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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To direct the Secretary of Heath and Human Services to establish and carry out a program for making allotments to States to pay for the cost of carrying out the State Ombudsman Program to serve as a resource to provide information and support to individuals with developmental disabilities and their families.

IN THE HOUSE OF REPRESENTATIVES

Mr. KEAN introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Secretary of Heath and Human Services to establish and carry out a program for making allotments to States to pay for the cost of carrying out the State Ombudsman Program to serve as a resource to provide information and support to individuals with developmental disabilities and their families.

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 ''Disability Benefits Guidance Act''.

SEC. 2. PURPOSE.

The Secretary of Heath and Human Services shall establish and carry out a program for making allotments to States to pay for the cost of carrying out the State Ombudsman Program described in section 4 to serve as a resource to provide information and support to individuals with developmental disabilities and their families.

SEC. 3. ALLOTMENT.

(a) IN GENERAL.—

(1) POPULATION.—In carrying out the program described in section 2, the Assistant Secretary shall allot to each State, from the funds appropriated under section 6(c) for each fiscal year, an amount that bears the same ratio to the funds as the population of individuals with disabilities in the State bears to the population of individuals with disabilities in all States.

(2) MINIMUM ALLOTMENTS.—

(A) IN GENERAL.—After making the initial allotments described in paragraph (1), the Secretary shall adjust the allotments on a pro rata basis in accordance with subparagraphs (B) and (C).

(B) GENERAL MINIMUM ALLOTMENTS.—

(i) MINIMUM ALLOTMENT FOR STATES.—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 6(c) for the fiscal year for which the determination is made.

(ii) MINIMUM ALLOTMENT FOR TERRITORIES.—Guam, the United States Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 6(c) for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 6(c) for the fiscal year for which the determination is made.

(C) DEFINITION.—For the purposes of this paragraph, the term ''State'' does not include Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

(b) REALLOTMENT.—

(1) IN GENERAL.—If the Secretary determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Secretary shall make the amount available to a State that the Secretary determines will be able to use the amount for carrying out the purpose.

(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this Act, be regarded as part of the allotment of the State (as determined under subsection (a)) for the year, but shall remain available until the end of the succeeding fiscal year.

SEC. 4. STATE OMBUDSMAN REQUIRED.

(a) STATE OMBUDSMAN REQUIRED.—

(1) IN GENERAL.—In order for a State to receive an allotment under section 3 the State shall—

(A) establish and operate an Office of the Ombudsman for Individuals with Developmental Disabilities and Their Families (in this section referred to as the ''Office''); and

(B) carry out through the Office a State Ombudsman program for Individuals with Developmental Disabilities and Their Families Program.

(2) STATE OMBUDSMAN.—

(A) IN GENERAL.—The Office shall be headed by an individual, to be known as the State Ombudsman for Individuals with Developmental Disabilities and their Families (and referred to in this Act as the ''State Ombudsman'') who shall be selected from among individuals who shall be qualified by training and experience to perform the duties of the Office. The State Ombudsman shall be a person of recognized judgment, integrity, and objectivity, shall be skilled in communication and conflict resolution, and shall have personal or professional experience with individuals with developmental disabilities and their families.

(B) MANAGEMENT OF THE OFFICE.—The State Ombudsman shall be responsible for the management, including the fiscal management, of the Office. The State Ombudsman shall hire sufficient professional and clerical staff and organize and direct the work of the Office, includ-

ing the work of such professional and clerical staff, as may be necessary to carry out the Ombudsman's duties under this Act. All employees of the office shall serve at the pleasure of the State Ombudsman. The State Ombudsman, or the Deputy State Ombudsman acting in the Ombudsman's stead, may delegate, to any employee of the office, any of the authorities, duties, or powers granted under this Act.

