

108TH CONGRESS
2D SESSION

S. 2595

To establish State grant programs related to assistive technology and protection and advocacy services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2004

Mr. GREGG (for himself, Mr. HARKIN, Mr. ROBERTS, Mr. KENNEDY, Mr. REED, Mrs. MURRAY, Mr. JEFFORDS, Mr. ENZI, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish State grant programs related to assistive technology and protection and advocacy services, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Access to
5 Assistive Technology for Individuals with Disabilities Act
6 of 2004”.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—Congress finds the following:

1 (1) Over 54,000,000 individuals in the United
2 States have disabilities, with almost half experi-
3 encing severe disabilities that affect their ability to
4 see, hear, communicate, reason, walk, or perform
5 other basic life functions.

6 (2) Disability is a natural part of the human
7 experience and in no way diminishes the right of in-
8 dividuals to—

9 (A) live independently;

10 (B) enjoy self-determination and make
11 choices;

12 (C) benefit from an education;

13 (D) pursue meaningful careers; and

14 (E) enjoy full inclusion and integration in
15 the economic, political, social, cultural, and edu-
16 cational mainstream of society in the United
17 States.

18 (3) Too many individuals with disabilities are
19 outside the economic and social mainstream of soci-
20 ety in the United States. For example, individuals
21 with disabilities are less likely than their non-dis-
22 abled peers to graduate from high school, participate
23 in postsecondary education, work, own a home, par-
24 ticipate fully in their community, vote, or use the
25 computer and the internet.

1 (4) As President Bush’s New Freedom Initia-
2 tive states, “Assistive and universally designed tech-
3 nologies can be a powerful tool for millions of Ameri-
4 cans with disabilities, dramatically improving one’s
5 quality of life and ability to engage in productive
6 work. New technologies are opening opportunities
7 for even those with the most severe disabilities. For
8 example, some individuals with quadriplegia can now
9 operate computers by the glance of an eye.”.

10 (5) According to the National Council on Dis-
11 ability, “For Americans without disabilities, tech-
12 nology makes things easier. For Americans with dis-
13 abilities, technology makes things possible.”.

14 (6) Substantial progress has been made in the
15 development of assistive technology devices, univer-
16 sally designed products, and accessible information
17 technology and telecommunications systems. Those
18 devices, products, and systems can facilitate commu-
19 nication, ensure independent functioning, enable
20 early childhood development, support educational
21 achievement, provide and enhance employment op-
22 tions, and enable full participation in community liv-
23 ing. Access to such devices, products, and systems
24 can also reduce expenditures associated with early
25 childhood intervention, education, rehabilitation and

1 training, health care, employment, residential living,
2 independent living, recreation opportunities, and
3 other aspects of daily living.

4 (7) Over the last 15 years, the Federal Govern-
5 ment has invested in the development of statewide
6 comprehensive systems of assistive technology, which
7 have proven effective in assisting individuals with
8 disabilities in accessing assistive technology devices
9 and assistive technology services. Federal dollars
10 fund statewide infrastructures that support equip-
11 ment demonstration programs, short-term device
12 loan programs, financial loan programs, equipment
13 exchange and recycling programs, training pro-
14 grams, advocacy services, and information and refer-
15 ral services.

16 (8) Despite the success of the programs and
17 services described in paragraph (7), individuals with
18 disabilities who need assistive technology and acces-
19 sible information technology continue to have a great
20 need to know what technology is available, to deter-
21 mine what technology is most appropriate, and to
22 obtain and utilize that technology to ensure their
23 maximum independence and participation in society.

24 (9) The 2000 decennial Census indicates that
25 over 21,000,000 individuals in the United States,

1 more than 8 percent of the United States population,
2 have a disability that limits their basic physical abili-
3 ties such as walking, climbing stairs, reaching, lifting,
4 or carrying. Nearly 12 percent of working-age indi-
5 viduals in the United States, or 21,300,000 of those
6 individuals, have a disability that affects their ability
7 to work.

8 (10) The combination of significant recent
9 changes in Federal policy (including changes to sec-
10 tion 508 of the Rehabilitation Act of 1973 (29
11 U.S.C. 794d), accessibility provisions of the Help
12 America Vote Act of 2002 (42 U.S.C. 15301 et
13 seq.), Executive Order 13217 (42 U.S.C. 12131
14 note; relating to community-based alternatives for
15 individuals with disabilities), and the amendments
16 made by the No Child Left Behind Act of 2001) and
17 the rapid and unending evolution of technology re-
18 quire a Federal investment in State assistive tech-
19 nology systems to ensure that individuals with dis-
20 abilities reap the benefits of the technological revolu-
21 tion and participate fully in life in their commu-
22 nities.

23 (b) PURPOSES.—The purposes of this Act are—

1 (1) to enhance the ability of the Federal Gov-
2 ernment to provide States with financial assistance
3 that supports statewide—

4 (A) activities to increase access to, and
5 funding for, assistive technology devices and as-
6 sistive technology services, including financing
7 systems and financing programs;

8 (B) device demonstration, device loan, and
9 device re-utilization programs;

10 (C) training and technical assistance in the
11 provision or use of assistive technology devices
12 and assistive technology services;

13 (D) information systems relating to the
14 provision of assistive technology devices and as-
15 sistive technology services; and

16 (E) improved interagency and public-pri-
17 vate coordination that results in increased avail-
18 ability of assistive technology devices and assist-
19 ive technology services; and

20 (2) to provide States with financial assistance
21 to undertake activities that assist each State in
22 maintaining and strengthening cross-disability, full-
23 lifespan State assistive technology programs, con-
24 sistent with the Federal commitment to full partici-

1 pation and independent living of individuals with
2 disabilities.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) **ACCESSIBLE INFORMATION TECHNOLOGY**
6 **AND TELECOMMUNICATIONS.**—The term “accessible
7 information technology and telecommunications”
8 means information technology or electronic and in-
9 formation technology as defined by section 1194.4 of
10 title 36, Code of Federal Regulations (or any cor-
11 responding similar regulation or ruling) that con-
12 forms to the applicable technical standards set forth
13 in sections 1194.21 through 1194.26 of such title
14 (or any corresponding similar regulation or ruling).

