

118TH CONGRESS
1ST SESSION

H. R. 5705

To support national training, technical assistance, and resource centers, to ensure that all individuals with significant expressive communication disabilities have access to the augmentative and alternative communication the individuals need to interact with others, in order to learn, work, socialize, and take advantage of all aspects of life in the United States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2023

Mrs. DINGELL (for herself and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To support national training, technical assistance, and resource centers, to ensure that all individuals with significant expressive communication disabilities have access to the augmentative and alternative communication the individuals need to interact with others, in order to learn, work, socialize, and take advantage of all aspects of life in the United States.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Augmentative and Al-
3 ternative Communication Centers of Excellence and Na-
4 tional Technical Assistance Act” or the “AACCENT Act”.

5 **SEC. 2. FINDINGS.**

6 Congress makes the following findings:

7 (1) Communication is a basic human need and
8 fundamental right, and is essential to self-deter-
9 mination, social inclusion, and emotional and phys-
10 ical well-being. In enacting a provision of the Ameri-
11 cans with Disabilities Act of 1990 (referred to in
12 this section as the “ADA”), Congress recognized
13 that “physical or mental disabilities in no way di-
14 minish a person’s right to fully participate in all as-
15 pects of society,” and that “the discriminatory ef-
16 fects of communication barriers” are a form of dis-
17 crimination.

18 (2) Three decades after the passage of the
19 ADA, Americans with significant expressive commu-
20 nication disabilities still experience discrimination in
21 the form of communication barriers, institutionaliza-
22 tion, segregation, and relegation to lesser services,
23 programs, activities, benefits, jobs, or other opportu-
24 nities compared to Americans without significant ex-
25 pressive communication disabilities.

1 (3) Data about augmentative and alternative
2 communication is lacking, but it is estimated there
3 are at least 4,000,000 people in the United States
4 who cannot reliably meet their daily communication
5 needs using natural speech.

6 (4) The population of individuals with signifi-
7 cant expressive communication difficulties is at sub-
8 stantial risk for limited education, unemployment,
9 poor health outcomes, poverty, and low quality of
10 life.

11 (5) People can acquire a significant expressive
12 communication disability and need augmentative and
13 alternative communication as a result of many
14 health and developmental conditions at all stages of
15 life.

16 (6) Research indicates that individuals who be-
17 long to racial or ethnic minority communities face a
18 greater likelihood of being born with or acquiring ex-
19 pressive communication disabilities, as well as added
20 difficulties in obtaining intervention services, includ-
21 ing augmentative and alternative communication.

22 (7) Individuals with significant expressive com-
23 munication disabilities, schools, families, employers,
24 direct support providers, health care providers, the
25 justice system, and the general public need more in-

1 formation about how to effectively deploy, imple-
2 ment, and ensure continued access to robust commu-
3 nication tools, services, and other supports for indi-
4 viduals with significant expressive communication
5 disabilities.

6 (8) The lived experiences and writings of indi-
7 viduals with significant expressive communication
8 disabilities demonstrate the positive impact aug-
9 mentative and alternative communication has on
10 their lives. These lived experiences and writings also
11 illustrate the harm that results from denying aug-
12 mentative and alternative communication to those
13 who need it.

14 (9) The leadership of individuals with signifi-
15 cant expressive communication disabilities is critical
16 in crafting and implementing effective policies and
17 programs affecting their lives, including policies and
18 programs regarding augmentative and alternative
19 communication.

20 (10) The freedoms of expression, and to be un-
21 derstood, are essential to both democracy and to in-
22 dividual well-being. Individuals with significant ex-
23 pressive communication disabilities must be afforded
24 equal rights, opportunities, strategies, technologies,
25 services, and other supports to effectively express

1 themselves and participate in their communities and
2 in democracy.

3 **SEC. 3. PURPOSE.**

4 The purpose of this Act is to work toward eliminating
5 the continued discrimination, isolation, marginalization,
6 and denial of equal opportunity of individuals with signifi-
7 cant expressive communication disabilities by providing for
8 comprehensive national training, technical assistance, and
9 resource centers to improve—

10 (1) access to a full range of augmentative and
11 alternative communication;

12 (2) access to equal opportunity;

13 (3) awareness and implementation of relevant
14 laws, policies, and practices;

15 (4) leadership and self-advocacy skills;

16 (5) capacity, in the case of individuals with sig-
17 nificant expressive communication disabilities, edu-
18 cators, professionals, and families;

19 (6) national statistical data; and

20 (7) societal awareness.