(C) DEPUTY STATE OMBUDSMAN.—The State Ombudsman appointed pursuant to this section shall select and appoint a Deputy State Ombudsman to support the Ombudsman in the execution of the Ombudsman's duties. The Deputy State Ombudsman shall be authorized to act in the State Ombudsman's stead and perform all relevant duties of the State Ombudsman in any case where—

(i) the State Ombudsman is unavailable, due to illness, disability, leave, or other absence; or

(ii) the State Ombudsman, in the State Ombudsman's sole discretion, determines that there is an appearance of impropriety or partiality or a conflict of in-

terest that prevents the State Ombudsman from effectively discharging their duties in any particular matter.

(3) FUNCTIONS.—The State Ombudsman shall serve on a full-time basis, and shall, personally or through representatives of the Office—

(A) serve as a source of information for all individuals with developmental disabilities and their families, as well as for other interested members of the public and members of the media, to help them better understand State and Federal laws and regulations governing individuals with developmental disabilities;

(B) provide, in coordination with the State Council on Developmental Disabilities, the State Centers of Independent Living, the State designated protection and advocacy organization for individuals with developmental disabilities, and members of the State Legislature—

(i) information and supports to individuals with developmental disabilities and their families, as may be necessary to assist them in identifying, navigating, and understanding the process for obtaining

services and supports from, relevant departments in the State; and

(ii) direct assistance to individuals with developmental disabilities, as may be necessary to ensure that such persons are able to obtain appropriate services, supports, and opportunities that focus on their personal goals and that help those goals become a reality;

(C) provide information and communication strategies to individuals with developmental disabilities and their families in association with the resolution of disputes or disagreements with relevant departments regarding the evaluation, placement, or provision of services and supports to such persons and educate individuals with developmental disabilities and their families on the available options for resolving such disputes and disagreements;

(D) work neutrally and objectively with all parties to help ensure that a fair process is followed in the resolution of disputes and disagreements with relevant departments concerning the provision of services and supports

to individuals with developmental disabilities receiving services from relevant departments;

(E) identify any patterns of complaints that emerge regarding the rights of, or services provided to, individuals with developmental disabilities, and provide suggestions to relevant departments recommending the revision of rules, regulations, policies, procedures, and protocols or the implementation of new and innovative methods or strategies to better protect the rights of individuals with developmental disabilities and ensure their improved access to, and timely receipt of, individualized and appropriate services; and

(F) assist relevant departments in creating public information programs that are designed to acquaint and educate individuals with developmental disabilities, as well as their family members and other members of the public, about the duties of the Ombudsman.

(4) CONFIDENTIALITY.—The State Ombudsman, Deputy State Ombudsman, and all other staff of the Office shall maintain confidentiality with respect to any communications or records that are received by the Office in effectuating the Ombuds-

man's duties. The State Ombudsman, Deputy State Ombudsman, and all other Office staff shall not disclose personally identifiable information regarding individuals with developmental disabilities, their families, or any other persons from whom information is acquired, except when such disclosure is necessary to enable the State Ombudsman to perform the duties of the Office and consent for the disclosure is obtained. Upon receipt of information that by law is confidential or privileged, the State Ombudsman shall maintain the confidentiality of the information and shall not disclose or disseminate the information except as provided by applicable State or Federal law. Whenever confidential records are obtained from a relevant department, pursuant to paragraph (5)(C), the State Ombudsman shall maintain the confidentiality of such records to the same extent as is required of the legal custodian of the records.

(5) PERFORMING DUTIES.—In effectuating the duties required by this section, the State Ombudsman shall be authorized to—

(A) consult with other State Ombudsman offices;

(B) receive complaints from individuals with developmental disabilities and their family members; and

(C) solicit and obtain information from relevant departments, as may be necessary to facilitate the discharge of the State Ombudsman's duties hereunder, and examine, obtain, and copy any records maintained by a relevant department, including records that are deemed confidential under law, without being required to pay any fee therefor. The relevant department receiving a request from the State Ombudsman for information or records pursuant to this paragraph shall promptly provide the office with the information or records requested.

(6) RULE OF CONSTRUCTION FOR VOLUNTEER STATE OMBUDSMAN REPRESENTATIVES.—Nothing in this subsection shall be construed as prohibiting the program from providing and financially supporting an individual designated as a volunteer to represent the State Ombudsman program, or from reimbursing or otherwise providing financial support to such an individual for any costs, such as transportation costs, incurred by the individual in serving as such volunteer.