15 (2) **ADULT SERVICE PROVIDER.**—The term
16 “adult service provider” means a public or private
17 entity that provides services to, or is otherwise sub-
18 stantially involved with the major life functions of,
19 individuals with disabilities. Such term includes—

20 (A) entities and organizations providing
21 residential, supportive, employment services, or
22 employment-related services to individuals with
23 disabilities;

24 (B) centers for independent living, such as
25 the centers described in part C of title VII of

1 the Rehabilitation Act of 1973 (29 U.S.C. 796f
2 et seq.);

3 (C) employment support agencies con-
4 nected to adult vocational rehabilitation, includ-
5 ing one-stop partners, as defined in section 101
6 of the Workforce Investment Act of 1998 (29
7 U.S.C. 2801); and

8 (D) other organizations or venders licensed
9 or registered by the designated State agency, as
10 defined in section 7 of the Rehabilitation Act of
11 1973 (29 U.S.C. 705).

12 (3) AMERICAN INDIAN CONSORTIUM.—The term
13 “American Indian consortium” means a consortium
14 established under subtitle C of title I of the Develop-
15 mental Disabilities Assistance and Bill of Rights Act
16 of 2000 (42 U.S.C. 15041 et seq.).

17 (4) ASSISTIVE TECHNOLOGY.—The term “as-
18 sistive technology” means technology designed to be
19 utilized in an assistive technology device or assistive
20 technology service.

21 (5) ASSISTIVE TECHNOLOGY DEVICE.—The
22 term “assistive technology device” means any item,
23 piece of equipment, or product system, whether ac-
24 quired commercially, modified, or customized, that is

1 used to increase, maintain, or improve functional ca-
2 pabilities of individuals with disabilities.

3 (6) ASSISTIVE TECHNOLOGY SERVICE.—The
4 term “assistive technology service” means any serv-
5 ice that directly assists an individual with a dis-
6 ability in the selection, acquisition, or use of an as-
7 sistive technology device. Such term includes—

8 (A) the evaluation of the assistive tech-
9 nology needs of an individual with a disability,
10 including a functional evaluation of the impact
11 of the provision of appropriate assistive tech-
12 nology and appropriate services to the indi-
13 vidual in the customary environment of the in-
14 dividual;

15 (B) a service consisting of purchasing,
16 leasing, or otherwise providing for the acquisi-
17 tion of assistive technology devices by individ-
18 uals with disabilities;

19 (C) a service consisting of selecting, de-
20 signing, fitting, customizing, adapting, apply-
21 ing, maintaining, repairing, replacing, or donat-
22 ing assistive technology devices;

23 (D) coordination and use of necessary
24 therapies, interventions, or services with assist-
25 ive technology devices, such as therapies, inter-

1 ventions, or services associated with education
2 and rehabilitation plans and programs;

3 (E) training or technical assistance for an
4 individual with a disability or, where appro-
5 priate, the family members, guardians, advo-
6 cates, or authorized representatives of such an
7 individual; and

8 (F) training or technical assistance for
9 professionals (including individuals providing
10 education and rehabilitation services and enti-
11 ties that manufacture or sell assistive tech-
12 nology devices), employers, providers of employ-
13 ment and training services, or other individuals
14 who provide services to, employ, or are other-
15 wise substantially involved in the major life
16 functions of individuals with disabilities.

17 (7) CAPACITY BUILDING AND ADVOCACY AC-
18 TIVITIES.—The term “capacity building and advo-
19 cacy activities” means efforts that—

20 (A) result in laws, regulations, policies,
21 practices, procedures, or organizational struc-
22 tures that promote consumer-responsive pro-
23 grams or entities; and

1 (B) facilitate and increase access to, provi-
2 sion of, and funding for, assistive technology
3 devices and assistive technology services,
4 in order to empower individuals with disabilities to
5 achieve greater independence, productivity, and inte-
6 gration and inclusion within the community and the
7 workforce.

8 (8) COMPREHENSIVE STATEWIDE PROGRAM OF
9 TECHNOLOGY-RELATED ASSISTANCE.—The term
10 “comprehensive statewide program of technology-re-
11 lated assistance” means a consumer-responsive pro-
12 gram of technology-related assistance for individuals
13 with disabilities, implemented by a State, and equal-
14 ly available to all individuals with disabilities resid-
15 ing in the State, regardless of their type of dis-
16 ability, age, income level, or location of residence in
17 the State, or the type of assistive technology device
18 or assistive technology service required.

19 (9) CONSUMER-RESPONSIVE.—The term “con-
20 sumer-responsive”—

21 (A) with regard to policies, means that the
22 policies are consistent with the principles of—

23 (i) respect for individual dignity, per-
24 sonal responsibility, self-determination, and
25 pursuit of meaningful careers, based on in-

1 formed choice, of individuals with disabili-
2 ties;

3 (ii) respect for the privacy, rights, and
4 equal access (including the use of acces-
5 sible formats) of such individuals;

6 (iii) inclusion, integration, and full
7 participation of such individuals in society;

8 (iv) support for the involvement in de-
9 cisions of a family member, a guardian, an
10 advocate, or an authorized representative,
11 if an individual with a disability requests,
12 desires, or needs such involvement; and

13 (v) support for individual and systems
14 advocacy and community involvement; and

15 (B) with respect to an entity, program, or
16 activity, means that the entity, program, or ac-
17 tivity—

18 (i) is easily accessible to, and usable
19 by, individuals with disabilities and, when
20 appropriate, their family members, guard-
21 ians, advocates, or authorized representa-
22 tives;

23 (ii) responds to the needs of individ-
24 uals with disabilities in a timely and appro-
25 priate manner; and

1 (iii) facilitates the full and meaningful
2 participation of individuals with disabilities
3 (including individuals from underrep-
4 resented populations and rural popu-
5 lations) and their family members, guard-
6 ians, advocates, and authorized representa-
7 tives, in—

8 (I) decisions relating to the provi-
9 sion of assistive technology devices
10 and assistive technology services to
11 such individuals; and

12 (II) decisions related to the
13 maintenance, improvement, and eval-
14 uation of the comprehensive statewide
15 program of technology-related assist-
16 ance, including decisions that affect
17 capacity building and advocacy activi-
18 ties.

19 (10) DISABILITY.—The term “disability”
20 means a condition of an individual that is considered
21 to be a disability or handicap for the purposes of
22 any Federal law other than this Act or for the pur-
23 poses of the law of the State in which the individual
24 resides.

