVR Staff
Medical Arts

Northern

Stu Davies - Chair
Ellen Ganley
Dick Siegrist
FRA
ALPS
FCMHC
UAF
ACCESS
Tanana Chiefs
Military
Interpreter Referral Line
Alaska Head Injury Foundation
Physical Therapist
Occupational Therapist
DVR Staff

February 28 1989: Organizing Committee Teleconference ✓ 9:00 AM
Pat Young - Chair

February 28 1989: Regional Reports Completed

March 3 1989: Organizing Committee Meeting in Anchorage
Pat Young - Chair

Mid-March: Request for Proposals released by the Feds 5-71

NOTE: There is next to no money available for travel to meetings, with the possible exception of consumer travel. Check with Pat for further information.

Frank Campbell

RECEIVED
REGION X-REHABILITATION
SERVICES ADMINISTRATION

SEP 06 1988

One Hundredth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Monday, the twenty-fifth day of January, one thousand nine hundred and eighty-eight

AN ACT

To establish a program of grants to States to promote the provision of technology-related assistance to individuals with disabilities, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology-Related Assistance for Individuals With Disabilities Act of 1988".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of most residents of the United States.

(2) For all individuals, technology can provide important tools for making the performance of tasks quicker and easier.

(3) For some individuals with disabilities, assistive technology is a necessity that enables them to engage in or perform many tasks. The provision of assistive technology devices and assistive technology services enables some individuals with disabilities to—

(A) have greater control over their own lives;

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

(C) interact to a greater extent with nondisabled individuals; and

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

(4) Although the development of assistive technology devices designed to assist individuals with disabilities is still in its early stages, there already exist a substantial number of assistive technology devices, including simple adaptations to existing equipment, that could significantly benefit, in all major life activities, individuals of all ages with disabilities. Such devices, including adaptations, could be used in programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

(5) The use of assistive technology devices and services by individuals with disabilities can reduce the costs of the disabilities to society, individuals with disabilities, and families of individuals with disabilities by reducing expenditures associated with early intervention, education, rehabilitation, health care, transportation, telecommunication services, and other services required by individuals with disabilities.

(6) Many individuals with disabilities do not have access to the assistive technology devices and assistive technology serv-

ices that such individuals need to allow such individuals to function in society commensurate with their abilities. States do not have comprehensive programs for making available technology-related assistance to individuals with disabilities. There is a lack of—

- (A) resources to pay for such devices and services;
- (B) trained personnel to provide such devices and services and to assist individuals with disabilities to use such devices and services;
- (C) information about the potential of technology available to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;
- (D) coordination among existing State human services programs, and among such programs and private agencies, particularly with respect to transitions between such programs and agencies; and
- (E) capacity of such programs to provide the necessary technology-related assistance.

(7) There are insufficient incentives for the commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of limited markets.

(8) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. Also, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

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

(1) To provide financial assistance to the States to help each State to develop and implement a consumer-responsive statewide program of technology-related assistance for individuals of all ages with disabilities that is designed to—

(A) increase awareness of the needs of individuals with disabilities for assistive technology devices and assistive technology services;

(B) increase awareness of policies, practices, and procedures that facilitate or impede the availability or provision of assistive technology devices and assistive technology services;

(C) increase the availability of and funding for the provision of assistive technology devices and assistive technology services for individuals with disabilities;

(D) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals;

(E) increase the capacity of public and private entities to provide technology-related assistance, particularly assistive technology devices and assistive technology services, and to pay for the provision of assistive technology devices and assistive technology services;

(F) increase coordination among State agencies and public and private entities that provide technology-related assistance, particularly assistive technology devices and assistive technology services; and

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

(2) To facilitate—

(A) the identification of Federal policies that facilitate payment for assistive technology devices and assistive technology services for individuals with disabilities;

(B) the identification of Federal policies that impede such payment; and

(C) the elimination of inappropriate barriers to such payment.

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

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

(B) funding for model demonstration and innovation projects.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) **ASSISTIVE TECHNOLOGY DEVICE.**—The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(2) **ASSISTIVE TECHNOLOGY SERVICE.**—The term "assistive technology service" means any service that directly assists an individual with a 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 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 individuals with disabilities;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of 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 disabilities, or, where appropriate, the family of an individual with disabilities; 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 individuals with disabilities.

(3) **INDIVIDUAL WITH DISABILITIES.**—The term "individual with disabilities" means any individual—

(A) who is considered to have a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides; and

(B) who is or would be enabled by assistive technology devices or assistive technology services to maintain a level of functioning or to achieve a greater level of functioning in any major life activity.

(4) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given such term in section 435(b) of the Higher Education Act of 1963, and includes community colleges receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(5) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

(6) **STATE.**—Except as otherwise provided, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(7) **TECHNOLOGY-RELATED ASSISTANCE.**—The term "technology-related assistance" means functions performed and activities carried out under section 101 that accomplish the purposes described in section 2(b)(1).

(8) **UNDERSERVED GROUP.**—The term "underserved group" means any group of individuals with disabilities who, because of disability, place of residence, geographic location, age, race, sex, or socioeconomic status, have not historically sought, been eligible for, or received technology-related assistance.

TITLE I—GRANTS TO STATES

SEC. 101. PROGRAM AUTHORIZED.

(a) **GRANTS TO STATES.**—The Secretary of Education shall make grants to States in accordance with the provisions of this title to assist States to develop and implement consumer-responsive comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

(b) **FUNCTIONS OF PROGRAMS.**—Any State that receives a grant under this title may accomplish the purposes described in section 2(b)(1) by carrying out any of the following functions:

(1) **IDENTIFICATION AND NEEDS ASSESSMENT.**—Identification of individuals with disabilities (including individuals from underserved groups) who reside in the State and the conduct of an

ongoing evaluation of the needs of such individuals for technology-related assistance, which may be based on existing data.

(2) **IDENTIFICATION AND COORDINATION OF RESOURCES.**—Identification and coordination of Federal and State policies, resources, and services relating to the provision of assistive technology devices and assistive technology services to individuals with disabilities, including entering into interagency agreements.

(3) **PROVISION OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.**—Provision of assistive technology devices and assistive technology services to individuals with disabilities and payment for the provision of assistive technology devices and assistive technology services.

(4) **DISSEMINATION OF INFORMATION.**—Dissemination of information relating to technology-related assistance and sources of funding for assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(5) **TRAINING AND TECHNICAL ASSISTANCE.**—Provision of training and technical assistance relating to assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(6) **PUBLIC AWARENESS PROGRAM.**—Conduct of a public awareness program focusing on the efficacy and availability of assistive technology devices and assistive technology services for individuals with disabilities.

(7) **ASSISTANCE TO STATEWIDE AND COMMUNITY-BASED ORGANIZATIONS.**—Provision of assistance to statewide and community-based organizations that provide assistive technology services to individuals with disabilities.

(8) **PARTNERSHIPS AND COOPERATIVE INITIATIVES.**—Support of the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to facilitate the development and implementation of a statewide program of technology-related assistance for individuals with disabilities.

(9) **QUALIFICATIONS OF STAFF.**—Taking actions to develop standards, or where appropriate, apply existing standards to ensure the availability of qualified personnel.

(10) **PROGRAM DATA.**—Compilation and evaluation of appropriate data relating to the program.

(11) **PROCEDURES FOR INVOLVEMENT OF CONCERNED INDIVIDUALS.**—The establishment of procedures providing for the active involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals in the development and implementation of the program, and for the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices and assistive technology services in decisions

relating to such assistive technology devices and assistive technology services.

(12) **OTHER FUNCTIONS.**—Any other functions the Secretary considers appropriate.

(c) **AUTHORIZED ACTIVITIES.**—In carrying out the functions described in subsection (b), any State may use amounts made available to the State under a grant under this title for activities including the following:

(1) **MODEL DELIVERY SYSTEMS.**—The State may support model systems for the delivery of assistive technology devices and assistive technology services to individuals with disabilities that if successful could be replicated or made generally applicable. Any such system may include—

(A) the purchase, lease, or other acquisition of assistive technology devices and assistive technology services or payment for the provision of assistive technology devices and assistive technology services;

(B) the use of counselors, including peer counselors, to assist individuals with disabilities and the families of individuals with disabilities to obtain assistive technology devices and assistive technology services;

(C) the involvement of individuals with disabilities or, if appropriate, families or representatives of individuals with disabilities in decisions related to the provision of assistive technology devices and assistive technology services to individuals with disabilities; and

(D) the evaluation of the efficacy of the particular model delivery system involved.

(2) **STATEWIDE NEEDS ASSESSMENT.**—The State may conduct a statewide needs assessment, which may be based on existing data and may include—

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

(B) a description of efforts during the fiscal year ending before the date of the enactment of this Act to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

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

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

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

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

(E) a description of State and local public resources and private resources (including insurance) that are available to establish a statewide program of technology-related assistance for individuals with disabilities;

(F) the identification of State and Federal policies that facilitate or interfere with the operation of a statewide program of technology-related assistance;

(G) a description of—

(i) alternative State-financed systems of subsidies for the provision of assistive technology devices and assistive technology services, including—

(I) a loan system for assistive technology devices;

(II) a low-interest loan fund;

(III) a revolving fund;

(IV) a loan insurance program; and

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

(ii) a description of the eligibility criteria for such a system;

(H) a description of the State's procurement policies and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance under a grant under this title are compatible with other technology devices, including technology devices designed primarily for use by individuals without disabilities, elderly individuals, or individuals with particular disabilities; and

(I) an inquiry into whether it is advantageous for either a State agency or a task force (composed of individuals representing the State and individuals representing the private sector) to study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

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

(ii) the use of assistive technology services.

(3) **SUPPORT GROUPS.**—The State may encourage the creation or maintenance of statewide or community-based organizations or systems that assist individuals with disabilities to use assistive technology devices or assistive technology services, or support any existing organization or system that provides such assistance.

(4) **PUBLIC AWARENESS PROGRAM.**—The State may support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals, or may establish and support such a program if no such program exists. Such a program may include—

(A) the development and dissemination of information relating to—

(i) the nature of assistive technology devices and assistive technology services;

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

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

(B) procedures for providing direct communication between public providers of assistive technology devices and assistive technology services and private providers of such devices and services (including employers); and

(C) the development and dissemination of information relating to--

(i) use of the program by individuals with disabilities, families or representatives of individuals with disabilities, and professionals who work in the field of technology-related assistance, and other appropriate individuals; and

(ii) the nature of the inquiries made by the individuals described in clause (i).

(5) **TRAINING AND TECHNICAL ASSISTANCE.**—The State may provide directly or support public or private training and technical assistance activities relating to the use of assistive technology devices and assistive technology services to individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(6) **ACCESS TO TECHNOLOGY-RELATED INFORMATION.**—The State may develop, operate, or expand a system for public access to information concerning technology-related assistance, including information about assistive technology devices and assistive technology services, funding sources, costs, and individuals, organizations, and agencies capable of providing technology-related assistance to individuals with disabilities. In developing, operating, or expanding a system described in the preceding sentence, the State may—

(A) develop, compile, and categorize print, braille, audio, and video materials containing the information described in such sentence;

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

(C) identify existing support groups and systems designed to help individuals with disabilities make effective use of technology-related assistance; and

(D) maintain a record of the extent to which citizens of the State use or make inquiries of the system established under this paragraph, and of the nature of such inquiries.