(b) PROCEDURES FOR ACCESS.—

(1) IN GENERAL.—The State shall ensure that representatives of the State Ombudsman shall have—

(A) appropriate access to review all files, records, and other information concerning an individual with disabilities, if the representative has the permission of the resident, or the legal representative of the individual with a disability;

(B) access to the administrative records, policies, and documents, to which the individuals have, or the general public has access, of facilities that provide treatment, services, or habilitation for individuals with developmental disabilities; and

(C) access to and, on request, copies of all licensing and certification records maintained by the State with respect to facilities that provide treatment, services, or habilitation for individuals with developmental disabilities.

(2) PROCEDURES.—The State shall establish procedures to ensure the access described in paragraph (1).

(3) HEALTH OVERSIGHT AGENCY.—For purposes of the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), the Ombudsman and a representative of the Office shall be considered a ''health oversight agency'', so that release of individuals with developmental disabilities' individually identifiable health information to the Ombudsman or representative is not precluded in cases in which the requirements of clause (i) or (ii) of paragraph (1)(B), or the requirements of paragraph (1)(D), are otherwise met.

(c) REPORTING SYSTEM.—The State shall establish a statewide uniform reporting system to—

(1) collect and analyze data relating to complaints and conditions in facilities that provide treatment, services, or habilitation for individuals with developmental disabilities and to individuals with developmental disabilities for the purpose of identifying and resolving significant problems; and

(2) submit the data, on a regular basis, to—

(A) the agency or agencies of the State responsible for licensing or certifying facilities that provide treatment, services, or habilitation

for individuals with developmental disabilities in the State;

(B) other State and Federal entities that the Ombudsman determines to be appropriate; and

(C) the Secretary of Health and Human Services.

(d) DISCLOSURE.—

(1) IN GENERAL.—The State shall establish procedures for the disclosure by the Ombudsman of files, records, and other information maintained by the program, including records described in subsection (c)(1) or this subsection.

(2) IDENTITY OF COMPLAINANT OR RESIDENT.—The procedures described in paragraph (1) shall—

(A) provide that, subject to subparagraph (B), the files, records, and other information described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files, records, and other information); and

(B) prohibit the disclosure of the identity of any complainant or resident with respect to

whom the Office maintains such files, records, or other information unless—

(i) the complainant or individual with a disability, or the legal representative of the complainant or individual with a disability, consents to the disclosure and the consent is given in writing;

(ii)(I) the complainant or individual with a disability gives consent orally; and

(II) the consent is documented contemporaneously in a writing made by a representative of the Office in accordance with such requirements as the State agency shall establish; or

(iii) the disclosure is required by court order.

(e) CONSULTATION.—In planning and operating the program, the State shall consider the views of individuals with developmental disabilities and their families, facilities that provide treatment, services, or habilitation for individuals with developmental disabilities, and entities within the State established under subtitles B, C, and D of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15021 et seq.).

(f) CONFLICT OF INTEREST.—

(1) INDIVIDUAL CONFLICT OF INTEREST.—The State shall—

(A) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the State Ombudsman (whether by appointment or otherwise), is subject to a conflict of interest;

(B) ensure that no officer or employee of the Office, or member of the immediate family of the officer, employee, or representative, is subject to a conflict of interest; and

(C) ensure that the State Ombudsman—

(i) does not have a direct involvement in the licensing or certification of facilities that provide treatment, services, or habilitation for individuals with developmental disabilities;

(ii) does not have an ownership or investment interest (represented by equity, debt, or other financial relationship) in a facility that provide treatment, services, or habilitation for individuals with developmental disabilities;

(iii) is not employed by, or participating in the management of, a facility

that provides treatment, services, or habilitation for individuals with developmental disabilities or a related organization, and has not been employed by such a facility or organization within 1 year before the date of the determination involved;

(iv) does not receive, or have the right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a facility that provides treatment, services, or habilitation for individuals with developmental disabilities;

(v) does not have management responsibility for, or operate under the supervision of an individual with management responsibility for, a facility that provides treatment, services, or habilitation for individuals with developmental disabilities; and

(vi) does not serve as a guardian or in another fiduciary capacity for individuals with developmental disabilities who are or who may be eligible for receiving treatment, services, or habilitation in an official capacity (as opposed to serving as a guard-

ian or fiduciary for a family member, in a personal capacity).