1 (11) INDIVIDUAL WITH A DISABILITY; INDIVID-
2 UALS WITH DISABILITIES.—

3 (A) INDIVIDUAL WITH A DISABILITY.—The
4 term “individual with a disability” means any
5 individual of any age, race, or ethnicity—

6 (i) who has a disability; and

7 (ii) who is or would be enabled by an
8 assistive technology device or an assistive
9 technology service to minimize deteriora-
10 tion in functioning, to maintain a level of
11 functioning, or to achieve a greater level of
12 functioning in any major life activity.

13 (B) INDIVIDUALS WITH DISABILITIES.—
14 The term “individuals with disabilities” means
15 more than 1 individual with a disability.

16 (12) INSTITUTION OF HIGHER EDUCATION.—
17 The term “institution of higher education” has the
18 meaning given such term in section 101(a) of the
19 Higher Education Act of 1965 (20 U.S.C. 1001(a)),
20 and includes a community college receiving funding
21 under the Tribally Controlled College or University
22 Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

23 (13) PROTECTION AND ADVOCACY SERVICES.—
24 The term “protection and advocacy services” means
25 services that—

1 (A) are described in subtitle C of title I of
2 the Developmental Disabilities Assistance and
3 Bill of Rights Act of 2000 (42 U.S.C. 15041 et
4 seq.), the Protection and Advocacy for Individ-
5 uals with Mental Illness Act (42 U.S.C. 10801
6 et seq.), or section 509 of the Rehabilitation
7 Act of 1973 (29 U.S.C. 794e); and

8 (B) assist individuals with disabilities with
9 respect to assistive technology devices and as-
10 sistive technology services.

11 (14) PROTECTION AND ADVOCACY SYSTEM.—
12 The term “protection and advocacy system” means
13 a protection and advocacy system established under
14 subtitle C of title I of the Developmental Disabilities
15 Assistance and Bill of Rights Act of 2000 (42
16 U.S.C. 15041 et seq.).

17 (15) SECRETARY.—The term “Secretary”
18 means the Secretary of Education.

19 (16) STATE.—

20 (A) IN GENERAL.—Except as provided in
21 subparagraph (B), the term “State” means
22 each of the several States of the United States,
23 the District of Columbia, the Commonwealth of
24 Puerto Rico, the United States Virgin Islands,

1 Guam, American Samoa, and the Common-
2 wealth of the Northern Mariana Islands.

3 (B) OUTLYING AREAS.—In section 4(b):

4 (i) OUTLYING AREA.—The term “out-
5 lying area” means the United States Vir-
6 gin Islands, Guam, American Samoa, and
7 the Commonwealth of the Northern Mar-
8 iana Islands.

9 (ii) STATE.—The term “State” does
10 not include the United States Virgin Is-
11 lands, Guam, American Samoa, and the
12 Commonwealth of the Northern Mariana
13 Islands.

14 (17) STATE ASSISTIVE TECHNOLOGY PRO-
15 GRAM.—The term “State assistive technology pro-
16 gram”, except as used in section 4(c)(2)(E), means
17 a program authorized under section 4 or 6(a).

18 (18) TARGETED INDIVIDUALS AND ENTITIES.—
19 The term “targeted individuals and entities”
20 means—

21 (A) individuals with disabilities of all ages
22 and their family members, guardians, advo-
23 cates, and authorized representatives;

24 (B) underrepresented populations, includ-
25 ing the aging workforce;

1 (C) individuals who work for public or pri-
2 vate entities (including centers for independent
3 living described in part C of title VII of the Re-
4 habilitation Act of 1973 (29 U.S.C. 796f et
5 seq.), insurers, or managed care providers) that
6 have contact with individuals with disabilities;

7 (D) educators at all levels (including pro-
8 viders of early intervention services, elementary
9 schools, secondary schools, community colleges,
10 and vocational and other institutions of higher
11 education) and related services personnel;

12 (E) technology experts (including web de-
13 signers and procurement officials);

14 (F) health, allied health, and rehabilitation
15 professionals and hospital employees (including
16 discharge planners);

17 (G) employers, especially small business
18 employers, and providers of employment and
19 training services;

20 (H) entities that manufacture or sell as-
21 sistive technology devices;

22 (I) policymakers and service providers;

23 (J) entities that carry out community pro-
24 grams designed to develop essential community
25 services in rural and urban areas, including

1 AgrAbility projects, Rural Business-Cooperative
2 Service programs, Community Development Fi-
3 nancial Institution Fund programs, and other
4 rural and urban programs; and

5 (K) other appropriate individuals and enti-
6 ties, as determined for a State by the State ad-
7 visory council.

8 (19) TECHNOLOGY-RELATED ASSISTANCE.—
9 The term “technology-related assistance” means as-
10 sistance provided through capacity building and ad-
11 vocacy activities that accomplish the purposes de-
12 scribed in section 2(b)(2).

13 (20) UNDERREPRESENTED POPULATION.—The
14 term “underrepresented population” means a popu-
15 lation that is typically underrepresented in service
16 provision, and includes populations such as persons
17 who have low-incidence disabilities, persons who are
18 minorities, poor persons, persons with limited
19 English proficiency, older individuals, or persons
20 from rural areas.

21 (21) UNIVERSAL DESIGN.—The term “universal
22 design” means a concept or philosophy for designing
23 and delivering products and services that are usable
24 by people with the widest possible range of func-
25 tional capabilities, which include products and serv-

1 ices that are directly accessible (without requiring
2 assistive technologies) and products and services
3 that are interoperable with assistive technologies.

4 **SEC. 4. STATE GRANTS FOR ASSISTIVE TECHNOLOGY.**

5 (a) GRANTS TO STATES.—

6 (1) IN GENERAL.—The Secretary shall award
7 grants under subsection (b) to States to support ac-
8 tivities that increase access to assistive technology
9 and accessible information technology and tele-
10 communications, for individuals with disabilities
11 across the human lifespan and across the wide array
12 of disabilities, on a statewide basis.

13 (2) PERIOD OF GRANT.—The Secretary shall
14 provide assistance through such a grant to a State
15 for not more than 5 years.

16 (b) AMOUNT OF FINANCIAL ASSISTANCE.—

17 (1) IN GENERAL.—From funds appropriated
18 under section 10(a) for a fiscal year and available to
19 carry out this section, the Secretary shall award a
20 grant to each eligible State and eligible outlying area
21 based on the corresponding allotment determined
22 under paragraph (2).