21 **SEC. 4. DEFINITIONS.**

22 In this Act:

23 (1) **ADVISORY COUNCIL.**—The term “advisory
24 council” means an 11-person advisory council that—

1 (A) provides guidance, recommendations,
2 and oversight to an eligible entity;

3 (B) is comprised exclusively of individuals
4 with significant expressive communication dis-
5 abilities who collectively have diverse—

6 (i) educational and professional back-
7 grounds;

8 (ii) racial, ethnic, gender, and lin-
9 guistic identities;

10 (iii) disabilities, including intellectual
11 disabilities, ages, and geographic locations;

12 (iv) levels of income; and

13 (v) forms of augmentative and alter-
14 native communication relied upon; and

15 (C) is subject to each of the following con-
16 ditions:

17 (i) The initial council members shall
18 be identified in the grant application by
19 the partners of the eligible entity.

20 (ii) Each member of the advisory
21 council shall be appointed for a period of
22 5 years.

23 (iii) The Chair and Vice Chair of the
24 council shall be selected by the council
25 members at the first meeting and there-

1 after as the council determines to be ap-
2 propriate.

3 (iv) The council shall fill any vacancy
4 in accordance with section 7(b)(8)(C).

5 (2) AUGMENTATIVE AND ALTERNATIVE COMMU-
6 NICATION.—The term “augmentative and alternative
7 communication” means any tool, method, tech-
8 nology, strategy, service, training, coaching, and
9 other support used to supplement or replace speech.

10 (3) COMPETITIVE INTEGRATED EMPLOY-
11 MENT.—The term “competitive integrated employ-
12 ment” has the meaning given the term in section 7
13 of the Rehabilitation Act of 1973 (29 U.S.C. 705).

14 (4) DISABILITY.—The term “disability” has the
15 meaning given the term in section 3 of the Ameri-
16 cans with Disabilities Act of 1990 (42 U.S.C.
17 12102).

18 (5) ELIGIBLE ENTITY.—The term “eligible enti-
19 ty” means a partnership of at least 2 organiza-
20 tions—

21 (A) for which the controlling partner of the
22 partnership is a nonprofit organization
23 headquartered in the United States that vests
24 power and authority in individuals with signifi-
25 cant expressive communication disabilities in

1 terms of management, staffing, decision mak-
2 ing, operation, and provision of services;

3 (B) that includes at least one other organi-
4 zation headquartered in the United States that
5 is either an institution of higher education or
6 an association of professional service providers
7 or educators in the field of significant expres-
8 sive communication disabilities;

9 (C) that has a cross-disability and cross-
10 generational focus;

11 (D) that is advised by an advisory council;

12 (E) that has adopted a mission that values
13 equal opportunity and the fundamental right of
14 communication access, and operating principles
15 that respect the rights of individuals with sig-
16 nificant expressive communication disabilities to
17 express themselves in the manner of their
18 choosing; and

19 (F) of which the organizational members,
20 collectively—

21 (i) have knowledge, experience, and
22 capacity in conducting training, technical
23 assistance, or knowledge dissemination re-
24 lated to the priority activities described in
25 section 6;

1 (ii) have experience working directly
2 with individuals with significant expressive
3 communication disabilities in association
4 with—

5 (I) early intervention programs,
6 early childhood programs, elementary
7 or secondary schools, or postsecondary
8 education programs; or

9 (II) 2 or more types of entities
10 from among—

11 (aa) centers for independent
12 living authorized under part C of
13 title VII of the Rehabilitation Act
14 of 1973 (29 U.S.C. 796f et seq.);

15 (bb) home and community-
16 based service providers;

17 (cc) employers;

18 (dd) health care providers;

19 (ee) protection and advocacy
20 organizations;

21 (ff) aging networks;

22 (gg) caregiver organizations;

23 or

24 (hh) State, Tribal, or local
25 government agencies; and

1 (iii) have experience developing and
2 maintaining collaborative working relation-
3 ships among disability-led advocacy organi-
4 zations, institutions of higher education,
5 professional associations, or caregiver orga-
6 nizations.