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

(8) **OTHER ACTIVITIES.**—The State may utilize amounts made available under grants made under this title for any other

activities necessary for developing, implementing, or evaluating the statewide program of technology-related assistance.

SEC. 102. DEVELOPMENT GRANTS.

(a) **GENERAL AUTHORITY.**—The Secretary shall award to States 3-year grants to assist States to develop and implement statewide programs of technology-related assistance for individuals with disabilities in accordance with the provisions of section 101.

(b) **NUMBER OF GRANTS TO BE AWARDED.**—From amounts appropriated under section 106, the Secretary shall award under this section, to the extent appropriate applications are submitted—

(1) in the first fiscal year for which amounts are appropriated, not more than 10 grants on a competitive basis;

(2) in the second fiscal year for which amounts are appropriated, not more than 20 grants on a competitive basis; and

(3) in the third fiscal year for which amounts are appropriated, any number of grants on a competitive basis.

(c) **AMOUNTS OF GRANTS.**—

(1) **GRANTS TO STATES.**—From amounts appropriated under section 106, the Secretary shall pay to each State that receives a grant under this section—

(A) for each of the first 2 years of the grant period, an amount that is not less than \$500,000 and not more than \$1,000,000; and

(B) for the third year of the grant period, an amount that is not less than \$500,000 and not more than \$1,500,000.

(2) **GRANTS TO TERRITORIES.**—From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than \$150,000.

(3) **CALCULATION OF AMOUNTS.**—The Secretary shall calculate the amounts described in paragraphs (1) and (2) on the basis of—

(A) amounts available for making grants under this section;

(B) the population of the State or territory concerned; and

(C) the types of activities proposed by the State relating to the development of a statewide program of technology-related assistance.

(4) **PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.**—Amounts appropriated for purposes of carrying out the provisions of this section in each of the 2 fiscal years succeeding the fiscal year in which amounts are first appropriated for such purposes shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

(5) **DEFINITIONS.**—For purposes of this subsection:

(A) The term "State" does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(B) The term "territory" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(d) **PRIORITIES FOR DISTRIBUTION.**—To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

- (1) is geographically equitable; and
- (2) distributes the grants among States that have differing levels of development of statewide programs of technology-related assistance.

(e) **APPLICATIONS.**—Any State that desires to receive a grant under this section shall submit an application that contains the following information and assurances:

(1) **DESIGNATION OF RESPONSIBLE ENTITY.**—The designation by the Governor of the office, agency, entity, or individual responsible for—

- (A) preparing the application;
- (B) administering and supervising the use of amounts made available under the grant;
- (C) planning and developing the statewide program of technology-related assistance;
- (D) coordination between public and private agencies, including the entering into interagency agreements;
- (E) ensuring active, timely, and meaningful participation by individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals with respect to performing functions and carrying out activities under the grant; and
- (F) the delegation of any responsibilities described above, in whole or in part, to one or more appropriate offices, agencies, entities, or individuals.

(2) **AGENCY INVOLVEMENT.**—A description of the nature and extent of involvement of various State agencies in the preparation of the application and the continuing role of such agencies in the development of the statewide program of technology-related assistance.

(3) **PUBLIC INVOLVEMENT.**—A description of the nature and extent of involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals who are not employed by a State agency in the development of the application and the continuing role of such individuals in the development of the statewide program of technology-related assistance.

(4) **PRELIMINARY NEEDS ASSESSMENT.**—A tentative assessment of the extent of the need of individuals with disabilities in the State, including individuals from underserved groups, for a statewide program of technology-related assistance and a description of previous efforts and efforts continuing on the date of the application to develop a statewide program of technology-related assistance.

(5) **STATE RESOURCES.**—A description of State resources and other resources (to the extent such information is available) that are available to commit to the development of a statewide program of technology-related assistance.

(6) **GOALS, OBJECTIVES, FUNCTIONS, ACTIVITIES, AND OUTCOMES.**—The State's goals, objectives, functions, and activities planned under the grant, and the expected outcomes at the end of the grant period with respect to a consumer-responsive statewide program of technology-related assistance, consistent with the purposes described in section 2(b)(1).

- (7) **INFORMATION AND EVALUATIONS.**—A description of—
(A) procedures used for compiling information; and
(B) procedures that will be used to conduct evaluations.
- (8) **STATE POLICIES WITH RESPECT TO CONTRACTS AND AGREEMENTS.**—A description of the policies governing contracts, grants, and other arrangements with public agencies, private nonprofit organizations, and other entities or individuals for the purpose of providing assistive technology devices and assistive technology services consistent with the provisions of this title.
- (9) **DISTRIBUTION PROCEDURE.**—An assurance that, to the extent practicable, technology-related assistance made available with amounts received under the grant will be equitably distributed among all geographical areas of the State.
- (10) **COMPLIANCE WITH ACT.**—An assurance that amounts received under the grant will be expended in accordance with the provisions of this title.
- (11) **SUPPLEMENT OTHER FUNDS.**—An assurance that amounts received under the grant—
(A) will be used to supplement amounts available from other sources that are expended for technology-related assistance, including the provision of assistive technology devices and assistive technology services; and
(B) will not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices or assistive technology services) that would have been paid with amounts available from other sources if amounts under the grant had not been available, unless—
(i) such payment is made only to prevent a delay in the receipt of appropriate technology-related assistance (including the provision of assistive technology devices or assistive technology services) by an individual with disabilities; and
(ii) the entity or agency responsible subsequently reimburses the appropriate account with respect to programs and activities under the grant in an amount equal to the amount of the payment.
- (12) **CONTROL OF FUNDS AND PROPERTY.**—An assurance that—
(A) a public agency shall control and administer amounts received under the grant; and
(B) a public agency or an individual with disabilities shall—
(i) hold title to property purchased with such amounts; and
(ii) administer such property.
- (13) **REPORTS.**—An assurance that the State will—
(A) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this title; and
(B) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this paragraph.
- (14) **COMMINGLING OF FUNDS.**—An assurance that amounts received under the grant will not be commingled with State or other funds.

(15) **FISCAL CONTROL AND ACCOUNTING PROCEDURES.**—An assurance that the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant.

(16) **AVAILABILITY OF INFORMATION.**—An assurance that the State will—

(A) make available to individuals with disabilities and the families or representatives of individuals with disabilities information concerning technology-related assistance in a form that will allow such individuals to effectively use such information; and

(B) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials.

(17) **OTHER INFORMATION.**—Such other information and assurances as the Secretary may reasonably require.

SEC. 103. EXTENSION GRANTS.

(a) **GENERAL AUTHORITY.**—The Secretary may award a 2-year extension grant to any State that demonstrates to the Secretary that the State made significant progress in developing and implementing a statewide program of technology-related assistance under a grant provided under section 102, consistent with the requirements of such section and the purposes described in section 2(b)(1).

(b) AMOUNTS OF GRANTS.—

(1) **IN GENERAL.**—(A) From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each State that receives a grant under this section an amount that is not less than \$500,000 and not more than \$1,500,000.

(B) From amounts appropriated under section 106 for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than \$150,000.

(C) For purposes of this paragraph:

(i) The term "State" does not include the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(ii) The term "territory" means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(2) **CALCULATION OF AMOUNT.**—The Secretary shall calculate the amount described in paragraph (1) on the basis of—

(A) amounts available for making grants pursuant to this section;

(B) the population of the State;

(C) the types of assistance to be provided; and

(D) the amount of resources committed and available from other sources.

(3) **PRIORITY FOR PREVIOUSLY PARTICIPATING STATES.**—Amounts appropriated in any fiscal year for purposes of carrying out the provisions of this section shall first be made available to States

that received grants under this section during the fiscal year preceding the fiscal year concerned.

(c) **APPLICATION.**—A State that desires to receive an extension grant under this section shall submit an application that contains the following:

(1) **NEEDS.**—A description of needs relating to technology-related assistance of individuals with disabilities, including individuals from underserved groups, families or representatives of individuals with disabilities, and other appropriate individuals within the State.

(2) **ACTIVITIES UNDER DEVELOPMENT GRANT.**—A description of the specific activities carried out under the development grant received under section 102 and the relationship of such activities to the development of a statewide program of technology-related assistance.

(3) **PROGRESS.**—Documentation of the progress made under the development grant toward development of a statewide program of technology-related assistance.

(4) **PUBLIC INVOLVEMENT.**—A description of State actions designed to determine the degree of satisfaction of individuals with disabilities, families or representatives of individuals with disabilities, public and private service providers, employers, and other appropriate individuals with—

(A) the degree of their ongoing involvement in the development and implementation of the statewide program of technology-related assistance;

(B) the specific activities carried out by the State under the development grant; and

(C) progress made toward development and implementation of a consumer-responsive statewide program of technology-related assistance under the development grant.

(5) **COMMENTS.**—A summary of any comments received concerning the issues described in paragraph (4) and the State's response to such comments, solicited from individuals affected by the statewide program of technology-related assistance, including individuals with disabilities, families or representatives of individuals with disabilities, public and private service providers, employers, and other appropriate individuals.

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

(7) **COMPATIBILITY AND ACCESSIBILITY OF ELECTRONIC EQUIPMENT.**—An assurance that the State will comply with guidelines established under section 508 of the Rehabilitation Act of 1973.

SEC. 104. PROGRESS REPORTS.

(a) **IN GENERAL.**—Each State that receives a grant under this title shall submit to the Secretary annually a report that describes—

(1) completed activities carried out under the grant, especially with regard to section 102(e)(6), including, to the extent appropriate, a description of the impact of such activities on individuals with disabilities, public agencies, financial resources committed to technology-related assistance for individuals with disabilities, community-based organizations, and employers;

(2) unanticipated problems encountered in carrying out such activities;

(3) activities planned to rectify such problems in the following year.

(b) **SPECIFIC REQUIREMENTS FOR REPORTS WITH RESPECT TO EXTENSION GRANTS.**—Each State that receives a development grant under section 102 may include, and each State that receives an extension grant under section 103 shall include in the report required by subsection (a) a description of—

(1) the types of assistance provided under the grant and the effects of such assistance, especially with respect to individuals with disabilities;

(2) the types of environments in which assistance was provided under the grant; and

(3) how the information required by this subsection was derived.

SEC. 104. ADMINISTRATIVE PROVISIONS.

(a) **REVIEW OF PARTICIPATING STATES.**—

(1) **IN GENERAL.**—The Secretary shall establish a system to assess the extent to which States that receive grants pursuant to this title are making significant progress in achieving the purposes of this title.

(2) **ONSITE VISITS.**—(A) The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program. Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers from other participating States.

(B)(i) Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, for individuals in the Government service traveling on official business.

(ii) Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the pay rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

(3) **MINIMUM REQUIREMENTS.**—At a minimum the visits shall allow the Secretary to determine the extent to which the State is making significant progress in developing a statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

(4) **PROVISION OF INFORMATION.**—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) **CORRECTIVE ACTION PLAN.**—

(1) **IN GENERAL.**—Any State that fails to comply with the requirements of this title shall be subject to a corrective action plan.