23 (2) ALLOTMENTS.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraphs (B) and (C), from the funds de-

1 scribed in paragraph (1), the Secretary shall
2 allot not less than \$500,000 to each State and
3 not less than \$150,000 to each outlying area
4 for each fiscal year.

5 (B) LOWER APPROPRIATION YEAR.—For a
6 fiscal year for which the amount of the funds
7 described in paragraph (1) is less than
8 \$29,000,000, from those funds, the Secretary—

9 (i) shall allot to each State or outlying
10 area the amount the State or outlying area
11 received for fiscal year 2004 to carry out
12 section 101 of the Assistive Technology
13 Act of 1998, as in effect on the day before
14 the date of enactment of this Act; and

15 (ii) from any funds remaining after
16 the Secretary makes the allotments de-
17 scribed in clause (i), shall allot to each
18 State an equal amount.

19 (C) HIGHER APPROPRIATION YEAR.—For
20 a fiscal year for which the amount of the funds
21 described in paragraph (1) is not less than
22 \$29,000,000, from those funds, the Secretary—

23 (i) from a portion of the funds equal
24 to \$29,000,000, shall make the allotments

1 described in clauses (i) and (ii) of subpara-
2 graph (B);

3 (ii) from any funds remaining after
4 the Secretary makes the allotments de-
5 scribed in clause (i), shall allot to each out-
6 lying area an additional amount, so that
7 each outlying area receives a total allot-
8 ment of not less than \$150,000 under this
9 paragraph; and

10 (iii) from any funds remaining after
11 the Secretary makes the allotments de-
12 scribed in clauses (i) and (ii)—

13 (I) shall allot to each State an
14 amount that bears the same relation-
15 ship to 80 percent of the remainder as
16 the population of the State bears to
17 the population of all States; and

18 (II) from 20 percent of the re-
19 mainder, shall allot to each State an
20 equal amount.

21 (3) CARRYOVER.—Any amount paid to a State
22 program for a fiscal year under this section shall re-
23 main available to such program for obligation until
24 the end of the next fiscal year for the purposes for
25 which such amount was originally provided, except

1 that program income generated from such amount
2 shall remain available to such program until ex-
3 pended.

4 (c) LEAD AGENCY, IMPLEMENTING ENTITY, AND AD-
5 VISORY COUNCIL.—

6 (1) LEAD AGENCY AND IMPLEMENTING ENTI-
7 TY.—

8 (A) LEAD AGENCY.—The Governor shall
9 designate a lead agency to control and admin-
10 ister the funds made available through the
11 grant awarded to the State under this section.

12 (B) IMPLEMENTING ENTITY.—

13 (i) IN GENERAL.—The Governor shall
14 designate an agency, office, or other entity
15 to carry out State activities under this sec-
16 tion (referred to in this section as the “im-
17 plementing entity”), if such implementing
18 entity is different from the lead agency.

19 (ii) TYPE OF ENTITY.—In designating
20 the implementing entity, the Governor may
21 designate—

22 (I) a commission, council, or
23 other official body appointed by the
24 Governor;

- 1 (II) a public-private partnership
2 or consortium;
- 3 (III) a public agency, including
4 the immediate office of the Governor,
5 a State oversight office, a State agen-
6 cy, a public institution of higher edu-
7 cation, a University Center for Excel-
8 lence in Developmental Disabilities
9 Education, Research, and Service es-
10 tablished under subtitle D of title I of
11 the Developmental Disabilities Assist-
12 ance and Bill of Rights Act of 2000
13 (42 U.S.C. 15061 et seq.), or another
14 public entity;
- 15 (IV) a council established under
16 Federal or State law;
- 17 (V) an incorporated private non-
18 profit organization described in sec-
19 tion 501(c)(3) of the Internal Revenue
20 Code of 1986 and exempt from tax
21 under section 501(a) of that Code; or
- 22 (VI) another appropriate agency,
23 office, or entity.
- 24 (iii) EXPERTISE, EXPERIENCE, AND
25 ABILITY.—In designating the implementing

1 entity, the Governor shall designate an en-
2 tity with expertise, experience, and ability
3 with respect to—

4 (I) providing leadership in devel-
5 oping State initiatives related to as-
6 sistive technology and accessible infor-
7 mation technology and telecommuni-
8 cations;

9 (II) responding to assistive tech-
10 nology and accessible information
11 technology and telecommunications
12 needs of individuals with disabilities
13 with the full range of disabilities and
14 of all ages; and

15 (III) promoting availability
16 throughout the State of assistive tech-
17 nology devices, assistive technology
18 services, and accessible information
19 technology and telecommunications.

20 (C) CHANGE IN AGENCY OR ENTITY.—On
21 obtaining the approval of the Secretary, the
22 Governor may redesignate the lead agency, or
23 the implementing entity, if the Governor shows
24 to the Secretary good cause why the entity des-
25 ignated as the lead agency, or the implementing

1 entity, respectively, should not serve as that
2 agency or entity, respectively. The Governor
3 shall make the showing in the application de-
4 scribed in subsection (d) or other documentation
5 requested by the Secretary.

6 (2) ADVISORY COUNCIL.—

7 (A) IN GENERAL.—There shall be estab-
8 lished an advisory council to provide consumer-
9 responsive, consumer-driven decisionmaking for,
10 planning of, implementation of, and evaluation
11 of the activities carried out through the grant.

12 (B) COMPOSITION AND REPRESENTA-
13 TION.—

14 (i) INDIVIDUALS WITH DISABIL-
15 ITIES.—A majority, not less than 51 per-
16 cent, of the members of the advisory coun-
17 cil shall be individuals with disabilities that
18 use assistive technology, or family mem-
19 bers or guardians of such individuals.

20 (ii) COMPOSITION.—The advisory
21 council shall be composed of—

22 (I) a representative of the des-
23 ignated State agency, as defined in
24 section 7 of the Rehabilitation Act of
25 1973 (29 U.S.C. 705) and the State

1 agency for individuals who are blind
2 (within the meaning of section 101 of
3 that Act (29 U.S.C. 721)), if such
4 agency is separate;

5 (II) a representative of a State
6 center for independent living described
7 in part C of title VII of the Rehabili-
8 tation Act of 1973 (29 U.S.C. 796f et
9 seq.);

10 (III) a representative of the State
11 workforce investment board estab-
12 lished under section 111 of the Work-
13 force Investment Act of 1998 (29
14 U.S.C. 2821);

15 (IV) a representative of the State
16 educational agency, as defined in sec-
17 tion 9101 of the Elementary and Sec-
18 ondary Education Act of 1965 (20
19 U.S.C. 7801);

20 (V) a representative of the State
21 agency for the medicaid program es-
22 tablished under title XIX of the Social
23 Security Act (42 U.S.C. 1396 et seq.);

24 (VI) the Director of the State as-
25 sistive technology program;

1 (VII) representatives of other
2 State agencies, public agencies, and
3 private organizations, as determined
4 by the State; and

5 (VIII) individuals with disabil-
6 ities, or parents, family members, or
7 guardians of individuals with disabil-
8 ities, who represent recipients of serv-
9 ices from the entities identified in
10 subclauses (I) through (VII).