(2) ORGANIZATIONAL CONFLICT OF INTEREST.—

(A) IN GENERAL.—The State shall comply with subparagraph (B)(i) in a case in which the Office poses an organizational conflict of interest, including a situation in which the Office is placed in an organization that—

(i) is responsible for licensing, certifying, or surveying treatment, services, or habilitation for individuals with developmental disabilities in the State;

(ii) is an association (or an affiliate of such an association) of facilities that provide treatment, services, or habilitation for individuals with developmental disabilities;

(iii) provides long-term care services, including programs carried out under a Medicaid waiver approved under section 1115 of the Social Security Act (42 U.S.C. 1315) or under subsection (b) or (c) of section 1915 of the Social Security Act (42 U.S.C. 1396n), or under a Medicaid State plan amendment under subsection (i), (j),

or (k) of section 1915 of the Social Security Act (42 U.S.C. 1396n);

(iv) provides case management for individuals with developmental disabilities;

(v) sets rates for services for individuals with developmental disabilities;

(vi) provides treatment, services, or habilitation for individuals with developmental disabilities;

(vii) is responsible for eligibility determinations for the Medicaid program carried out under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(viii) conducts preadmission screening for placements in facilities described in clause (ii); or

(ix) makes decisions regarding admission or discharge of individuals to or from such facilities.

(B) IDENTIFYING, REMOVING, AND REMEDYING ORGANIZATIONAL CONFLICT.—

(i) IN GENERAL.—The State may not operate the Office or carry out the State Ombudsman program for Individuals with Developmental Disabilities and Their Fam-

ilies Program, directly, or by contract or other arrangement with any public agency or nonprofit private organization, in a case in which there is an organizational conflict of interest (within the meaning of subparagraph (A)) unless such conflict of interest has been—

(I) identified by the State agency;

(II) disclosed by the State agency to the Secretary in writing; and

(III) remedied in accordance with this subparagraph.

(ii) ACTION BY SECRETARY.—In a case in which a potential or actual organizational conflict of interest (within the meaning of subparagraph (A)) involving the Office is disclosed or reported to the Secretary of Health and Human Services by any person or entity, the Secretary shall require that the State agency—

(I) remove the conflict; or

(II) submit, and obtain the approval of the Secretary for, an adequate remedial plan that indicates

how the Ombudsman will be unencumbered in fulfilling all of the functions specified in subsection (a)(3).

(g) LEGAL COUNSEL.—The State shall ensure that—

(1)(A) adequate legal counsel is available, and is able, without conflict of interest, to—

(i) provide advice and consultation needed to protect the health, safety, welfare, and rights of individuals with developmental disabilities; and

(ii) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

(B) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative; and

(2) the Office pursues administrative and other appropriate remedies on behalf of residents.

(h) ADMINISTRATION.—

(1) IN GENERAL.—The State shall require the Office to prepare an annual written report, the date of release of which shall be set by the Ombudsman, except that, in no case shall the Ombudsman allow more than 365 days to elapse between consecutive annual release dates. The release of a report pursuant to this paragraph shall be at least once per annum, shall be mandatory, and the Ombudsman shall not be authorized to delay the issuance of an annual report beyond the mandatory timeframe provided by this paragraph. Special or interim reports may be issued, at any time, in the discretion of the Ombudsman.