(2) **PENALTIES.**—A State that fails to comply with the requirements of this title may be subject to penalties such as—

(A) partial or complete fund termination;

(B) ineligibility to participate in the grant program in the following year, or

(C) reduction in funding for the following year.

(3) **APPEALS PROCEDURES.**—The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this title as the result of an onsite visit or failure to supply information required under subsection (a)(4).

(c) **EFFECT ON OTHER ASSISTANCE.**—Nothing in this title shall be construed to permit the State or any Federal agency to reduce medical or other assistance available or to alter eligibility under—

(1) title II, V, XVI, XVIII, XIX, or XX of the Social Security Act;

(2) the Education of the Handicapped Act;

(3) the Rehabilitation Act of 1973; or

(4) laws relating to veterans' benefits.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to carry out this title \$9,000,000 for the fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year ending before October 1, 1993.

(b) **RESERVATION.**—

(1) **PROVISION OF INFORMATION.**—The Secretary shall reserve 1 percent of funds appropriated in any fiscal year under subsection (a), or \$500,000, whichever is greater, for the purposes of providing States with information and technical assistance with respect to the development and implementation of consumer-responsive statewide programs of technology-related assistance.

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

SEC. 107. EVALUATION.

(a) **EVALUATION.**—

(1) **IN GENERAL.**—The Secretary, directly or by contract, shall conduct a national evaluation of the program of grants to States authorized by this title.

(2) **REPORT TO CONGRESS.**—The Secretary shall report to the Congress on the results of the evaluation conducted as required by paragraph (1) not later than October 1, 1992.

(b) **PURPOSE.**—The purpose of the evaluation required by subsection (a) shall be—

(1) to assess, through representative samples, the status and effects of State efforts to develop statewide programs of technology-related assistance for individuals with disabilities in a manner consistent with the provisions of this title, particularly in terms of the impact of such efforts on individuals with disabilities; and

(2) to recommend amendments to this title that the Secretary considers necessary to assist States to fully accomplish the purposes of this title.

(c) **INFORMATION SYSTEM.**—The Secretary shall work with the States to consider and develop an information system designed to report and compile, from information provided by the States, a qualitative and quantitative description of the impact of the program of grants to States authorized by this title on—

- (1) the lives of individuals with disabilities, particularly with regard to the purposes described in section 2(a)(3);
- (2) public agencies;
- (3) fiscal resources committed to technology-related assistance for individuals with disabilities;
- (4) community-based organizations; and
- (5) employers.

TITLE II—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—STUDY ON FINANCING OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES FOR INDIVIDUALS WITH DISABILITIES

SEC. 201. STUDY BY NATIONAL COUNCIL ON THE HANDICAPPED.

(a) **STUDY AND RECOMMENDATIONS.**—The National Council on the Handicapped (hereafter in this part referred to as the "Council"), in addition to the duties of the Council described in section 401 of the Rehabilitation Act of 1973, shall conduct a study and make recommendations to the Congress and the President concerning—

(1) Federal laws, regulations, procedures, and practices that facilitate or impede the ability of the States to develop and implement consumer-responsive statewide programs of technology-related assistance for individuals with disabilities;

(2) Federal and State laws, regulations, procedures, and practices that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities;

(3) policies, practices, and procedures of private entities (including insurers) that facilitate or impede the acquisition of, financing of, or payment for assistive technology devices and assistive technology services for individuals with disabilities; and

(4) alternative strategies for acquiring or paying for assistive technology devices and assistive technology services.

(b) **ADVISORY COMMITTEE.**—The Council shall appoint an advisory committee in accordance with section 404(c) of the Rehabilitation Act of 1973 to assist the Council in carrying out the duties of the Council under this part. Such advisory committee shall be appointed from individuals from both the public and private sectors who have broad experience and expertise directly relevant to the issues to be studied by the Council under this part, and shall also include individuals with disabilities, families of individuals with disabilities,

and representatives of organizations representing individuals with disabilities.

(c) COOPERATION OF OTHER AGENCIES.—

(1) FEDERAL AGENCIES.—The heads of all Federal agencies shall, to the extent not prohibited by law, cooperate with the Council in carrying out the duties of the Council under this part.

(2) USE OF RESOURCES OF FEDERAL STATE, AND LOCAL AGENCIES.—The Council may use in carrying out its duties under this part, with the consent of the agency involved, services, personnel, information, and facilities of other Federal, State, local, and private agencies, with or without reimbursement.

(d) REPORTS.—The Council shall submit to the President and to the appropriate committees of the Congress—

(1) such interim reports as the Council considers advisable; and

(2) not later than 18 months after the date of the enactment of an Act providing appropriations to carry out this part, a final report of its study and investigation together with such recommendations, including specific proposals for legislation, as the Council considers advisable.

PART B—NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK

SEC. 211. ESTABLISHMENT OF NATIONAL INFORMATION AND PROGRAM REFERRAL NETWORK.

Before the end of the 30-month period beginning on the date of the enactment of an Act providing appropriations to carry out this part, the Secretary shall—

(1) determine whether it is appropriate, based on the findings and recommendations of the study conducted under section 212, to establish and operate a national information and program referral network to assist States to develop and implement consumer-responsive statewide programs of technology-related assistance; and

(2) if the Secretary determines that establishment and operation of such a network is appropriate, enter into any contract or cooperative agreement necessary to establish and operate such a network, which may consist of information and program referral networks in existence or under development at the time of the study conducted under section 212.

SEC. 212. FEASIBILITY STUDY REQUIRED.

(a) IN GENERAL.—The Secretary shall conduct a study—

(1) to determine the feasibility and desirability of creating the network described in section 211; and

(2) to determine the appropriate structure for the organization and operation of such a network, if it is determined to be feasible and desirable.

(b) CONTRACT AUTHORITY.—In carrying out the study required by subsection (a), the Secretary may enter into a contract or cooperative agreement necessary to conduct the study.

SEC. 213. CONTENTS OF STUDY.

The study conducted under section 212 shall—

(1) analyze the needs of States that are interested in developing and implementing consumer-responsive statewide programs of technology-related assistance;

(2) describe the types of information and program referral networks (including electronic networks) in existence or under development at the time of the study, including—

(A) the types of information and program referral incorporated into or provided by such networks;

(B) the cost of maintaining such networks;

(C) the types of services provided by such networks;

(D) the types and numbers of individuals served by such networks;

(E) the location of such networks and accessibility to other networks; and

(F) the feasibility and desirability of linking such networks, including proposed plans and an estimate of the cost of such a linkage;

(3) analyze the impediments to the exchange of information and the development and operation of such networks;

(4) describe the information that should be incorporated into a national information and program referral network to ensure that the network serves the entire United States, in particular addressing the gaps in existing networks and methods of filling such gaps using networks in existence or under development at the time of the study;

(5) describe the information systems from other fields of technology development that may be incorporated into a national information and program referral network on technology-related assistance;

(6) analyze the issues involved in operating a national information and program referral network;

(7) analyze and describe management and cost projections for a national information and program referral network;

(8) evaluate operational alternatives including at least the advantages and disadvantages of—

(A) grant arrangements, contracting arrangements, or other funding mechanisms or arrangements, and the lengths of any such arrangements;

(B) various network configurations, including—

(i) regionally distributed;

(ii) focused on functional limitations;

(iii) age-focused;

(iv) expertise-centered; and

(v) other network configurations;

(C) costs associated with funding arrangements described in subparagraph (A) and network configurations described in subparagraph (B), and options for paying such costs, including the possible use of Federal funds, State funds, and other alternatives;

(D) mechanisms of payment for information and program referral services;

(E) mechanisms for ensuring that information systems remain current, have relevant and useful information, and provide information in a form that allows individuals with disabilities to make effective use of the information;

(F) forms of Federal oversight and independent evaluations that could be applied to a national information and program referral network;

(G) types of staffing expertise required for different options; and

(H) types of institutional oversight, such as governing boards and advisory panels; and

(9) a timetable for implementation of various network options.

SEC. 214. TIMETABLE FOR STUDY.

(a) **AWARD OF CONTRACT.**—The Secretary shall, before the end of the six-month period beginning on the date of the enactment of an Act providing appropriations to carry out the study required by this part, enter into any contract or cooperative agreement necessary for conducting such study.

(b) **COMPLETION OF STUDY.**—Any contract or agreement entered into under subsection (a) shall require the study to be completed and a report concerning such study to be submitted to the Secretary and to the appropriate committees of the Congress before the end of the 18-month period beginning on the date of the contract or agreement.

(c) **IMPLEMENTATION OF RECOMMENDATIONS.**—The Secretary, after allowing for public comment on the report submitted under subsection (b), shall take appropriate action based on the report before the end of the 6-month period following the date on which the Secretary receives the report.

PART C—TRAINING AND PUBLIC AWARENESS PROJECTS

SEC. 211. TRAINING.

(a) **TECHNOLOGY TRAINING.**—

(1) **GENERAL AUTHORITY.**—The Secretary shall enter into contracts or cooperative agreements with appropriate nonprofit or for-profit entities for the purposes of—

PROs

(A) conducting training sessions; and

(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance.

(2) **ELIGIBLE ACTIVITIES.**—Activities conducted under contracts or cooperative agreements entered into under paragraph (1) may address the training needs of individuals with disabilities, the families or representatives of individuals with disabilities, individuals who work for public agencies and private entities that have contact with individuals with disabilities (including insurers), employers, and other appropriate individuals.

(b) **TECHNOLOGY CAREERS.**—

(1) **GENERAL AUTHORITY.**—The Secretary shall make grants to assist institutions of higher education to prepare personnel for careers relating to the provision of technology-related assistance to individuals with disabilities.

(2) **PRIORITY.**—In awarding grants under paragraph (1), the Secretary shall give priority to the preparation of personnel who will provide technical assistance, administer programs, or prepare personnel necessary to support the development and

implementation of consumer-responsive statewide programs of technology-related assistance to individuals with disabilities.

(3) **USES OF FUNDS.**—Amounts made available for grants under paragraph (1) may be used by institutions of higher education to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Secretary.

SEC. 222. PUBLIC AWARENESS PROJECTS.

(a) **PROGRAM AUTHORIZED.**—The Secretary shall make grants to, or enter into contracts with, nonprofit and for-profit entities to carry out national projects that recognize and build awareness of the importance and efficacy of assistive technology devices and assistive technology services for individuals of all ages with disabilities functioning in various settings of daily life.

(b) **USES OF FUNDS.**—Amounts made available for grants and contracts under subsection (a) may be used to—

(1) develop a national media campaign (including public service time slots on radio and television);

(2) convene national or regional conferences;

(3) prepare and disseminate information (including summaries, comparisons, analyses, and cost-benefit projections) concerning the efficacy of technology-related assistance;

(4) encourage others to hold national or regional conferences;

(5) develop and maintain recognition programs that are designed to promote public credit to entities that demonstrate an aggressive effort for a sustained time to provide or promote the use of technology-related assistance or the development of assistive technology devices; and

(6) other activities considered appropriate by the Secretary.

SEC. 223. PRIORITIES.