7 (6) EVIDENCE-BASED.—The term “evidence-
8 based”, used with respect to assistance that is
9 knowledge, a resource, training, or technical assist-
10 ance, means assistance—

11 (A) that demonstrates a rationale based on
12 a high-quality research finding or positive eval-
13 uation that such assistance is likely to improve
14 a communication outcome or other relevant out-
15 come; and

16 (B) for which ongoing efforts are made to
17 examine the effects of the assistance.

18 (7) INDIVIDUAL WITH SIGNIFICANT EXPRES-
19 SIVE COMMUNICATION DISABILITIES.—The term “in-
20 dividual with significant expressive communication
21 disabilities” means an individual of any age—

22 (A) who has 1 or more real or perceived
23 significant expressive communication disabilities
24 and may have other disabilities; and

1 (B) whose disabilities result in the individ-
2 ual's need for, or benefit from, augmentative
3 and alternative communication and other sup-
4 ports to enable the individual to communicate
5 and to aid the individual in participating in 1
6 or more aspects of life.

7 (8) INSTITUTION OF HIGHER EDUCATION.—The
8 term “institution of higher education” has the
9 meaning given the term in section 101(a) of the
10 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

11 (9) NATIONAL RESOURCE CENTER.—The term
12 “national resource center” means a National Re-
13 source Center on Augmentative and Alternative
14 Communication referred to in section 5(a).

15 (10) SECRETARY.—The term “Secretary”
16 means the Secretary of Health and Human Services.

17 (11) SIGNIFICANT EXPRESSIVE COMMUNICA-
18 TION DISABILITY.—

19 (A) IN GENERAL.—The term “significant
20 expressive communication disability” means any
21 disability, whether congenital, developmental, or
22 acquired at any point in life, that prevents or
23 significantly limits an individual from under-
24 standing or being understood using spoken
25 words, resulting in the individual's need for or

1 benefit from augmentative and alternative com-
2 munication.

3 (B) APPLICATION.—The term does not
4 apply to an individual whose primary commu-
5 nication disability is visual or auditory in na-
6 ture, but does apply to an individual with a dis-
7 ability described in subparagraph (A) who also
8 has a visual or auditory communication dis-
9 ability and who may communicate using sign
10 language.

11 (12) STATE.—The term “State” means the 50
12 States, the District of Columbia, the Commonwealth
13 of Puerto Rico, the United States Virgin Islands,
14 Guam, American Samoa, and the Commonwealth of
15 the Northern Mariana Islands.

16 **SEC. 5. GRANTS.**

17 (a) IN GENERAL.—The Secretary shall award 3
18 grants through an open competition to eligible entities,
19 with applications approved under section 7, to create,
20 maintain, and administer a network of National Resource
21 Centers on Augmentative and Alternative Communication.
22 Each national resource center shall be a comprehensive
23 training, technical assistance, and resource center created
24 to work toward eliminating the continued discrimination
25 against, isolation of, marginalization of, and denial of ef-

1 fective communication for and equal opportunity of, indi-
2 viduals with significant expressive communication disabil-
3 ities, through activities including the priority activities de-
4 scribed in section 6.

5 (b) AWARDS FOR MULTIPLE CENTERS.—The Sec-
6 retary shall award the grants for national resource centers
7 in 3 geographically diverse locations, and shall designate
8 one of the centers as the lead administrative center.

9 (c) LEAD ADMINISTRATIVE CENTER.—The lead ad-
10 ministrative center shall coordinate—

11 (1) all activities of the centers;

12 (2) specialization of priorities among the cen-
13 ters;

14 (3) dissemination of information among the
15 centers;

16 (4) responses of the centers to the Secretary;
17 and

18 (5) ensuring that the full range of individuals
19 with significant expressive communication disabil-
20 ities is served by the centers.

21 (d) AMOUNT.—The Secretary shall, to the extent
22 practicable, award the 3 grants in amounts that total not
23 more than \$9,000,000 per year of a period described in
24 subsection (e).

1 (e) PERIODS.—The Secretary shall award each grant
2 for a period of 5 years, through an open competition held
3 initially and at the end of each 5-year period. An eligible
4 entity that receives a grant under this section may reapply
5 for such a grant at the end of the grant period.