(2) ANNUAL REPORT REQUIREMENTS.—The annual written report shall—

(A) describe the activities carried out by the Office in the year for which the report is prepared;

(B) contain and analyze the data collected under subsection (c);

(C) evaluate the problems experienced by, and the complaints made by or on behalf of, individuals with developmental disabilities;

(D) contain recommendations for—

(i) improving quality of the care and life of individuals with developmental disabilities; and

(ii) protecting the health, safety, welfare, and rights of individuals with developmental disabilities;

(E)(i) analyze the success of the program including success in providing services to individuals with developmental disabilities; and

(ii) identify barriers that prevent the optimal operation of the program; and

(F) provide policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of individuals with developmental disabilities, to protect the health, safety, welfare, and rights of individuals with developmental disabilities, and to remove the barriers;

(G) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain to facilities that provide treatment, services, or habilitation for individuals with disabilities, and to

the health, safety, welfare, and rights of individuals with developmental disabilities, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

(H)(i) provide such information as the Office determines to be necessary to public and private agencies, legislators, the media, and other persons, regarding—

(I) the problems and concerns of individuals with developmental disabilities receiving treatment, services, or habilitation; and

(II) recommendations related to the problems and concerns; and

(ii) make available to the public, and submit to the Secretary, the chief executive officer of the State, the State legislature, the State agency or agencies responsible for licensing or certifying facilities that provide treatment, services, or habilitation for individuals with developmental disabilities, and other appropriate governmental entities, each report prepared under paragraph (1);

(I) strengthen and update procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards established pursuant to section 5(c)(12) by the Director of the Office of Ombudsman for Individuals with Developmental Disabilities and Their Families, in consultation with representatives of citizen groups, providers of treatment, services, or habilitation, or who are being considered for a change in living arrangements for individuals with developmental disabilities, and the Office, that—

(i) specify a minimum number of hours of initial training;

(ii) specify the content of the training, including training relating to—

(I) Federal, State, and local laws, regulations, and policies, with respect to facilities in the State that provide treatment, services, or habilitation for individuals with developmental disabilities; and

(II) such other matters as the State determines to be appropriate; and

(iii) specify an annual number of hours of in-service training for all designated representatives;

(J) coordinate Ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illnesses established under—

(i) subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.); and

(ii) the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.); and

(K) coordinate services with State and local law enforcement agencies and courts of competent jurisdiction.

(i) LIABILITY.—The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

(j) NONINTERFERENCE.—The State shall—

(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by

the Secretary of Health and Human Services) shall be unlawful;

(2) prohibit retaliation and reprisals by a facility that provides treatment, services, or habilitation to individuals with developmental disabilities or other entity with respect to any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the Office; and

(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

(k) DEFINITIONS.—For the purposes of this section:

(1) APPROPRIATE SERVICES.—The term ''appropriate services'' means any services, including assessment, placement, treatment, support, planning, housing, employment, health care, or behavioral health care services, which are made available by a relevant department in the State to assist individuals with developmental disabilities or the family members thereof.

(2) RELEVANT DEPARTMENT; DEPARTMENT.—The terms ''relevant department'' or ''department'' means any State executive department or agency that provides appropriate services to individuals with

developmental disabilities or their families through any office or division thereof.

SEC. 5. ESTABLISHMENT OF FEDERAL OFFICE OF THE OMBUDSMAN FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES.

(a) IN GENERAL.—There is established in the Department of Health and Human Services the Office of Ombudsman for Individuals with Developmental Disabilities and Their Families (in this section referred to as the ''Office'').

(b) LEADERSHIP.—

(1) IN GENERAL.—The Office shall be headed by a Director of the Office of Ombudsman for Individuals with Developmental Disabilities and Their Families (in this subsection referred to as the ''Director'') who shall be appointed by the Secretary of Health and Human Services from among individuals who have recognized judgment, integrity, and objectivity, are skilled in communication and conflict resolution, and have personal or professional experience with individuals with developmental disabilities and their families.. The Director shall report directly to the Secretary or another designee of the Secretary.