(a) **IN GENERAL.**—Beginning in fiscal year 1991, the Secretary shall—

(1) establish priorities for activities carried out with assistance under this part;

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

(3) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes grant announcements for grants made under this part.

(b) **EXPLANATION OF DETERMINATION OF PRIORITIES.**—Concurrent with the publication required by subsection (a), the Secretary shall publish in the Federal Register an explanation of how the priorities were determined.

PART D—DEMONSTRATION AND INNOVATION PROJECTS

SEC. 231. PROGRAM AUTHORIZED.

(a) **DEMONSTRATION AND INNOVATION PROJECTS.**—The Secretary shall make grants to, or enter into contracts or cooperative agreements with, nonprofit and for-profit entities to pay all or part of the cost of establishing or operating demonstration and innovation

projects relating to technology-related assistance for individuals with disabilities.

(b) **ELIGIBLE ACTIVITIES.**—Amounts made available for purposes of carrying out this part may be used for the following activities:

(1) **MODEL PROJECTS FOR DELIVERING ASSISTIVE TECHNOLOGY DEVICES AND SERVICES.**—The establishment or operation of model projects for delivering assistive technology devices and assistive technology services to individuals of all ages with disabilities functioning in various environments and carrying out various life activities (including model systems described in section 101(c)(1) of title D.

(2) **MODEL RESEARCH AND DEVELOPMENT PROJECTS.**—The conduct of applied research and development projects, including projects designed to—

(A) increase the availability of reliable and durable assistive technology devices that address unique, low-market demand, or complex technology-related needs for individuals with disabilities;

(B) develop strategies and techniques that involve individuals with disabilities in assessing the performance characteristics of technology that is not designed specifically for individuals with disabilities and developing adaptations of such technology for individuals with disabilities;

(C) assist in the transfer of technology that is not specifically designed for individuals with disabilities to uses appropriate for such individuals; and

(D) facilitate effective and efficient technology transfer.

(3) **INCOME-CONTINGENT DIRECT LOAN DEMONSTRATION PROJECT.**—Demonstration projects in accordance with regulations issued by the Secretary (which may include a requirement that the Secretary shall provide an amount equal to not more than 90 percent of the amount required for any such project) to examine the feasibility of a direct loan program that would provide loans—

(A) to individuals with disabilities who require technology-related assistance in order to maintain a level of functioning or to achieve a greater level of functioning in any major life activity; or

(B) to the families or employers of individuals with disabilities, on behalf of such individuals, for the purposes described in subparagraph (A).

(c) **REPORT TO CONGRESS ON EXTENSION OF DIRECT LOAN PROGRAM.**—The Secretary shall, based on the projects assisted under subsection (b)(3), report to Congress concerning the feasibility of operating a direct loan program of general applicability beginning after September 30, 1993.

PART E—AUTHORIZATION OF APPROPRIATIONS

SEC. 241. AUTHORIZATION OF APPROPRIATIONS.

(a) **GENERAL AUTHORITY.**—There are authorized to be appropriated for purposes of carrying out this title (other than section 231(b)(1)) \$5,000,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(b) **MODEL DELIVERY PROJECTS.**—There are authorized to be appropriated for purposes of carrying out section 231(b)(1) \$1,500,000 for the fiscal year 1989 and such sums as may be necessary for each of the fiscal years 1990, 1991, 1992, and 1993.

(c) **PRIORITIES.**—

(1) **MODEL DELIVERY PROJECTS.**—Notwithstanding any other provision of this Act, if amounts appropriated for purposes of carrying out this Act for the fiscal year 1989 equal or exceed \$6,000,000, the Secretary shall first make available, from such amounts, not less than \$500,000 for demonstration projects under section 231(b)(1).

(2) **OTHER TITLE II ACTIVITIES.**—(A) Of amounts appropriated under subsection (a) for the fiscal year 1989, the Secretary shall first make available not more than \$250,000 for purposes of carrying out part A.

(B) Subject to subparagraph (A), of amounts appropriated under subsection (a) for any fiscal year, the Secretary shall first make available, in order of priority—

(i) not more than \$750,000 for purposes of carrying out section 212; and

(ii) such sums as may be necessary for purposes of carrying out section 211.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

S J R

57

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/9/90

FURTHER:

Date of 5-Day Notice: 2/22/90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 3/1/90

H E S S Committee considered SJR 57

Relating to taxation of certain student loans.

and recommended:

- replace with _____ CS _____ same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) _____
Postsecondary Education.

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

[Handwritten Signatures]

OTHER RECOMMENDATIONS:

Paul Fisher (De Pass)

Chair: Signature and Recommendation

STATE OF ALASKA

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

STEVE COWPER, GOVERNOR

P.O BOX FP
JUNEAU, ALASKA 99811-0599
PHONE: (907) 465-2854

M E M O R A N D U M

TO: Members of the Senate HESS Committee

The Honorable Paul Fischer, Chairman
The Honorable Jim Duncan, Vice Chair
The Honorable Al Adams
The Honorable Lloyd Jones
The Honorable Tim Kelly

FROM: Jane Maynard, Executive Director *JM*
Alaska Commission on Postsecondary Education

RE: Status of IRS Taxation of Alaska Student Loan
Forgiveness Benefits

DATE: February 28, 1990

On behalf of the Commission, I would like to express our appreciation and support for legislative efforts to date to address the problem of IRS taxation of Student Loan forgiveness benefits. Legislative efforts thus far include joint resolutions in support of Congressional proposals S.1803 and H.R.3518 which would exempt Alaska Student Loan forgiveness from taxation. Staff at the Congressional offices believe that a resolution from the Alaska Legislature will strengthen the State's position and enhance chances for passage of the Congressional bills.

State approaches to date by both the Legislature and the Office of the Attorney General have focused on restoring the original grant intent of the forgiveness provision as stated in initial statutory references to forgiveness, but which was dropped from statute in 1981. The grant approach is offered in the enclosed letter of January 4, 1990 from the Attorney General to the IRS regional representative Robert Jackson. This letter encourages the IRS to treat forgiveness as an educational grant under 26 U.S.C. 117, in light of the original statutory language.

As you can see from the IRS response dated January 23, 1990, however, the Anchorage IRS office is not amenable to the grant argument. Since this is the first written communication the State has received from the IRS on this matter and since IRS action ignores legislative intent, the Legislature may wish to pursue a formal ruling to determine a workable solution.

It is possible that during formal ruling deliberations the grant approach could be reconsidered and the Anchorage office decision overturned. For this reason, restoration of original grant language as worded in Attachment 2 could still proceed without harmful effect either during the formal ruling process or after a final determination has been made. In any event, it seems prudent to obtain a clear reading from the IRS concerning the ability of the Legislature to take effective action in this matter.

In terms of administrative action taken to address this problem, the Commission has now notified borrowers of the possibility of tax liabilities. Starting last October, our forgiveness brochures, applications, and statements were amended to include the following statement:

Reminder:

The amount of your loan reduction under the forgiveness provisions of the Alaska Student Loan Program may be includable as gross income for tax purposes. We recommend you provide this information to your tax return preparer, or consult with a tax accountant prior to completing the return itself.

Please note that the Office of the Attorney General still advises us to use the words "may be" not "is" in reference to includable taxable income. This is a precaution due to the uncertainty as to the final outcome of this matter. In addition, a separate statement with the same reminder has been sent to 1989 forgiveness recipients to insure that all of those individuals have been alerted to tax possibilities.

We intend to carry our borrower notification a step further to address the fact that the Internal Revenue Service is currently taxing students for years in which the student has received no monetary benefit from his or her forgiveness eligibility. In other words, upon receipt of the forgiveness eligibility, the student's account is adjusted to reflect a reduction in the total loan principal balance owed (which results in a shorter repayment period), but the student's monthly payments remain the same. The Internal Revenue Service, however, taxes the student as if he or she has already seen a cost savings which,

Members of the Senate HESS Committee
February 28, 1990
Page 3

in reality, won't occur until the end of the repayment cycle when the latter years of repayment are "forgiven". This "delayed benefit" argument is of considerable interest to the Congressional offices. It has been relayed by Senator Stevens to the IRS and we are waiting for a response. (See Attachment 3.)

Through data processing changes, we hope to revise our forgiveness statements to reflect the year in which the true impact of forgiveness eligibility will occur. We realize that if the taxation of forgiveness is upheld, this administrative action may only delay the student's reporting of the amount forgiven, but at least they are not "hit" at a time when they are still burdened with the same repayment costs they had prior to forgiveness. This administrative approach, however, is not intended as a compromise position or a solution to the problem at hand.

The Commission will continue to work closely with Congress and the Legislature to remedy this unfortunate situation.

Attachments

cc: The Honorable Jay Kerttula
Alaska State Senate

STEVE COWPER, GOVERNOR

REPLY TO:

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

January 4, 1990

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PHONE: (907) 465-3600
FAX: (907) 463-5295

465-3603

Robert Jackson
Internal Revenue Service
P.O. Box 101500
Anchorage, Alaska 99510

Re: Taxation of state-paid portion
of student loans

Dear Mr. Jackson:

I have enclosed copies of some of the legislative background that surfaced when I researched the development of Alaska's Scholarship Loan Program. As we discussed briefly about a week ago, it appears that the program was developed as an educational grant program, with grant benefits extended only to those who qualified by returning to the state after receiving a degree.

By way of brief summary, the state, at that time, was interested in encouraging people to remain in or return to the state to avert a "brain drain" that could be an indirect consequence of making an education more accessible to Alaskans through the scholarship loan program. The 1981 statutory change did not affect and was not intended to address the "grant" aspect of the program. It also appears unlikely the change would have been acceptable to the legislature had it been thought that returning students would face increased expenses by incurring tax liability during the early years after graduation.

As you can see from the enclosed documents, the original statutory language specifically stated that the forgiveness "portion of a loan shall be considered a grant" to the recipient or grantee who returns to the state. Because loans were only available to pay for specific school-related expenses,

and were not available for other purposes, these funds appear to fall within the requirements for educational or scholarship grants as set out in 26 U.S.C. 117(b).

In 1981, the statute underwent a number of other changes that included the addition of another 10 percent "forgiveness" benefit so that up to 50 percent of the original loan amount would be eligible for payment by the state if the recipient returned to the state after receiving an education. The letter of intent that was accepted by both legislative bodies, and published in the legislative journals, demonstrates that the concern of the legislature at the time was with reducing immediate costs for returning students so that they would not be burdened with high debts during the early years after graduation. (It should be noted that the practice of reimbursement that was endorsed in this letter was in effect for less than a year when it became apparent that it would not be a workable system. An administrative determination was made at that time, with the concurrence of legislative committee members, to stop sending checks to loan recipients while they still owed a considerable debt to the state.)

The statutory language that clearly designated that this state benefit program was intended to be a grant has been buried from view for many years. The most recent statutory provision addressing this benefit was repealed in 1987 and no longer appears in current Alaska statutes. Because it was repealed, students who obtained loans after the 1986-87 school year do not qualify for this state benefit.

The State of Alaska has a unique loan program and is beset by some unique problems. Among these problems are limited educational opportunities within the state, and a relatively high cost of living for students who may wish to return to the state after graduation. The loan program was intended to have the effect of reducing the costs to these students and providing an incentive for returning to the state shortly after graduation by designating a portion of the loan to be a grant upon return to the state.