6 **SEC. 6. NATIONAL RESOURCE CENTER PRIORITY ACTIVI-**
7 **TIES.**

8 The priority activities of a national resource center
9 shall be to—

10 (1) increase access to and effective implementa-
11 tion of the full range of augmentative and alter-
12 native communication for all individuals with signifi-
13 cant expressive communication disabilities in the
14 United States, regardless of age, race, ethnicity,
15 gender, gender identity, LGBTQ+ status, immigra-
16 tion status, educational achievement, socioeconomic
17 condition, primary language, nature or severity of
18 disability, location of residence, and age of onset of
19 the significant expressive communication disability;

20 (2) increase the capacity of individuals with sig-
21 nificant expressive communication disabilities, edu-
22 cators, professional service providers, families, and
23 direct support professionals to support individuals
24 with significant expressive communication disabili-
25 ties by creating and disseminating evidence-based

1 knowledge, resources, training and technical assist-
2 ance, and recommended practices in ensuring indi-
3 viduals with significant expressive communication
4 disabilities have the tools and other supports nec-
5 essary to exercise self-determination and effectively
6 access and participate in all aspects of life, including
7 education, employment, health care, and community
8 living;

9 (3) promote awareness and implementation of
10 the laws, regulations, policies, practices, procedures,
11 and systems that facilitate access to the full range
12 of augmentative and alternative communication and
13 promote equal access and opportunity for individuals
14 with significant expressive communication disabili-
15 ties;

16 (4) support and enhance the skills and leader-
17 ship of individuals with significant expressive com-
18 munication disabilities and their families to advocate
19 for the rights of the individuals to effective commu-
20 nication, education, self-determination, access to jus-
21 tice, and equal opportunity and participation in all
22 aspects of life;

23 (5) support the improved collection, availability,
24 and dissemination of demographic and characteristic
25 data, with a cross-disability and cross-generational

1 focus, regarding individuals with significant expres-
2 sive communication disabilities in the United States,
3 the barriers the individuals experience to meaningful
4 access to augmentative and alternative communica-
5 tion, and the unmet communication support and
6 other needs of this population; and

7 (6) increase societal awareness and knowledge
8 about individuals with significant expressive commu-
9 nication disabilities and the importance of, need for,
10 benefits of, and rights to meaningful access to effec-
11 tive communication tools and other supports in all
12 aspects of community and life.

13 **SEC. 7. APPLICATIONS.**

14 (a) IN GENERAL.—To be qualified to receive a grant
15 under section 5, an eligible entity shall submit an applica-
16 tion to the Secretary at such time and in such manner
17 as the Secretary may require.

18 (b) CONTENTS.—Each such application from an eligi-
19 ble entity shall include, at a minimum, each of the fol-
20 lowing:

21 (1) A description of the experience of each part-
22 ner organization in the entity in providing training,
23 information, advocacy, and support related to aug-
24 mentative and alternative communication and indi-

1 individuals with significant expressive communication
2 disabilities.

3 (2) A description of each partner organization's
4 experience in providing training, information, advo-
5 cacy, and support related to augmentative and alter-
6 native communication and to individuals with signifi-
7 cant expressive communication disabilities, to—

8 (A) early intervention specialists;

9 (B) elementary education, secondary edu-
10 cation, postsecondary education, and specialized
11 instructional support personnel as defined in
12 section 8101 of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 7801);

14 (C) caregiver groups;

15 (D) providers of home and community-
16 based services for adults;

17 (E) health care providers and educators;

18 (F) employers;

19 (G) providers of services to older adults;

20 (H) law enforcement agencies, courts, of-
21 fices of district attorneys, and other public and
22 private security agencies and businesses;

23 (I) institutional long-term care services
24 and support providers;

25 (J) nursing home providers; and

1 (K) other stakeholders.

2 (3) A description of each partner organization's
3 experience working with State, local, or Tribal gov-
4 ernment agencies in providing training, information,
5 and support related to augmentative and alternative
6 communication for full expression and individuals
7 with significant expressive communication disabili-
8 ties.

9 (4) A description of each partner organization's
10 prior partnerships with disability-led organizations
11 focused on augmentative and alternative communica-
12 tion and individuals with significant expressive com-
13 munication disabilities.