(2) PROHIBITION.—No individual shall be appointed Director if—

(A) the individual has been employed within the previous 2 years by—

(i) a facility that provides treatment, services, or habilitation for individuals with developmental disabilities;

(ii) a corporation that then owned or operated a facility that provides treatment, services, or habilitation for individuals with developmental disabilities; or

(iii) an association of facilities that provides treatment, services, or habilitation for individuals with developmental disabilities; or

(B) the individual—

(i) has an ownership or investment interest (represented by equity, debt, or other financial relationship) in a facility that provides treatment, services, or habilitation for individuals with developmental disabilities;

(ii) receives, or has the right to receive, directly or in-direct remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a facility that provides treatment, services,

or habilitation for individuals with developmental disabilities; or

(iii) the individual, or any member of the immediate family of the individual, is subject to a conflict of interest.

(c) DUTIES.—The Director shall—

(1) serve as an effective and visible advocate on behalf of individuals with developmental disabilities within the State who are or who may be eligible for treatment, services, or habilitation, or who are being considered for a change in living arrangement, within the Department of Health and Human Services and with other departments, agencies, and instrumentalities of the Federal Government regarding all Federal policies affecting such individuals;

(2) review and make recommendations to the Secretary regarding the adequacy of State budgets and policies relating to the State Ombudsman for Individuals with Developmental Disabilities and Their Families programs;

(3) after consultation with State Ombudsmen for Individuals with Developmental Disabilities and Their Families, make recommendations to the Secretary regarding—

(A) policies designed to assist State Ombudsmen for Individuals with Developmental Disabilities and Their Families; and

(B) methods to periodically monitor and evaluate the operation of State Ombudsmen for Individuals with Developmental Disabilities and Their Families programs, to ensure that the programs satisfy the requirements of section 4;

(4) keep the Secretary fully and currently informed about—

(A) problems relating to State Ombudsman for Individuals with Developmental Disabilities and Their Families programs; and

(B) the necessity for, and the progress toward, solving the problems;

(5) review, and make recommendations to the Secretary regarding existing and proposed Federal legislation, regulations, and policies regarding the operation of State Ombudsmen for Individuals with Developmental Disabilities and Their Families programs;

(6) make recommendations to the Secretary regarding the policies of the Department, and coordinate the activities of the Department with the activities of other Federal entities, State and local enti-

ties, and nongovernmental entities, relating to State Ombudsmen for Individuals with Developmental Disabilities and Their Families programs;

(7) supervise the activities carried out under the authority of the Department that relate to State Ombudsmen for Individuals with Developmental Disabilities and Their Families programs;

(8) make recommendations to the Secretary regarding the operation of the National Ombudsman Resource Center;

(9) advocate, monitor, and coordinate Federal and State activities of State Ombudsmen for Individuals with Developmental Disabilities and Their Families under this Act;

(10) submit to the Speaker of the House of Representatives and the President pro tempore of the Senate an annual report on the effectiveness of services provided under section 4;

(11) have authority to investigate the operation or violation of any Federal law administered by the Department of Health and Human Services that may adversely affect the health, safety, welfare, or rights of individuals with developmental disabilities;

(12) not later than 180 days after the date of enactment of this Act, establish standards applicable to the training required by section 4(h)(2)(I); and

(13) collect and analyze best practices related to responding to abuse, neglect, and exploitation in facilities that provides treatment, services, or habilitation for individuals with developmental disabilities, and publish a report of such best practices.

SEC. 6. GENERAL PROVISIONS.

(a) DEFINITIONS.—In this Act, the terms ''developmental disability'' and ''State'' have the meanings given such terms in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

(b) REGULATIONS.—The Secretary of Health and Human Services shall issue and periodically update regulations respecting—

(1) conflicts of interest by persons described in subparagraphs (A) and (B) of section 4(f)(1); and

(2) the relationships described in clauses (i) through (vi) of section 4(f)(1)(C).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) FUNDING FOR STATE OMBUDSMAN ALLOTMENTS.—For allotments under section 3, there are

authorized to be appropriated such sums as necessary for each of fiscal years 2027 through 2032.

(2) FUNDING FOR FEDERAL OMBUDSMAN.—For the purposes of section 5, there are authorized to be appropriated such sums as necessary for each of fiscal years 2027 through 2032.