There is good reason to consider, in light of the original statutory language, whether this state benefit may be more appropriately treated as an educational grant, as addressed in 26 U.S.C. 117, rather than a discharge of indebtedness under 26 U.S.C. 108.

Robert Jackson
Internal Revenue Service
Our file: 663-89-0403

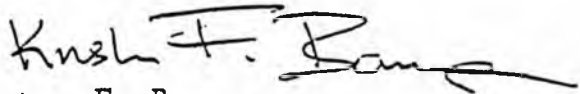
January 4, 1990
Page 3

Please let me know if you have any questions or comments in light of this information about the original intent of the Scholarship Loan Program. I will be interested in hearing your thoughts about this matter.

Sincerely yours,

DOUGLAS B. BAILY
ATTORNEY GENERAL

By:


Kristen F. Bomengen
Assistant Attorney General

KFB:jh

Enclosure

cc: Jerry Leonard, District Counsel
Internal Revenue Service

✓ Jane Byers Maynard, Executive Director
Alaska Commission on Postsecondary Education

SPECIAL COMMITTEE REPORTS

FREE CONFERENCE COMMITTEE REPORT

SB 120

June 19, 1981

Mr. President:
Mr. Speaker:

The Free Conference Committee considering CS FOR SENATE BILL NO. 120 (HESS) (amending the undergraduate and graduate scholarship loan program; eff. date) and HOUSE CS FOR CS FOR SENATE BILL NO. 120(FIN) (efd fld) (relating to undergraduate and graduate scholarship loans) recommends that FREE CONFERENCE CS FOR SENATE BILL NO. 120 (relating to undergraduate and graduate scholarship loans; eff. date) be adopted with a Letter of Intent.

Senate members signing the report: Senator Sturgulewski, Chairman and Senators Scimson and Parr. House members signing the report: Representative Cuddy, Chairman and Representatives Hurlbert and Buchholdt.

Letter of Intent on Free Conference CS for Senate Bill No. 120 follows:

FCCS SB 120 amends the Student Loan Program by increasing the maximum amount which can be borrowed and the number of years in which the loans may be paid. It increases the incentive for students to remain in the State after graduation (so that the State may profit by its investment) by increasing the loan forgiveness from 40 percent to 50 percent.

It is the intent of the Committee that the loan forgiveness not wait until the end of the repayment cycle, as is currently the practice, since students cannot perceive these benefits during the first several years. For the loan forgiveness to be truly effective, benefits should be realized as they are earned.

It is the intent of the Committee that forgiveness benefits be provided to the borrower in the form of annual refunds as eligibility is established. Under this policy the borrower remaining in the State will get 10 percent loan forgiveness at the end of each incremental period.

The above loan forgiveness policy can be handled by administrative action and no legislation is required.

President Kerttula stated the above Free Conference Committee Report would be held on the Secretary's desk one legislative day.

INTRODUCTION AND REFERENCE OF SENATE R

SJR 53

SENATE JOINT RESOLUTION NO. 53 by Senator Fer

Requesting the National Park Service to improve an old mining road through the north addition to Denali National Park and Preserve and to extend the road to the McKinley Park Road at Wonder Lake-Kantishna.

was read the first time and referred to the Committee.

INTRODUCTION AND REFERENCE OF SENAT

SB 605

SENATE BILL NO. 605 by Senators Kally and C

"An Act limiting municipal taxes on personal property; and providing for an effective date."

was read the first time and referred to the Regional Affairs Committee and the Finance Co

CONSIDERATION OF THE CALENDAR
HOUSE BILLS IN SECOND READINGHB 131

CS FOR HOUSE BILL NO. 131 (HESS) am S (increase for health facilities and hospitals) which from June 19 with amendment No. 2 moved before the Senate at this time.

Senator Sackett offered the following amendment No. 2:

Amendment No. 2 is on pages 1545 and 1546 of the journal.

First paragraph, delete underlined beginning with "except that money ending with health facility"

has had COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 244 (Finance) amended (redesignating certain projects for power projects subject to the effective date) under consideration and replaced with HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 244 (Finance) that it do pass. Concurring: Phillips, Smith, O'Connell and Hayes.

was referred to the Rules Committee for calendar.

has had COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 555 (Resources) (containing the Guide Licensing and Control Bill) under consideration and recommends it do pass. Concurring: Fuller (Chairman), Phillips, Smith.

is referred to the Rules Committee for calendar.

REPORTS OF SPECIAL COMMITTEES

Committee failed)

Committee which has had HCS CSSB 120 (Finance) under consideration, recommends it do pass.

REFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 120 (Education) relating to undergraduate and graduate scholarship loans; effective date to be determined.

Statement of intent.

Reported by Senators Sturgulewski, Chairman and Representatives Cuddy, Chairman.

Report follows:

CS CSSB 120(Fin)(efd failed) continued

SENATE LETTER OF INTENT

ON

CS FOR SENATE BILL NO. 120

CSSB 120 amends the Student Loan Program by increasing the maximum amount which can be borrowed and the number of years in which loans may be paid. It increases the incentive for the student to remain in the State after graduation (so that the State may profit by its investment) by increasing the loan forgiveness from 40 percent to 50 per cent.

It is the intent of the Committee that the loan forgiveness not wait until the end of the repayment cycle, as is currently the practice, since students cannot perceive these benefits during the first several years. For the loan forgiveness to be a truly effective incentive, benefits should be realized as they are earned.

It is the intent of the Committee that forgiveness benefits be provided to the borrower in the form of annual refunds as eligibility is established. Under this policy the borrower remaining in the State will get 10 percent loan forgiveness at the end of each year.

The above loan forgiveness policy can be handled by administrative action, and no legislation is required.

A copy was placed on each member's desk and will be taken up later under Unfinished Business.

CONSIDERATION OF THE DAILY CALENDAR

The Speaker stated that consideration of the daily calendar would be held until after Unfinished Business. Without objection, the House advanced to

Internal Revenue Service

2 91:51 06/52/10 0N0R X3NNB/09H 108J
Department of the Treasury

District
Director

P.O. Box 101500, Anchorage, Alaska 99510

25
Person to Contact: Robert Jackson

Telephone Number: (907) 261-4303

Refer Reply to: E:TC

Date: January 23, 1990

Kristen B. Bomengen
Assistant Attorney General
State of Alaska, Department of Law
P. O. Box K
Juneau, Alaska 99811

Re: Your letter of January 4, 1990

Dear Mrs. Bomengen:

When the State of Alaska forgives a portion of a student loan, the amount forgiven is a taxable event to the borrower. The debt forgiven is subject to tax in accordance with section 108 of the Internal Revenue Code.

A review of your letter and the copy of the Alaskan Statutes that you sent to me did not change that result. I discussed your letter with our attorneys and they agree with that conclusion.

The Alaskan legislature set up a revolving loan fund, in order to loan money to Alaskans so that they could attend college. The loans are subject to repayment upon termination of studies, over a period of six years. Upon the Alaskan meeting certain conditions, a portion of the loan may be forgiven, if application is made to the State of Alaska by the student. If no application is made, the full loan is subject to repayment.

The statute says that a portion of the loan shall be considered a "grant" based upon residency. This is the amount that is forgiven, but the statute uses the word grant rather than calling it a loan forgiveness.

The question revolves around the difference between a scholarship (or grant) and a loan.

A scholarship or grant is an amount given to a student without any strings attached to it concerning repayment. It is an outright gift to a student. This type of scholarship is covered by I.R.C. section 117. No repayment is involved as no debt was ever created.

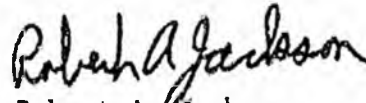
-2-

Kristen B. Bomengen

The Alaskan program is an outright loan program. Repayment is required. The original intent was to have the money revolve in the fund so that it could be loaned to another student. This money has always been considered a loan subject to repayment based upon the terms of a note signed at the time a loan is granted. The borrower knows that it is subject to repayment, and if not paid, the loan is subject to enforced collection.

As a loan, its' forgiveness is subject to I.R.C. section 108.

Sincerely yours,



Robert A. Jackson
Technical coordinator

account in determining whether entity meets reit qualifications. Any amount included in gross income by reason of the discharge of indebtedness shall not be taken into account for purposes of paragraphs (2) and (3) of section 856(c).

(10) Indebtedness satisfied by corporation's stock.

(A) In general. For purposes of determining income of a debtor from discharge of indebtedness, if a debtor corporation transfers stock to a creditor in satisfaction of its indebtedness, such corporation shall be treated as having satisfied the indebtedness with an amount of money equal to the fair market value of the stock.

(B) Exception for title 11 cases and insolvent debtors. Subparagraph (A) shall not apply in the case of a debtor in a title 11 case or to the extent the debtor is insolvent.

(N) Student loans.

(1) In general. In the case of an individual, gross income does not include any amount which (but for this subsection) would be includible in gross income by reason of the discharge (in whole or in part) of any student loan if such discharge was pursuant to a provision of such loan under which all or part of the indebtedness of the individual would be discharged if the individual worked for a certain period of time in certain professions for any of a broad class of employers.

(2) Student loan. For purposes of this subsection, the term "student loan" means any loan to an individual to assist the individual in attending an educational organization described in section 170(b)(1)(A)(ii) made by—

(A) the United States, or an instrumentality or agency thereof,

(B) a State, territory, or possession of the United States, or the District of Columbia, or any political subdivision thereof, or

(C) a public benefit corporation—
(i) which is exempt from taxation under section 501(c)(3),

(ii) which has assumed control over a State, county, or municipal hospital, and

(iii) whose employees have been deemed to be public employees under State law, or

(D) any educational organization so described pursuant to an agreement with any entity described in subparagraph (A), (B), or (C) under which the funds from which the loan was made were provided to such educational organization.

(g) Special rules for discharge of qualified farm indebtedness.

(1) Discharge must be by qualified person.

(A) In general. Subparagraph (C) of subsection (a)(1) shall apply only if the discharge is by a qualified person.

(B) Qualified person. For purposes of subparagraph (A), the term "qualified person" has the meaning given to such term by section 46(c)(8)(D)(iv); except that such term shall include any Federal, State, or local government or agency or instrumentality thereof.

(2) Qualified farm indebtedness. For purposes of this section, indebtedness of a taxpayer shall be treated as qualified farm indebtedness if

(A) such indebtedness was incurred directly in connection with the operation by the taxpayer of the trade or business of farming, and

(B) 50 percent or more of the aggregate gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the discharge of such indebtedness occurs is attributable to the trade or business of farming.

(3) Amount excluded cannot exceed sum of tax attributes and business and investment assets.

(A) In general. The amount excluded under subparagraph (C) of subsection (a)(1) shall not exceed the sum of—

- (i) the adjusted tax attributes of the taxpayer, and
(ii) the aggregate adjusted bases of qualified property held by the taxpayer as of the beginning of the taxable year following the taxable year in which the discharge occurs.