14 (5) Evidence of how the applicant satisfies the
15 requirements of section 4(5).

16 (6) A description of the applicant's plan to en-
17 sure that the applicant will provide training, tech-
18 nical assistance, and information to target audi-
19 ences, especially those audiences in need of knowl-
20 edge and access to augmentative and alternative
21 communication.

22 (7) A description of the applicant's plan to im-
23 plement the priority activities in section 6, including
24 how the organizational members of the eligible entity

1 will partner, collaborate, and operationalize the ac-
2 tivities.

3 (8) Advisory council information, including—

4 (A) a description of the advisory council,
5 including a list of the inaugural members of the
6 advisory council;

7 (B) an assurance that the Chair and Vice
8 Chair of the advisory council will be selected by
9 the advisory council members at the first meet-
10 ing of the advisory council and thereafter as the
11 council determines to be appropriate; and

12 (C) an assurance that, in filling a vacancy
13 on the advisory council, the advisory council
14 will—

15 (i) solicit nominations from the popu-
16 lation of augmentative and alternative
17 communication users;

18 (ii) if there is not more than 1 nomi-
19 nee for the vacancy, confirm the nominee
20 as a new member; and

21 (iii) if there is more than 1 nominee
22 for the vacancy, vote to determine the
23 nominee to fill the vacancy and subse-
24 quently confirm the nominee.

1 (9) A description of how other individuals with
2 significant expressive communication disabilities will
3 be involved in the governance and operations of the
4 national resource center involved, especially through
5 employment of individuals with significant expressive
6 communication disabilities.

7 (10) A description of how the applicant will de-
8 sign and make training, technical assistance, and in-
9 formation available in accessible formats, including
10 plain language.

11 (11) Assurances that the applicant, acting
12 through the national resource center, will work with
13 the stakeholders identified in section 9(d).

14 (12) Assurances that the applicant, acting
15 through the national resource center, will provide the
16 Secretary with requested data and information for
17 purposes of evaluating the grant activities.

18 **SEC. 8. AWARD PRIORITY.**

19 In awarding grants for activities described in this
20 Act, the Secretary shall give priority to an eligible entity
21 with at least 1 partner organization that—

22 (1) demonstrates a minimum of 3 years of ex-
23 perience providing training and technical assistance
24 and disseminating information related to augment-
25 ative and alternative communication and individuals

1 with significant expressive communication disabil-
2 ities, and being otherwise engaged in the priority ac-
3 tivities described in section 6;

4 (2) demonstrates that individuals with signifi-
5 cant expressive communication disabilities and those
6 who use augmentative and alternative communica-
7 tion are purposefully involved in the governance and
8 operation of the organization, especially through
9 their employment in service, delivery, and leadership
10 positions;

11 (3) demonstrates the ability to collaborate with
12 disability self-advocacy, education, direct service,
13 health care, employment, aging, caregiver, and hous-
14 ing organizations, whether the organizations are
15 public agencies or private entities; and

16 (4) demonstrates expertise in promoting acces-
17 sibility and the use of universal design (the latter as
18 defined in section 103 of the Higher Education Act
19 of 1965 (20 U.S.C. 1003)) in providing training and
20 technical assistance, and information dissemination.

21 **SEC. 9. USE OF FUNDS.**

22 (a) IN GENERAL.—An eligible entity that receives a
23 grant under section 5 shall use the grant funds to manage
24 and carry out each of the priority activities described in

1 section 6, activities described in this section, and any addi-
2 tional activities approved by the Secretary.

3 (b) COORDINATION WITH FEDERAL PROGRAMS.—

4 The work of a national resource center shall link to cur-
5 rent and future policy and activities undertaken through-
6 out the Federal Government in relation to self-advocacy,
7 supported decision making, person-centered planning,
8 community living, and competitive integrated employment
9 for individuals with disabilities and particularly for indi-
10 viduals with the most significant expressive communica-
11 tion disabilities, for the purpose of increasing—

- 12 (1) success and self-determination in life;
- 13 (2) the provision of inclusive early intervention
14 services, elementary education, secondary education,
15 and postsecondary education programs;
- 16 (3) competitive integrated employment;
- 17 (4) health, wellness, and personal safety;
- 18 (5) economic security;
- 19 (6) civic engagement;
- 20 (7) community integration; and
- 21 (8) improvement in other aspects of life.