11 (iii) REPRESENTATION.—The advisory
12 council shall be geographically representa-
13 tive of the State and reflect the diversity of
14 the State with respect to race, ethnicity,
15 types of disabilities across the age span,
16 and users of types of services that an indi-
17 vidual with a disability may receive.

18 (C) EXPENSES.—The members of the ad-
19 visory council shall receive no compensation for
20 their service on the advisory council, but shall
21 be reimbursed for reasonable and necessary ex-
22 penses actually incurred in the performance of
23 official duties for the advisory council.

24 (D) PERIOD.—The members of the State
25 advisory council shall be appointed not later

1 than 90 days after the approval of the State ap-
2 plication described in subsection (d).

3 (E) IMPACT ON EXISTING STATUTES,
4 RULES, OR POLICIES.—Nothing in this para-
5 graph shall be construed to affect State stat-
6 utes, rules, or official policies relating to advi-
7 sory bodies for State assistive technology pro-
8 grams or require changes to governing bodies of
9 incorporated agencies who carry out State as-
10 sistive technology programs.

11 (d) APPLICATION.—

12 (1) IN GENERAL.—Any State that desires to re-
13 ceive a grant under this section shall submit an ap-
14 plication to the Secretary, at such time, in such
15 manner, and containing such information as the Sec-
16 retary may require.

17 (2) LEAD AGENCY AND IMPLEMENTING ENTI-
18 TY.—The application shall contain information iden-
19 tifying and describing the lead agency referred to in
20 subsection (c)(1)(A). The application shall contain
21 information identifying and describing the imple-
22 menting entity referred to in subsection (c)(1)(B),
23 including information describing the expertise, expe-
24 rience, and ability of the entity.

1 (3) ADVISORY COUNCIL.—The application shall
2 contain an assurance that an advisory council will be
3 established in accordance with subsection (c)(2).

4 (4) INVOLVEMENT OF PUBLIC AND PRIVATE
5 ENTITIES.—The application shall describe how var-
6 ious public and private entities were involved in the
7 development of the application and will be involved
8 in the implementation of the activities to be carried
9 out through the grant, including—

10 (A) in cases determined to be appropriate
11 by the State or the State advisory council, a de-
12 scription of the nature and extent of resources
13 that will be committed by public and private
14 collaborators to assist in accomplishing identi-
15 fied goals; and

16 (B) a description of the mechanisms estab-
17 lished to ensure coordination of activities and
18 collaboration between the implementing entity
19 and a State or entity that receives a grant
20 under section 6(a).

21 (5) IMPLEMENTATION.—The application shall
22 include a description of—

23 (A) how the State will implement each of
24 the required activities described in subsection

1 (e), except as provided in subparagraph (A) or
2 (B) of subsection (e)(1); and

3 (B) how the State will allocate and utilize
4 grant funds to implement the activities.

5 (6) ASSURANCES.—The application shall in-
6 clude assurances that—

7 (A) the State will annually collect data re-
8 lated to the required activities in order to pre-
9 pare the progress reports required under sub-
10 section (f);

11 (B) funds received through the grant—

12 (i) will be expended in accordance
13 with this section, on initiatives identified
14 by the advisory council described in sub-
15 section (c)(2);

16 (ii) will be used to supplement, and
17 not supplant, funds available from other
18 sources for technology-related assistance,
19 including the provision of assistive tech-
20 nology devices and assistive technology
21 services;

22 (iii) will not be used to pay a financial
23 obligation for technology-related assistance
24 (including the provision of assistive tech-
25 nology devices or assistive technology serv-

1 ices) that would have been paid with funds
2 from other sources if funds had not been
3 available through the grant; and

4 (iv) will not be commingled with State
5 or other funds, except that the State may,
6 subject to such documentation require-
7 ments as the Secretary may establish, pool
8 funds received through the grant with
9 other public or private funds to achieve a
10 goal specified in an application approved
11 under this section;

12 (C) the lead agency will control and admin-
13 ister the funds received through the grant;

14 (D) the State will adopt such fiscal control
15 and accounting procedures as may be necessary
16 to ensure proper disbursement of and account-
17 ing for the funds received through the grant;
18 and

19 (E) the State (including the State lead
20 agency) will not use more than 10 percent of
21 the funds received through the grant for indi-
22 rect costs.

23 (e) USE OF FUNDS.—

24 (1) IN GENERAL.—Any State that receives a
25 grant under this section shall use the funds made

1 available through the grant to carry out the activi-
 2 ties described in paragraph (2), except that the
 3 State shall not be required to carry out an activity
 4 if—

5 (A) another entity in the State is providing
 6 the same or a similar activity; or

7 (B) the advisory council described in sub-
 8 section (c)(2) determines through a needs as-
 9 sessment that the residents of the State con-
 10 sider the activity to be unwarranted.

11 (2) REQUIRED ACTIVITIES.—

12 (A) STATE FINANCING SYSTEMS.—The
 13 State shall support activities to increase access
 14 to, and funding for, assistive technology devices
 15 and assistive technology services (which shall
 16 not include direct payment for such a device or
 17 service for an individual with a disability but
 18 may include support and administration of a
 19 program to provide such payment), including
 20 development of systems to provide and pay for
 21 such devices and services, for targeted individ-
 22 uals described in section 3(18)(A), such as—

23 (i) support for the development of sys-
 24 tems for the purchase, lease, or other ac-
 25 quisition of, or payment for, assistive tech-

1 nology devices and assistive technology
2 services; or

3 (ii) support for the development of
4 State-financed or privately financed alter-
5 native financing systems of subsidies
6 (which may include studying the feasibility
7 of, improving, administering, operating,
8 providing capital for, or collaborating with
9 an entity with respect to, such a system)
10 for the provision of assistive technology de-
11 vices (including related accessible informa-
12 tion technology and telecommunications)
13 and assistive technology services, such as—

14 (I) a low-interest loan fund;

15 (II) an interest buy-down pro-
16 gram;

17 (III) a revolving loan fund;

18 (IV) a loan guarantee or insur-
19 ance program;

20 (V) a program providing for the
21 purchase, lease, or other acquisition of
22 assistive technology devices or assist-
23 ive technology services; or

24 (VI) another mechanism that is
25 approved by the Secretary.