(B) Adjusted tax attributes. For purposes of subparagraph (A), the term "adjusted tax attributes" means the sum of the tax attributes described in subparagraphs (A), (B), (C), and (E) of subsection (b)(2) determined by taking into account \$3 for each \$1 of the attributes described in subparagraphs (B) and (E) of subsection (b)(2).

(C) Qualified property. For purposes of this paragraph, the term "qualified property" means any property which is used or is held for use in a trade or business or for the production of income.

(D) Coordination with insolvency exclusion. For purposes of this paragraph, the adjusted basis of any qualified property and the amount of the adjusted tax attributes shall be determined after any reduction under subsection (b) by reason of amounts excluded from gross income under subsection (a)(1)(B).

In '88, P.L. 100-647, Sec. 1004(a)(1), deleted "or" at the end of subpara. (a)(1)(A), substituted "or" for the period at the end of subpara. (a)(1)(B) and added subpara. (a)(1)(C) . . . Sec. 1004(a)(2), amended para. (a)(2) . . . Sec. 1004(a)(3)(A), substituted "subparagraph (A), (B), or (C)" for "subparagraph (A) or (B)" in para. (b)(1) . . . Sec. 1004(a)(3)(B) deleted "in title 11 case or insolvency" after "attributes" in the heading of subsec. (b) . . . Sec. 1004(a)(4), amended subsec. (g) . . . Sec. 1004(a)(6)(A), substituted "subsections (a), (b) and (g)" for "subsections (a) and (b)" in paras. (d)(6) and (7) . . . Sec. 1004(a)(6)(B), substituted "subsections (a), (b), and (g)" for "subsections (a), (b), and (c)" in the heading of subsec. (d) . . . Sec. 1004(a)(6)(C), substituted "subsections (a), (b), and (g)" for "subsections (a) and (b)" in the headings of para. (d)(6) and subpara. (d)(7)(A), effective for tax. yrs. begin. after 12/31/86.

Prior to amendment, para. (a)(2) read as follows: "(2) Coordination of exclusions. Subparagraph (B) of paragraph (1) shall not apply to a discharge which occurs in a title 11 case."

Prior to amendment, subsec. (g) read as follows: "(g) Special rules for discharge of qualified farm indebtedness of solvent farmers.

"(1) In general. For purposes of this section and section 1017, the discharge by a qualified person of qualified farm indebtedness of a taxpayer who is not insolvent at the time of the discharge shall be treated in the same manner as if the discharge had occurred when the taxpayer was insolvent.

"(2) Qualified farm indebtedness. For purposes of this subsection, indebtedness of a taxpayer shall be treated as qualified farm indebtedness if—

"(A) such indebtedness was incurred directly in connection with the operation by the taxpayer of the trade or business of farming, and

"(B) 50 percent or more of the average annual gross receipts of the taxpayer for the 3 taxable years preceding the taxable year in which the discharge of such indebtedness occurs is attributable to the trade or business of farming.

"(3) Qualified person. For purposes of this subsection, the term "qualified person" means a person described in section 46(c)(8)(D)(iv)."

In '86, P.L. 99-514, Sec. 104(b)(2), substituted "33 1/2 cents" for "50 cents" in subpara. (b)(3)(C), effective for tax. yrs. begin. after 12/31/86.

—P.L. 99-514, Sec. 231(d)(3)(D), amended subpara. (b)(2)(B), effective for tax. yrs. begin. after 12/31/83. Prior to amendment, subpara. (b)(2)(B) read as follows:

ATTACHMENT 2

Existing statute can be amended with following addition:

A portion of a loan made before July 1, 1987 shall be considered a grant if, upon completion of the course of study for which the loan was granted, the borrower is a resident of the state for at least two years. The portion of the loan which shall be regarded as a grant shall be the following percentages of the total loan received plus interest up to a total of 50 percent of the total loan:

- | | |
|---|---------------------------|
| (1) two - three years residence in the state | 10 percent; |
| (2) three - four years residence in the state | an additional 10 percent; |
| (3) four - five years residence in the state | an additional 10 percent; |
| (4) five - six years residence in the state | an additional 10 percent; |
| (5) over six years residence in the state | an additional 10 percent. |

ROBERT C. BYRD, WEST VIRGINIA, CHAIRMAN

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 ERNEST F. HOLLINGS, SOUTH CAROLINA
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 J. KEITH KENNEDY, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS
 WASHINGTON, DC 20510-8025

RECEIVED
 FEB 16 1990

Alaska Commission on
 Postsecondary Education

February 7, 1990

Jane Byers Maynard
 Executive Director
 Alaska Commission on Postsecondary Education
 P.O. Box FP
 Juneau, Alaska 99811-0599

Dear Jane:

Thank you for your letter of January 26, 1990, regarding the IRS decision to tax student loan forgiveness benefits. Your description of the timing of forgiveness benefits raises some important questions about the legitimacy of the IRS ruling. I have asked Robert Brock, District Director of the Anchorage IRS Office, for his prompt review of the issues you raise.

Thank you again for keeping in touch with us on this important matter.

With best wishes,

Cordially,


 TED STEVENS

STATE OF ALASKA

ALASKA COMMISSION ON POSTSECONDARY EDUCATION

STEVE COWPER, GOVERNOR

P.O BOX FP
JUNEAU, ALASKA 99811-0599
PHONE: (907) 465-2854

January 26, 1990

The Honorable Ted Stevens
United States Senate
522 Hart Building
Washington, DC 20510

Dear Senator Stevens:

On behalf of the members of the Alaska Commission on Postsecondary Education, I would like to take this opportunity to thank you for your efforts to address the recent action by the IRS to tax Alaska Student Loan forgiveness recipients. While it is understood that congressional action may take a year or more to resolve this problem, your genuine concern and action to date are appreciated by both loan borrowers and state officials.

As you work with IRS representatives, it is important to alert you to a procedural aspect of forgiveness that may affect the IRS position on taxation. The IRS is currently taxing students for years in which the student has received no monetary benefit from his or her forgiveness eligibility.

For example, a student becomes eligible for the first 10% of his or her loan forgiveness upon residing in the State for two years after graduation. The student applies to our office, we determine the forgiveness eligibility, and notify the student that they are qualified for the first forgiveness. The student's account is adjusted to reflect a reduction in the total loan principal balance owed, but the student's monthly payments remain the same. The student receives no monetary benefit (i.e., reduction in payments) until the scheduled tenth (final) year of the repayment cycle when no payments will be owed. The tenth year of repayment is, therefore, forgiven.

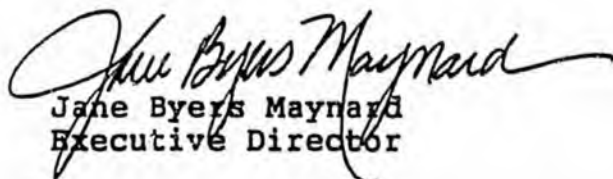
To take this a step further, when the same student has resided in the State an additional year and applies for a second 10% of loan forgiveness, the ninth year of loan repayment is forgiven, and so on up to five years of forgiveness eligibility.

The Honorable Ted Stevens
January 26, 1990
Page 2

Again, the issue here is that the student continues to pay the same amount out-of-pocket whether or not forgiveness has been received. It is only the length of the repayment period that gets progressively shorter with each forgiveness eligibility. The IRS, however, is currently taxing a student at the time of forgiveness eligibility as if the student has already seen a cost savings. This is simply not the case, and it is imperative that the IRS be made aware of this fact.

Thank you again for your assistance in this matter. If I can provide additional information, please contact me.

Sincerely,



Jane Byers Maynard
Executive Director

cc: The Honorable Pat Rodey
Alaska State Senate

The Honorable Loren Leman
Alaska House of Representatives

Frank Baxter, Commissioner
Department of Administration

John Havelock, Chair
Alaska Commission on Postsecondary Education

Kristen Bomengen, Assistant Attorney General
Alaska Department of Law

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: Relating to taxation of certain
student loans

Agency Affected: Education
BRU: Postsecondary Education

Sponsor: Kerttula
Requestor: Senate HESS

Components: Student Loan Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Jane Byers Maynard, Executive Director Phone: 465-2854
Division: Alaska Commission on Postsecondary Education Date: 2/28/90

Approved by Commissioner: _____ Date: _____
Agency: _____

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Internal Revenue Service

Department of the Treasury

District
Director

P.O. Box 101500, Anchorage, Alaska 99510

Person to Contact: J. Eshelman

Telephone Number:
(907) 261-4250

Refer Reply to:
E:2001

Date: 1-23-90

Dear

The Alaska Commission on Postsecondary Education recently provided the Internal Revenue Service with the names and Social Security numbers of those borrowers who had a portion of their Student Loan forgiven during 1987 or 1988. The amount of forgiveness benefits is taxable as income for the tax year in which it was obtained.

The information provided by the State of Alaska indicates that you received the following forgiveness benefits:

Tax Year 87/2: \$ 5999.08

Upon review of your Federal Income Tax return for the year(s) listed above, the forgiveness does not appear to have been reported on your return. The enclosed report shows the tax and interest due after the forgiveness benefits have been included as income. If you agree with our adjustment, please sign and return one copy of the report. The other copy should be kept for your records. If you are unable to pay the amount due at this time, we will bill you.

If you did report the benefits, please explain where the income appears on your return. Please provide a copy of the amended return (Form 1040X), if one has been filed. If you believe the amount of forgiveness is incorrect, please attach any supporting material you want us to consider. When you send the information or write to us, please include a telephone number where you can be reached during the day. This will allow us to contact you directly if we have any questions about your information.

Please respond within 30 days from the date of this letter. A postage-paid envelope has been included for your convenience. If you have any questions, you may contact the number shown above.

Very truly yours,

J. D. Eshelman

Tax Auditor

Report of Individual
Income Tax Examination Changes

Department of the Treasury
Internal Revenue Service

DATE OF REPORT: 01/22/90
SOC. SEC. NUMBER:
FORM: 1040
YEAR: 1987
FILING STATUS: SINGLE
NAME AND TITLE OF PERSON WITH WHOM EXAMINING DISTRICT: 092
MATTERS WERE DISCUSSED: NAME OF EXAMINER: J ESHELMAN
IN REPLY REFER TO: 0E20010E

EXPLANATION CLASSIFICATION	INCOME AND DEDUCTION AMOUNTS ADJUSTED	ADJUSTMENT INCREASE (DECREASE)
1040 B115	AK STUDENT LOAN FORDIVENESS DELINQUENCY	5,999.00
A	ADJUSTMENTS TO INCOME AND/OR DEDUCTIONS INCREASE	5,999.00
B	PLUS TAXABLE INCOME AS SHOWN ON RETURN	9,509.00
C	CORRECTED TAXABLE INCOME	25,537.00
D	TAX COMPUTED WITH 1 EXEMPTIONS TAX TABLE	4,905.00
E	CORRECTED TAX	4,905.00
F	LESS TAX AS SHOWN ON RETURN	3,225.00
G	DEFICIENCY	1,680.00
H	BALANCE DUE	1,680.00
I	PENALTIES: DELINQUENCY PENALTY, SEC. 6651(A)(1) I.R.C.	119.50

ALTHOUGH THIS REPORT IS SUBJECT TO REVIEW, YOU MAY CONSIDER IT AS YOUR NOTICE THAT YOUR CASE IS CLOSED IF YOU ARE NOT NOTIFIED OF AN EXCEPTION TO THESE FINDINGS WITHIN 45 DAYS AFTER A SIGNED COPY OF THIS REPORT OR A SIGNED WAIVER, FORM 870, IS RECEIVED BY THE DISTRICT DIRECTOR. IF YOU AGREE, PLEASE SIGN ONE COPY OF THIS REPORT, AND RETURN IT IN THE ENCLOSED ENVELOPE. KEEP THE OTHER COPY WITH YOUR RECORDS.