22 (c) INFORMATION DISSEMINATION.—Notwith-
23 standing the priority activities described in section 6, a
24 national resource center shall ensure information and
25 other resources about augmentative and alternative com-

1 munication and individuals with significant expressive
2 communication disabilities are made available as appro-
3 priate to—

4 (1) individuals with significant expressive com-
5 munication disabilities and their families;

6 (2) institutions of higher education;

7 (3) State, Tribal, and local educational agen-
8 cies;

9 (4) law enforcement agencies, courts, offices of
10 district attorneys, and other public and private secu-
11 rity agencies and businesses;

12 (5) national, State, regional, Tribal, and local
13 employers, to enable businesses to hire into competi-
14 tive integrated employment more individuals who use
15 augmentative and alternative communication;

16 (6) national, State, Tribal, and local govern-
17 ment agencies that provide services and other sup-
18 ports to individuals with significant expressive com-
19 munication disabilities, including agencies respon-
20 sible for emergency preparedness, employment sup-
21 port, and vocational rehabilitation, agencies respon-
22 sible for State programs under the Assistive Tech-
23 nology Act of 1988 (29 U.S.C. 3001 et seq.), agen-
24 cies responsible for State alternative financing pro-
25 grams, State agencies responsible for the Medicaid

1 program under title XIX of the Social Security Act
2 (42 U.S.C. 1396 et seq.), and the agencies over-
3 seeing the provision of home and community-based
4 services;

5 (7) national and local disability and aging advoca-
6 cacy organizations, including disability self-advocacy
7 organizations;

8 (8) family support organizations, including the
9 parent training and information centers supported
10 under section 671 of the Individuals with Disabilities
11 Education Act (20 U.S.C. 1471);

12 (9) centers for independent living and Statewide
13 Independent Living Councils authorized by title VII
14 of the Rehabilitation Act of 1973 (29 U.S.C. 796 et
15 seq.);

16 (10) network partners, including the State
17 Councils on Developmental Disabilities described in
18 section 125 of the Developmental Disabilities Assist-
19 ance and Bill of Rights Act of 2000 (42 U.S.C.
20 15025), the protection and advocacy systems de-
21 scribed in section 143 of that Act (42 U.S.C.
22 15043), and University Centers for Excellence in
23 Developmental Disabilities Education, Research, and
24 Services supported under subtitle D of title I of that

1 Act (42 U.S.C. 15061 et seq.), participating in ac-
2 tivities under that Act (42 U.S.C. 15001 et seq.);

3 (11) State agencies and area agencies on aging,
4 entities carrying out long-term care ombudsman pro-
5 grams, and other entities funded under the Older
6 Americans Act of 1965 (42 U.S.C. 3001 et seq.);

7 (12) health care providers and educators, health
8 care advocacy organizations, nursing home pro-
9 viders, and institutional long-term care facilities;

10 (13) professional organizations and organiza-
11 tions that certify preservice training programs; and

12 (14) other groups and entities as identified by
13 the eligible entity and the advisory council of the eli-
14 gible entity.

15 (d) STAKEHOLDER COLLABORATION.—A national re-
16 source center shall collaborate with—

17 (1) organizations of individuals with significant
18 expressive communication disabilities;

19 (2) disability organizations;

20 (3) entities carrying out State assistive tech-
21 nology programs and State alternative financing pro-
22 grams;

23 (4) State, Tribal, and local educational agen-
24 cies;

1 (5) the councils, systems, and university centers
2 described in subsection (c)(10);

3 (6) entities carrying out national, State, Tribal
4 and Native Hawaiian, and local programs authorized
5 by the Older Americans Act of 1965;

6 (7) the federally funded Rehabilitation Engi-
7 neering Research Center on Augmentative and Al-
8 ternative Communication;

9 (8) State agencies responsible for vocational re-
10 habilitation programs, as defined in section 3 of the
11 Workforce Innovation and Opportunity Act (29
12 U.S.C. 3102);

13 (9) professional associations whose members
14 come in contact with and support individuals who
15 may use augmentative and alternative communica-
16 tion;

17 (10) local boards, as defined in section 3 of the
18 Workforce Innovation and Opportunity Act (29
19 U.S.C. 3102); and

20 (11) other State, regional, Tribal, and local en-
21 tities with the ability to provide support for individ-
22 uals who need and use augmentative and alternative
23 communication.