1 (B) DEVICE DEMONSTRATIONS.—

2 (i) IN GENERAL.—The State shall di-
3 rectly, or in collaboration with public and
4 private entities, such as one-stop partners,
5 as defined in section 101 of the Workforce
6 Investment Act of 1998 (29 U.S.C. 2801),
7 demonstrate, assist individuals in making
8 informed choices regarding, and provide
9 experiences with, a variety of assistive
10 technology devices and assistive technology
11 services, using personnel who are familiar
12 with such devices and services and their
13 applications.

14 (ii) COMPREHENSIVE INFORMA-
15 TION.—The State shall directly, or through
16 referrals, provide to individuals, to the ex-
17 tent practicable, comprehensive informa-
18 tion about State and local assistive tech-
19 nology venders, providers, and repair serv-
20 ices.

21 (C) DEVICE LOAN PROGRAMS.—The State
22 shall directly, or in collaboration with public or
23 private entities, carry out device loan programs
24 that provide short-term loans of assistive tech-
25 nology devices to individuals, employers, public

1 agencies, or others seeking to meet the needs of
2 individuals with disabilities.

3 (D) DEVICE RE-UTILIZATION PROGRAMS.—

4 The State shall directly, or in collaboration with
5 public or private entities, carry out assistive
6 technology device re-utilization programs that
7 provide for the exchange, repair, recycling, or
8 other re-utilization of assistive technology de-
9 vices, which may include redistribution through
10 device sales, loans, rentals, or donations.

11 (E) TRAINING AND TECHNICAL ASSIST-
12 ANCE.—

13 (i) IN GENERAL.—The State shall di-
14 rectly, or provide support to public or pri-
15 vate entities with demonstrated expertise
16 in collaborating with public or private
17 agencies that serve individuals with disabil-
18 ities to develop and disseminate training
19 materials, conduct training, and provide
20 technical assistance, for individuals from
21 local settings statewide, including rep-
22 resentatives of State and local educational
23 agencies, other State and local agencies,
24 early intervention programs, adult service
25 programs, hospitals and other health care

1 facilities, institutions of higher education,
2 and businesses.

3 (ii) AUTHORIZED ACTIVITIES.—In
4 carrying out activities under clause (i), the
5 State shall carry out activities that en-
6 hance the knowledge, skills, and com-
7 petencies of individuals from local settings
8 described in clause (i), which may in-
9 clude—

10 (I) general awareness training on
11 the benefits of assistive technology
12 and the Federal, State, and private
13 funding sources available to assist tar-
14 geted individuals and entities in ac-
15 quiring assistive technology;

16 (II) skills-development training in
17 assessing the need for assistive tech-
18 nology devices and assistive tech-
19 nology services;

20 (III) training to ensure the ap-
21 propriate application and use of as-
22 sistive technology devices, assistive
23 technology services, accessible infor-
24 mation technology and telecommuni-

1 cations, and accessible technology for
2 e-government functions;

3 (IV) training in the importance
4 of culturally competent and linguis-
5 tically appropriate approaches to as-
6 sessment and implementation; and

7 (V) technical training on inte-
8 grating assistive technology into the
9 development and implementation of
10 service plans, including any education,
11 health, discharge, Olmstead, employ-
12 ment, or other plan required under
13 Federal or State law.

14 (F) PUBLIC AWARENESS.—

15 (i) IN GENERAL.—The State shall
16 conduct public-awareness activities de-
17 signed to provide information to targeted
18 individuals and entities relating to the
19 availability and benefits of assistive tech-
20 nology devices and assistive technology
21 services.

22 (ii) COLLABORATION.—The State
23 shall collaborate with a training and tech-
24 nical assistance provider described in sec-
25 tion 7(b)(1) to carry out public awareness

1 activities focusing on infants, toddlers,
2 children, transition-age youth, employ-
3 ment-age adults, seniors, and employers.

4 (iii) STATEWIDE INFORMATION AND
5 REFERRAL SYSTEM.—

6 (I) IN GENERAL.—The State
7 shall directly, or in collaboration with
8 public or private (such as nonprofit)
9 entities, provide for the continuation
10 and enhancement of a statewide infor-
11 mation and referral system designed
12 to meet the needs of targeted individ-
13 uals and entities.

14 (II) CONTENT.—The system
15 shall deliver information on—

16 (aa) assistive technology de-
17 vices and accessible information
18 technology and telecommuni-
19 cations products;

20 (bb) assistive technology
21 services, with specific data re-
22 garding provider availability
23 within the State; and

24 (cc) the availability of re-
25 sources, including funding

1 through public and private
2 sources, to obtain assistive tech-
3 nology devices, accessible infor-
4 mation technology and tele-
5 communications products, and
6 assistive technology services.

7 (G) INTERAGENCY COORDINATION AND
8 COLLABORATION.—The State shall promote im-
9 proved coordination of activities and collabora-
10 tion among public and private entities that are
11 responsible for policies, procedures, or funding
12 for the provision of assistive technology devices
13 and assistive technology services to individuals
14 with disabilities, service providers, and others.

15 (H) TARGETED POPULATION ACTIVITY.—
16 (i) IN GENERAL.—The State shall di-
17 rectly, or in collaboration with public or
18 private entities, carry out coordinated ac-
19 tivities to improve access to assistive tech-
20 nology devices and assistive technology
21 services for 1 State-chosen targeted popu-
22 lation, consisting of—

23 (I) elementary and secondary
24 school students, elementary and sec-

1 ondary education providers, and re-
2 lated personnel;

3 (II) adult service provider clients,
4 adult service providers, and related
5 personnel; or

6 (III) employees, employment pro-
7 viders, and related personnel.

8 (ii) **REQUIRED ACTIVITIES.**—In car-
9 rying out activities under clause (i), the
10 State shall carry out targeted initiatives
11 consisting of 2 or more of the required ac-
12 tivities described in subparagraphs (A)
13 through (F), including—

14 (I) public-awareness activities de-
15 scribed in subparagraph (F); and

16 (II) training and technical assist-
17 ance described in subparagraph (E)
18 which shall include technical training
19 described in subparagraph (E)(v).