CONSENT TO ASSESSMENT AND COLLECTION - I DO NOT WISH TO EXERCISE MY APPEAL RIGHTS WITH THE INTERNAL REVENUE SERVICE OR TO CONTEST IN THE UNITED STATES TAX COURT THE FINDINGS IN THIS REPORT. THEREFORE, I CONSENT TO: THE IMMEDIATE ASSESSMENT AND COLLECTION OF THE TOTAL DUE ON THE ATTACHED EXPLANATION OF ADJUSTMENTS.

TAXPAYER SIGNATURE

DATE

SPICER'S SIGNATURE

DATE

(IF JOINT RETURN FILED)

EXPLANATION OF ADJUSTMENTS

1987

01/22/90

TOTAL AMOUNT DUE AS A RESULT
OF THE EXAMINATION ON 01/22/90 \$ 2,137.32

ADDITIONAL TAXES:

BALANCE DUE

1,680.00

TOTAL ADDITIONAL TAXES:

1,680.00

INTEREST:

INTEREST DUE BASED ON STATUTORY
INTEREST RATES

362.07

TOTAL ADDITIONAL TAXES PLUS INTEREST

2,042.07

PENALTIES:

DELINQUENCY PENALTY

DELINQUENCY PENALTY I.R.C. 6651
25% OF 478.00

119.50

TOTAL DELINQUENCY PENALTY

119.50

INTEREST ON DELINQUENCY PENALTY

25.75

TOTAL PENALTIES

145.25

TOTAL ADDITIONAL TAXES, INTEREST AND
PENALTIES AS OF 01/22/90 \$ 2,187.32

ADDITIONAL INTEREST WILL BE CHARGED AT THE CURRENT RATE OF 11 PERCENT COMPOUNDED DAILY. INTEREST IS CHARGED FROM THE ORIGINAL DUE DATE OF THE RETURN TO THE EARLIER OF THE DATE OF PAYMENT, A DATE 30 DAYS AFTER AN AGREEMENT TO THE ADDITIONAL TAX IS SIGNED, OR THE ASSESSMENT DATE. NEGLIGENCE AND FRAUD PENALTIES, IF APPLICABLE, WILL ALSO CONTINUE TO BE CHARGED. GENERALLY, IF NOTICE AND DEMAND IS MADE FOR PAYMENT OF ANY AMOUNT, AND THAT AMOUNT IS PAID WITHIN 10 DAYS AFTER THE DATE OF THE NOTICE AND DEMAND, INTEREST ON THE AMOUNT PAID WILL NOT BE CHARGED AFTER THE DATE OF THE NOTICE AND DEMAND. SINCE ADDITIONAL TAX IS DUE, YOU MAY WANT TO PAY IT NOW AND LIMIT THE INTEREST AND PENALTY CHARGES. PLEASE MAKE YOUR CHECK PAYABLE TO INTERNAL REVENUE SERVICE.

IN ARRIVING AT YOUR TAX DEFICIENCY, AMOUNTS HAVE BEEN ROUNDED TO THE NEAREST DOLLAR.

EXPLANATION OF ADJUSTMENTS

1987

01/22/90

CONTINUED FROM PRECEDING PAGE

THE IRS HAS EXCHANGE AGREEMENTS WITH STATE TAX AGENCIES UNDER WHICH INFORMATION ABOUT INCREASES OR DECREASES IN FEDERAL TAX LIABILITY IS EXCHANGED WITH STATES. YOU SHOULD CHECK YOUR STATE TAX RETURN AND FILE AN AMENDED RETURN IF THIS CHANGE AFFECTS YOUR STATE INCOME TAX LIABILITY.

YOU MAY BE SUBJECT TO BACKUP WITHHOLDING IF YOU UNDERREPORT YOUR INTEREST, DIVIDEND, OR PATRONAGE DIVIDEND INCOME AND DO NOT PAY THE TAX. BACKUP WITHHOLDING, AT THE RATE OF 20 PERCENT, MAY BE ORDERED BY THE IRS AFTER YOU HAVE RECEIVED FOUR NOTICES ABOUT BACKUP WITHHOLDING, ISSUED OVER 120 DAYS, AND THE TAX HAS BEEN ASSESSED AND REMAINS UNPAID.

1404 AK STUDENT LOAN FORGIVENESS

THE AMOUNT OF YOUR DEBT IS INCLUDIBLE IN INCOME IN THE YEAR IN WHICH IT WAS FORGIVEN.

SHOWN ON RETURN OR AS PREV. ADJUSTED	\$	0.00
CORRECTED AMOUNT	\$	5,999.00
ADJUSTMENT	\$	5,999.00

8115 DELINQUENCY

SINCE YOU DID NOT FILE YOUR RETURN WITHIN THE TIME PRESCRIBED BY LAW, AND YOU DID NOT SHOW THAT SUCH FAILURE WAS DUE TO REASONABLE CAUSE, A PENALTY OF 5 PERCENT IS ADDED TO THE TAX FOR EACH MONTH OR A PART OF A MONTH (BUT NOT TO EXCEED A TOTAL OF 25 PERCENT) FOR WHICH YOUR RETURN WAS LATE. IF YOUR RETURN WAS MORE THAN 60 DAYS LATE, THE MINIMUM PENALTY IS THE LESSER OF \$100 OR THE TAX DUE. THE PENALTY SHOWN HAS TAKEN INTO CONSIDERATION ANY PREVIOUSLY ASSESSED PENALTY. SEE SECTION 6651(A) OF THE INTERNAL REVENUE CODE.

101ST CONGRESS
1ST SESSION

S. 1803

To amend section 108(f) of the Internal Revenue Code of 1986 to clarify the tax treatment of discharges of indebtedness under certain student loans.

IN THE SENATE OF THE UNITED STATES

OCTOBER 26 (legislative day, SEPTEMBER 18), 1989

Mr. STEVENS (for himself and Mr. MURKOWSKI) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To amend section 108(f) of the Internal Revenue Code of 1986 to clarify the tax treatment of discharges of indebtedness under certain student loans.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SEC. . TREATMENT OF DISCHARGES OF INDEBTEDNESS

4 UNDER CERTAIN STUDENT LOANS.

5 (1) IN GENERAL.—Paragraph (1) of section 108(f) of
6 the Internal Revenue Code of 1986 (relating to student
7 loans) is amended—

8 (1) by inserting “(A)” after “discharged”, and

9 ~~_____~~ at the end the

10 United States Senate Bill S.1803 _____ an made by a

1 State (or from funds provided by a State) which had no
2 accredited professional schools for the study of law or
3 medicine on the date the loan was made, if the individ-
4 ual resided for a certain period of time in the State
5 after completion of the individual's attendance at the
6 educational organization with respect to which the loan
7 was made".

8 (b) EFFECTIVE DATE; WAIVER OF STATUTE OF LIMIT-
9 TATIONS.—

10 (1) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply to discharges of indebtedness
12 made on or after January 1, 1986.

13 (2) WAIVER OF STATUTE OF LIMITATIONS.—In
14 the case of any taxable year ending before the date of
15 the enactment of this Act—

16 (A) the period for claiming a credit or refund
17 of any overpayment of tax resulting from the ap-
18 plication of the amendment made by subsection (a)
19 shall not expire before the date which is 1 year
20 after the date of the enactment of this Act; and

21 (B) if, after the application of subparagraph
22 (A), credit or refund of any overpayment of tax
23 resulting from the application of the amendment
24 made by subsection (a) is prevented at any time
25 before the close of such 1-year period by the oper-

1 ation of any law or rule of law (including res judi-
2 cata), credit or refund of such overpayment (to the
3 extent attributable to the application of the
4 amendment made by subsection (a)) may, never-
5 theless, be made or allowed if claim therefore is
6 filed before the close of such 1-year period.

○

Ted Stevens

United States Senator For Alaska

October 26, 1989
FOR IMMEDIATE RELEASE



Contact: Press Office
(202) 224-3200

STEVENS INTRODUCES MEASURE TO EXEMPT INCOME TAX ON STUDENT LOAN FORGIVENESS

Alaska student loan forgiveness income would not be taxed under legislation introduced today by Senator Ted Stevens. The bill is a companion measure to one introduced this week by Congressman Don Young in the House of Representatives.

Stevens' measure is intended to bring Alaska's student loan program under a section of the Internal Revenue Code which provides an exemption from taxation for certain student loan forgiveness programs.

Currently, the section of the Internal Revenue Code which provides for tax exemption for forgiveness is based on the recipient's working for a certain period of time in certain professions for any of a broad class of employers, Stevens noted.

"However, Alaska's loan forgiveness provisions, unlike those of other states, are conditioned on residing in the state for a specified period of time following graduation," Stevens explained.

"Alaska's student loan forgiveness program was designed to encourage students to return to our state after receiving an education elsewhere," Stevens said in a statement on the Senate floor.

"Because Alaska's program is not tied into service in specified professions, Alaska's loan forgiveness program does not technically fall within the current exemption in the Internal Revenue Code," the Senator said. "This legislation would bring fairness to the tax treatment of Alaskans who come under the state's forgiveness program."

The amendment would be effective retroactively through calendar year 1986, the Senator said. The bill also

more

clarifies that those individuals who may already have paid tax on loan forgiveness would receive refunds, he said.

"Alaska should have the opportunity, along with other states, to treat as grants those portions of student loans which have been forgiven for individuals who bring their educational training back home," Stevens said.

He noted that many Alaskans, who intend to return to the state after graduation, must travel outside for their college educations. "We have no schools in our state to train lawyers and doctors, and we're also limited to a small number of undergraduate institutions," he said in his floor statement.

"Alaskans should not be prevented from utilizing the existing student loan forgiveness exemption simply because Alaska chose to condition its forgiveness program on residency rather than practicing in specified professions," Stevens said.

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Anchorage Daily News

ANCHORAGE, ALASKA, SATURDAY, OCTOBER 7, 1989

IRS makes claim on forgiven loans

By LARRY CAMPBELL
Daily News reporter

People who had parts of student loans forgiven during the past two years are learning that the Internal Revenue Service wants its share — plus interest.

The state Commission on Postsecondary Education this week sent the federal agency, at its request, the names of everyone who received permission during

1987 and 1988 to repay less than they borrowed, and how much was chopped off each debt. At the same time, the commission sent letters to the borrowers telling them their names were in IRS hands.

The commission sent information on 7,743 loans, on which about \$10.6 million had been forgiven. Because a

Please see Back Page, IRS

IRS: Uncle Sam says student loan forgiveness is income and he wants his cut

Continued from Page A-1

person can have more than one loan, the commission didn't know how many individual borrowers are affected.