24 (e) LIMITATION.—A national resource center that re-
25 ceives grant funds under section 5 for a fiscal year shall

1 use not more than 15 percent of the funds for the adminis-
2 trative costs of carrying out activities under this Act.

3 **SEC. 10. ANNUAL REPORT.**

4 (a) PREPARATION.—The lead administrative center
5 referred to in section 5(b), in coordination with the other
6 national resource centers that receive grant funds under
7 section 5, shall annually prepare a report containing, con-
8 sistent with criteria established by the Secretary, informa-
9 tion on—

10 (1) activities conducted by each national re-
11 source center funded under section 5 to achieve the
12 purpose of this Act;

13 (2) collaboration by each such national resource
14 center with other entities to achieve the purposes of
15 this Act;

16 (3) barriers to and strategies for equitable ac-
17 cess to augmentative and alternative communication
18 and other supports for individuals who belong to ra-
19 cial, ethnic, and linguistic minority communities and
20 face a greater likelihood of being born with or ac-
21 quiring significant expressive communication disabil-
22 ities as well as added difficulties in obtaining effec-
23 tive augmentative and alternative communication;

24 (4) identified gaps in available demographic and
25 characteristic data on individuals with significant ex-

1 pressive communication disabilities in the United
2 States; and

3 (5) the unmet needs of individuals with signifi-
4 cant expressive communication disabilities, from di-
5 verse backgrounds, in the United States and policy
6 recommendations to address such unmet needs.

7 (b) SUBMISSION.—The lead administrative center
8 shall submit the report to—

9 (1) the Secretary;

10 (2) the Secretary of Education;

11 (3) the relevant subcommittees of the Com-
12 mittee on Health, Education, Labor, and Pensions
13 of the Senate, the Special Committee on Aging of
14 the Senate, and the Committee on Education and
15 the Workforce of the House of Representatives; and

16 (4) the Subcommittee on Labor, Health and
17 Human Services, Education, and Related Agencies
18 of the Committee on Appropriations of the Senate,
19 and the Subcommittee on Labor, Health and
20 Human Services, Education, and Related Agencies
21 of the Committee on Appropriations of the House of
22 Representatives.

1 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act \$9,000,000 for each of fiscal years 2024 through
4 2028.

5 **SEC. 12. SHORT TITLE.**

6 This Act may be cited as the “Nogales Wastewater
7 Improvement Act of 2023”.

8 **SEC. 13. NOGALES WASTEWATER IMPROVEMENT.**

9 (a) AMENDMENT TO THE ACT OF JULY 27, 1953.—
10 The first section of the Act of July 27, 1953 (67 Stat.
11 195, chapter 242; 22 U.S.C. 277d–10), is amended by
12 striking the period at the end and inserting “: *Provided*
13 *further*, That the equitable portion of the Nogales sanita-
14 tion project for the city of Nogales, Arizona, shall be lim-
15 ited to the costs directly associated with the treatment and
16 conveyance of the wastewater of the city and, to the extent
17 practicable, shall not include any costs directly associated
18 with the quality or quantity of wastewater originating in
19 Mexico.”.

20 (b) NOGALES SANITATION PROJECT.—

21 (1) DEFINITIONS.—In this subsection:

22 (A) CITY.—The term “City” means the
23 City of Nogales, Arizona.

24 (B) COMMISSION.—The term “Commis-
25 sion” means the United States Section of the
26 International Boundary and Water Commission.

1 (C) INTERNATIONAL OUTFALL INTER-
2 CEPTOR.—The term “International Outfall In-
3 terceptor” means the pipeline that conveys
4 wastewater from the United States-Mexico bor-
5 der to the Nogales International Wastewater
6 Treatment Plant.

7 (D) NOGALES INTERNATIONAL WASTE-
8 WATER TREATMENT PLANT.—The term
9 “Nogales International Wastewater Treatment
10 Plant” means the wastewater treatment plant
11 that—

12 (i) is operated by the Commission;

13 (ii) is located in Rio Rico, Santa Cruz
14 County, Arizona, after manhole 99; and

15 (iii) treats sewage and wastewater
16 originating from—

17 (I) Nogales, Sonora, Mexico; and

18 (II) Nogales, Arizona.