20 (iii) **OPTIONAL ACTIVITIES.**—In car-
21 rying out activities under clause (i), the
22 State may carry out State-identified im-
23 provement projects, which may include ac-
24 tivities to—

1 (I) improve the timely acquisition
2 or retention and utilization of appro-
3 priate assistive technology for stu-
4 dents in transition;

5 (II) increase utilization of tech-
6 nology solutions to enhance commu-
7 nity integration and aging in place;
8 and

9 (III) increase integration of as-
10 sistive technology and accessible infor-
11 mation technology and telecommuni-
12 cations into the services provided at
13 one-stop centers established under
14 subtitle B of title I of the Workforce
15 Investment Act of 1998 (29 U.S.C.
16 2831 et seq.).

17 (3) CONDITIONS.—

18 (A) COVERED STATE.—In this paragraph,
19 a “covered State” means a State that received
20 funds for an alternative financing mechanism
21 under—

22 (i) title III of the Assistive Tech-
23 nology Act of 1998, as in effect on the day
24 before the date of enactment of this Act;
25 and

1 (ii) a grant awarded under this sec-
2 tion, to carry out activities described in
3 paragraph (2)(A).

4 (B) REQUIREMENTS.—Each covered State
5 shall meet the requirements of subparagraphs
6 (B) and (C) of section 6(a)(5), except that ref-
7 erences in those subparagraphs to a grant shall
8 be considered to be references to the grant de-
9 scribed in subparagraph (A)(ii).

10 (4) STATE FUNDS.—A State may use State
11 funds to carry out activities described in paragraph
12 (2)(A) for additional targeted individuals and enti-
13 ties (other than individuals and entities described in
14 section 3(18)(A)) if the State advisory council de-
15 scribed in subsection (c)(2) approves the additional
16 targeted individuals and entities.

17 (f) PROGRESS REPORTS.—

18 (1) DATA COLLECTION.—States shall partici-
19 pate in data collection as required by law, including
20 data collection required for preparation of the report
21 described in paragraph (2).

22 (2) REPORTS.—

23 (A) IN GENERAL.—Not later than Decem-
24 ber 31 of each year, the Secretary shall prepare

1 and submit to the President and to Congress a
2 report on the activities funded under this Act.

3 (B) CONTENTS.—The report shall include
4 data collected pursuant to this section and sec-
5 tion 6(a)(7). The report shall document, with
6 respect to activities carried out under this sec-
7 tion and section 6(a)—

8 (i) the number and dollar amount of
9 financial loans made;

10 (ii) the number and type of assistive
11 technology device demonstrations provided;

12 (iii) the number and type of assistive
13 technology devices loaned through device
14 loan programs;

15 (iv) the number and estimated value
16 of assistive technology devices exchanged,
17 repaired, recycled, or re-utilized (including
18 redistributed through device sales, loans,
19 rentals, or donations) through device re-
20 utilization programs;

21 (v)(I) the number and general charac-
22 teristics of individuals who participated in
23 training (such as individuals with disabili-
24 ties, parents, educators, employers, pro-
25 viders of employment services, health care

1 workers, counselors, other service pro-
2 viders, or vendors) and the topics of such
3 training; and

4 (II) to the extent practicable, the geo-
5 graphic distribution of individuals who par-
6 ticipate in training or technical assistance
7 activities;

8 (vi) the amount and nature of tech-
9 nical assistance provided to State and local
10 agencies and other entities;

11 (vii) the number of individuals as-
12 sisted through the public-awareness activi-
13 ties and statewide information and ref-
14 erence system;

15 (viii) the outcomes of any improve-
16 ment initiatives carried out by the State as
17 a result of activities funded under this sec-
18 tion, including a description of any written
19 policies, practices, and procedures that the
20 State has developed and implemented re-
21 garding access to, provision of, and fund-
22 ing for, assistive technology devices, acces-
23 sible information technology and tele-
24 communications, and assistive technology
25 services, in the contexts of education,

1 health care, employment, community living,
2 and information technology and tele-
3 communications, including e-government;

4 (ix) the outcomes of interagency co-
5 ordination and collaboration activities car-
6 ried out by the State that support access
7 to assistive technology, including docu-
8 menting—

9 (I) the type of, purpose for, and
10 source of leveraged funding or other
11 contributed resources from public and
12 private entities, and the number of in-
13 dividuals served with those resources
14 for which information is not reported
15 under clauses (i) through (viii) or
16 clause (x), and other outcomes accom-
17 plished as a result of such activities
18 carried out with those resources; and

19 (II) the type of, purpose for, and
20 amount of funding provided through
21 subcontracts or other collaborative re-
22 source-sharing agreements with public
23 and private entities, including commu-
24 nity-based nonprofit organizations,
25 and the number of individuals served

1 through those agreements for which
2 information is not reported under
3 clauses (i) through (viii) or clause (x),
4 and other outcomes accomplished as a
5 result of such activities carried out
6 through those agreements;

7 (x) measured outcomes of activities
8 undertaken to improve access to assistive
9 technology devices and assistive technology
10 services for targeted populations; and

11 (xi) the level of customer satisfaction
12 with, or the outcomes of, the services pro-
13 vided.

14 **SEC. 5. STATE GRANTS FOR PROTECTION AND ADVOCACY**
15 **SERVICES RELATED TO ASSISTIVE TECH-**
16 **NOLOGY.**

17 (a) GRANTS.—

18 (1) IN GENERAL.—The Secretary shall make
19 grants under subsection (b) to protection and advo-
20 cacy systems in each State for the purpose of ena-
21 bling such systems to assist in the acquisition, utili-
22 zation, or maintenance of assistive technology de-
23 vices or assistive technology services for individuals
24 with disabilities.

1 (2) GENERAL AUTHORITIES.—In providing such
2 services, protection and advocacy systems shall have
3 the same general authorities as the systems are af-
4 farded under subtitle C of title I of the Develop-
5 mental Disabilities Assistance and Bill of Rights Act
6 of 2000 (42 U.S.C. 15041 et seq.), as determined by
7 the Secretary.

8 (b) GRANTS.—

9 (1) RESERVATION.—For each fiscal year, the
10 Secretary shall reserve such sums as may be nec-
11 essary to carry out paragraph (4).