IRS spokeswoman Marilyn Steen said those borrowers will be expected to file amended tax returns showing the amount they had forgiven as income, and pay tax and interest if owed. Those who don't file, but still owe tax, will be billed, Steen said.

"The law's always been there," Steen said. "It's not like it's something new, but, judging from the calls we've

been getting, it's a surprise to a lot of people."

The IRS asked only for the past two years' information because, under normal circumstances, it would only review tax filings that far back.

The rule will affect all future loans that qualify for forgiveness, too. Commission officials expect that the number of people who will ask for forgiveness will continue to rise through 1992, then start to decline.

The commission's student loan program offers 8 percent college or vocational school loans to Alaska residents — as much as \$5,500 a

year for undergraduates, \$6,500 for graduate students. Under the forgiveness clause, borrowers could erase as much as half the amount they owed if they returned to the state after graduation and stayed as long as five years. A borrower can request forgiveness at any time, even after the loan has been repaid.

The forgiveness clause was rescinded as of July 1, 1987, meaning loans made after that date will not be forgiven. The action was one of a number of changes made by the commission that helped shore up the

sagging loan repayment rate.

State officials have suspected for years that the IRS might consider the forgiveness as income, but never pushed the federal government for a ruling, said Jane Maynard, the commission's new executive director. She took the post this summer.

"It never became an issue (before), and we weren't asked for information (by the IRS)," Maynard said. "I think the thinking had been, 'If they haven't asked, why make it an issue.' It seemed no one ever knew for sure before, and it could have been that to act on this

sooner would have affected loans all the way back to 1983 or so."

The IRS decided to make loans an issue last August when it asked the commission for names and loan amounts.

"This is one of those little things that people overlook," said Steen. "And one that we haven't been checking on in the past. I doubt that (the commission) knew about it, but I don't think it was anything intentional to avoid the tax."

Figuring an average tax rate of 28 percent, the IRS could generate revenue of about \$3 million.

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12



Senate Health, Education and
Social Services Committee

Senator Paul Fischer, Chairman

Senator:

Included in this packet are:

PACKET A Back up supporting the Resolution

PACKET B Back up against the Resolution

Draft Committee Substitute of Resolution

40th State



Senate Health, Education and Social Services Committee

Senator Paul Fischer, Chairman

PACKET B

LARGELY AGAINST THE RESOLUTION.

INCLUDED ARE:

1. LETTER FROM THE ALASKA DENTAL SOCIETY.
2. POSTION PAPERS SUPPORTING THE SAFETY OF DENTAL AMALGAM.
3. LETTER FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGARDING AMALGAM
4. MICHIGAN DENTAL ASSOCIATION
5. AMERICAN DENTAL ASSOCIATION
6. THE NATIONAL BOARD OF HEALTH, Sweden.
7. OREGON HEALTH SCIENCES UNIVERSITY
8. CONCEPT PAPER/ DEPARTMENT OF HEALTH AND SOCIAL SERVICES, ALASKA

*Implementing material
in Mothers
Abortion* →

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6-1387E ✓
Lauterbach
2/10/90

Original sponsor(s): SEN. RODEY

1 IN THE SENATE

BY THE HESS COMMITTEE

2 CS FOR SENATE RESOLUTION NO. 12 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Relating to the use of informed consent
6 by dentists when they insert dental
7 fillings.

8 BE IT RESOLVED BY THE SENATE:

9 WHEREAS it is a common dental practice in the state to use a variety
10 of materials for dental fillings; and

11 WHEREAS some components of the fillings may infrequently cause
12 allergic or adverse reactions in some persons; and

13 WHEREAS dental patients should have the right to choose which mate-
14 rials are used for their dental fillings; and

15 WHEREAS they often lack basic information that would help them make an
16 informed choice;

17 BE IT RESOLVED that the Senate respectfully requests the Governor to
18 direct the Board of Dental Examiners to report to the legislature by the
19 10th day of the First Session of the Seventeenth Alaska State Legislature
20 its recommendations on whether dentists should inform their patients

21 (1) about the materials that are used for dental fillings;

22 (2) that there is a variety of materials that could be used for
23 dental fillings; and

24 (3) that it is possible that alternative material can be used.
25
26
27
28
29

1 IN THE SENATE

BY THE HESS COMMITTEE

2 CS FOR SENATE RESOLUTION NO. 12 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 Relating to the use of informed consent
6 by dentists when they insert dental
7 fillings.

1st State

8 BE IT RESOLVED BY THE SENATE:

9 WHEREAS it is a common dental practice in the state to use a variety
10 of materials for dental fillings; and

11 WHEREAS some components of the fillings may ^{SOMETIMES} ~~infrequently~~ cause
12 allergic or adverse reactions in some persons; and

13 → WHEREAS dental patients should have the right to choose which mate-
14 rials are used for their dental fillings; and

15 WHEREAS they often lack basic information that would help them make an
16 informed choice;

17 BE IT RESOLVED that the Senate respectfully requests the Governor to
18 direct the Board of Dental Examiners to report to the legislature by the
19 10th day of the First Session of the Seventeenth Alaska State Legislature
20 its recommendations on whether dentists should inform their patients

21 (1) about the materials, ^{INCLUDING MERCURY AMALGAM,} that are used for dental fillings;

22 (2) that there is a variety of materials that could be used for
23 dental fillings; and

24 (3) that it is possible that alternative material can be used.

25
26 *Whereas Mercury Amalgam materials are*
27 *thought by some scientists to cause allergic*
28 *or adverse reactions*
29

Distributed to North Carolina Legislators

RE: N.C. SENATE BILL #1171

 *
 * C O U L D Y O U R D E N T A L F I L L I N G S *
 *
 * B E P O I S O N I N G Y O U ? ? ? *
 *

The following world-famous researchers would like to speak before the North Carolina Senate on this most critical issue.

--- No Fund Appropriations are Necessary ---

Dr. Matts Hanson, Ph.D., Sweden
Head of the Scandinavian Dental Patient Organization

Dr. Magnus Nylander, D.D.S., Ph.D., Sweden
Research showing the relationship of amalgam dental fillings to the mercury content in the human brain

Dr. Murray J. Viny, D.M.D., F.A.G.D., Canada
Author, Assistant Professor, Faculty of Medicine, and Past President of the International Academy of Oral Medicine and Toxicology.
Head of the recent University of Calgary research done on the absorption of mercury in the body organs and tissues from mercury/amalgam dental fillings

Dr. Sam Ziff, Ph.D., U.S.A.
Author or coauthor of four books on the mercury/amalgam issue. President of the Foundation For Toxic-Free Dentistry. Research on the relationship between mercury/amalgam fillings and infertility and birth defects

Also to attend would be Astronaut James Irwin, who has had his amalgam fillings replaced for health reasons and at least twenty other M.D.'s and Dentists who have researched this issue.

-- We ask that you please allow these gentlemen the honor of speaking before you.

"All that is necessary for evil to triumph is for good men to do nothing."
--- British Statesman, Edmund Burke

DENTAL AMALGAM MERCURY SYNDROME

STATE OF ILLINOIS
EIGHTY-SIXTH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES

House Resolution No. 1084

Offered by Representative Cowlshaw

WHEREAS, It is a common dental practice in Illinois to use an amalgam of materials for dental fillings; and

WHEREAS, This dental amalgam, thought by the public to be made only of silver, is actually 50% mercury; and

WHEREAS, Studies have shown that toxic mercury vapors can leak from fillings into the blood system and cause serious health problems, particularly in persons with allergies or chemical sensitivities; and

WHEREAS, Dental patients often lack information that would enable them to avoid having mercury used for their fillings; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that this body hereby requests that the Illinois Department of Public Health review the studies that have examined the health risks of mercury in dental fillings and report to the General Assembly by March 1, 1990, its findings about such risks as well as its recommendations for providing a means by which dental patients may be informed of the findings and of the alternatives to mercury content in fillings when seeking dental treatment; and be it further

RESOLVED, That a copy of this preamble and resolution be presented to the Director of the Illinois Department of Public Health.

Adopted by the House of Representatives on November 1, 1989.

Michael J. Madigan

Michael J. Madigan, Speaker of the House

John F. O'Brien

John F. O'Brien, Clerk of the House

Proposed amendment to House Bill No. 1153, by Representative Tucker, A BILL FOR AN ACT CONCERNING CREATION OF THE DENTIST PEER HEALTH ASSISTANCE FUND, AND PROVIDING FOR THE FUNDING AND USE THEREOF.

Line 11 Section IV Disclosure and Informed Consent. The Dentist Peer Health Assistant Committee will direct all licensed practicing dentists to install and implement a form of Disclosure and Informed Consent which will address the following areas:

(1) educate the patient as to risk, to require detailed explanation of dental materials used in the patient's teeth and to make it a standard expectation that this information will be recorded in patient charts, and his own responsibility

(2) witnessed, understood and obtain a signed consent from the patient or legal guardian,

(3) Requires that all dentists will comply with Disclosure and Informed Consent and shall be advised that a failure to comply with requirements will be reported to the board and will result in disciplinary action.

February 13, 1989

RE: House Bill No. 1153
By Representative Tucker

A BILL FOR AN ACT CONCERNING CREATION OF THE DENTIST PEER HEALTH ASSISTANCE FUND, AND PROVIDING FOR THE FUNDING AND USE THEREOF.

Dear Legislator

The purpose of this letter is to inform you of the proposed amendment which is enclosed. The support of this amendment will have a positive affect on you and the people.

The people have had their civil rights violated in so much as they were not given the opportunity for informed disclosure of risks on their health and lives.

The dentists are censured. They cannot inform the patients of health risks through materials placed in the teeth.

According to the ADA, approximately 2-6 million people have extreme reactions to silver mercury fillings (amalgam) which consists of 50% mercury.

It would be to the benefit of the dentists and the general population if you add this amendment to House Bill No. 1153.

Thank you.

Shirley Brown, president
DAMS Inc. - victim support group
P.O. Box 19032 Denver, CO 80219
(303) 238-1673

Call for a progress report if interested



Alaska Dental Society

3400 Spenard Road, Suite 10
Anchorage, Alaska 99503
(907) 277-4675

January 23, 1990

JAN 3 1990

Senator Paul Fischer
Senate
P.O. Box V, Juneau, AK. 99811

Dear Senator Fischer:

We have recently become aware of Senate Resolution 12, questioning the use and safety of dental amalgam (the silver colored filling material commonly used to restore decayed or damaged teeth). It is our understanding all Alaska legislators have received a preponderance of paper supporting this question.

Enclosed are several reprints advocating the position of organized dentistry. Both the American Dental Association and the Alaska Dental Society feel unequivocally that dental amalgam is, in fact, safe.

Our combined members realize it is extremely important for you to understand the real facts concerning this very serious issue. We recognize much of the information you have received contains non-factual statements and anecdotal matter which cannot be substantiated.

Please know our concern. We will be offering additional details and personal comment/testimony at the appropriate time or as you may request by calling the Alaska Dental Society office in Anchorage.

Sincerely,

Phillip Moritz, DDS.
PKC

Phillip V. Moritz, DDS
President
Alaska Dental Society