19 (2) OWNERSHIP AND CONTROL.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B) and in accordance with authority
22 under the Act of July 27, 1953 (67 Stat. 195,
23 chapter 242; 22 U.S.C. 277d–10 et seq.), on
24 transfer by donation from the City of the cur-
25 rent stake of the City in the International Out-

1 fall Interceptor to the Commission, the Com-
2 mission shall enter into such agreements as are
3 necessary to assume full ownership and control
4 over the International Outfall Interceptor.

5 (B) AGREEMENTS REQUIRED.—The Com-
6 mission shall assume full ownership and control
7 over the International Outfall Interceptor under
8 subparagraph (A) after all applicable governing
9 bodies in the State of Arizona, including the
10 City, have—

11 (i) signed memoranda of under-
12 standing granting to the Commission ac-
13 cess to existing easements for a right of
14 entry to the International Outfall Inter-
15 ceptor for the life of the International Out-
16 fall Interceptor;

17 (ii) entered into an agreement with re-
18 spect to the flows entering the Inter-
19 national Outfall Interceptor that are con-
20 trolled by the City; and

21 (iii) agreed to work in good faith to
22 expeditiously enter into such other agree-
23 ments as are necessary for the Commission
24 to operate and maintain the International
25 Outfall Interceptor.

1 (3) OPERATIONS AND MAINTENANCE.—

2 (A) IN GENERAL.—Beginning on the date
3 on which the Commission assumes full owner-
4 ship and control of the International Outfall In-
5 terceptor under paragraph (2)(A), but subject
6 to paragraph (5), the Commission shall be re-
7 sponsible for the operations and maintenance of
8 the International Outfall Interceptor.

9 (B) AUTHORIZATION OF APPROPRIA-
10 TIONS.—There are authorized to be appro-
11 priated to the Commission to carry out this
12 paragraph, to remain available until ex-
13 pended—

14 (i) \$6,500,000 for fiscal year 2025;

15 and

16 (ii) not less than \$2,500,000 for fiscal
17 year 2026 and each fiscal year thereafter.

18 (4) DEBRIS SCREEN.—

19 (A) DEBRIS SCREEN REQUIRED.—

20 (i) IN GENERAL.—The Commission
21 shall construct, operate, and maintain a
22 debris screen at Manhole One of the Inter-
23 national Outfall Interceptor for inter-
24 cepting debris and drug bundles coming to

1 the United States from Nogales, Sonora,
2 Mexico.

3 (ii) REQUIREMENT.—In constructing
4 and operating the debris screen under
5 clause (i), the Commission and the Com-
6 missioner of U.S. Customs and Border
7 Protection shall coordinate—

8 (I) the removal of drug bundles
9 and other illicit goods caught in the
10 debris screen; and

11 (II) other operations at the Inter-
12 national Outfall Interceptor that re-
13 quire coordination.

14 (B) AUTHORIZATION OF APPROPRIA-
15 TIONS.—There are authorized to be appro-
16 priated to the Commission, to remain available
17 until expended—

18 (i) for fiscal year 2025—

19 (I) \$8,000,000 for construction
20 of the debris screen described in sub-
21 paragraph (A)(i); and

22 (II) not less than \$1,000,000 for
23 the operations and maintenance of the
24 debris screen described in subpara-
25 graph (A)(i); and

1 (ii) not less than \$1,000,000 for fiscal
2 year 2026 and each fiscal year thereafter
3 for the operations and maintenance of the
4 debris screen described in subparagraph
5 (A)(i).

6 (5) LIMITATION OF CLAIMS.—Chapter 171 and
7 section 1346(b) of title 28, United States Code
8 (commonly known as the “Federal Tort Claims
9 Act”), shall not apply to any claim arising from the
10 activities of the Commission in carrying out this
11 subsection, including any claim arising from dam-
12 ages that result from overflow of the International
13 Outfall Interceptor due to excess inflow to the Inter-
14 national Outfall Interceptor originating from
15 Nogales, Sonora, Mexico.

16 (c) EFFECTIVE DATE.—This section (including the
17 amendments made by this section) takes effect on October
18 1, 2024.

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