12 (2) POPULATION BASIS.—On October 1 of each
13 year, from the funds appropriated under section
14 10(b) and remaining after the reservations required
15 by paragraph (1) have been made, the Secretary
16 shall make a grant to a protection and advocacy sys-
17 tem within each State in an amount bearing the
18 same ratio to the remaining funds as the population
19 of the State bears to the population of all States.

20 (3) MINIMUMS.—Subject to the availability of
21 appropriations, the amount of a grant to a protec-
22 tion and advocacy system under paragraph (2) for a
23 fiscal year shall—

24 (A) in the case of a protection and advo-
25 cacy system located in American Samoa, Guam,

1 the United States Virgin Islands, or the Com-
2 monwealth of the Northern Mariana Islands,
3 not be less than \$30,000; and

4 (B) in the case of a protection and advoca-
5 cy system located in a State not described in
6 subparagraph (A), not be less than \$50,000.

7 (4) PAYMENT TO THE SYSTEM SERVING THE
8 AMERICAN INDIAN CONSORTIUM.—

9 (A) IN GENERAL.—The Secretary shall
10 make grants to the protection and advocacy
11 system serving the American Indian Consortium
12 to provide services in accordance with this sec-
13 tion.

14 (B) AMOUNT OF GRANTS.—The amount of
15 such grants shall be the same as provided under
16 paragraph (3)(A), as increased under para-
17 graph (5).

18 (5) MINIMUM GRANT INCREASE.—For each fis-
19 cal year for which the total amount appropriated
20 under section 10(b) is \$4,419,000 or more, and such
21 appropriated amount exceeds the total amount ap-
22 propriated under such section (or a predecessor au-
23 thority) for the preceding fiscal year, the Secretary
24 shall increase each of the minimum grant amounts
25 described in subparagraphs (A) and (B) of para-

1 graph (3) by a percentage equal to the percentage
2 increase (if any) in the total amount appropriated
3 under section 10(b) (or a predecessor authority) to
4 carry out this section between the preceding fiscal
5 year and the fiscal year involved.

6 (c) DIRECT PAYMENT.—Notwithstanding any other
7 provision of law, the Secretary shall pay directly to any
8 protection and advocacy system that complies with this
9 section, the total amount of the grant made for such sys-
10 tem under this section, unless the system provides other-
11 wise for payment of the grant amount.

12 (d) CERTAIN STATES.—

13 (1) GRANT TO LEAD AGENCY.—Notwith-
14 standing any other provision of this section, with re-
15 spect to a State that, on November 12, 1998, was
16 described in section 102(f)(1) of the Technology-Re-
17 lated Assistance for Individuals With Disabilities Act
18 of 1988, the Secretary shall pay the amount of the
19 grant described in subsection (a), and made under
20 subsection (b), to the lead agency designated under
21 section 4(c)(1) for the State.

22 (2) DISTRIBUTION OF FUNDS.—A lead agency
23 to which a grant is awarded under paragraph (1)
24 shall determine the manner in which funds made
25 available through the grant will be allocated among

1 the entities that were providing protection and advo-
2 cacy services in that State on the date described in
3 such paragraph, and shall distribute funds to such
4 entities. In distributing such funds, the lead agency
5 shall not establish any additional eligibility or proce-
6 dural requirements for an entity in the State that
7 supports protection and advocacy services through a
8 protection and advocacy system. Such an entity shall
9 comply with the same requirements (including re-
10 porting and enforcement requirements) as any other
11 entity that receives funding under this section.

12 (3) APPLICATION OF PROVISIONS.—Except as
13 provided in this subsection, the provisions of this
14 section shall apply to the grant in the same manner,
15 and to the same extent, as the provisions apply to
16 a grant to a system.

17 (e) CARRYOVER.—Any amount paid to a protection
18 and advocacy system for a fiscal year under this section
19 shall remain available to such system for obligation until
20 the end of the next fiscal year for the purposes for which
21 such amount was originally provided, except that program
22 income generated from such amount shall remain available
23 to such system until expended.

24 (f) ANNUAL REPORT.—Each protection and advocacy
25 system that receives a payment under this section shall

1 submit an annual report to the Secretary concerning the
2 services provided and outcomes of services provided under
3 this section to individuals with disabilities for the purposes
4 of assisting in the acquisition, utilization, or maintenance
5 of assistive technology devices or assistive technology serv-
6 ices.

7 **SEC. 6. SUPPLEMENTARY GRANTS AND PROJECTS OF NA-**
8 **TIONAL SIGNIFICANCE.**

9 (a) SUPPLEMENTARY GRANTS.—

10 (1) GRANTS.—

11 (A) IN GENERAL.—The Secretary shall
12 award supplementary grants, on a competitive
13 basis, to States or other entities to carry out 1
14 or more of the activities described in paragraph
15 (6), either directly or through subgrants to or
16 other collaborative mechanisms with public or
17 private entities, to allow individuals with dis-
18 abilities and their family members, guardians,
19 advocates, and authorized representatives to
20 purchase or have increased access to assistive
21 technology devices and assistive technology
22 services. The Secretary shall award such a
23 grant to not more than 1 entity in each State.

1 (B) PERIOD OF GRANTS.—The Secretary
2 shall award grants under this subsection for pe-
3 riods of 12 months.

4 (2) ELIGIBILITY.—To be eligible to receive a
5 grant under this subsection, a State shall have re-
6 ceived a grant under section 4 or under section 101
7 of the Assistive Technology Act of 1998, as in effect
8 on the day before the date of enactment of this Act.

9 (3) APPLICATIONS.—A State or entity that de-
10 sires to receive a grant under this subsection shall
11 submit an application to the Secretary at such time,
12 in such manner, and containing such information as
13 the Secretary may require, including the following:

14 (A)(i) A description of—

15 (I) the goals the State or entity has
16 identified for the supplementary grant; and

17 (II) the activities the State or entity
18 will carry out to achieve such goals, in ac-
19 cordance with the requirements of para-
20 graphs (5) and (6).

21 (ii) A description of how the State or enti-
22 ty will measure whether the goals identified by
23 the State or entity have been achieved by the
24 end of the grant period.

1 (B) A description of the proposed use of
2 funds to meet the identified goals.

3 (C) If the application is submitted by an
4 entity other than the implementing entity for
5 the State assistive technology program, a de-
6 scription of the mechanisms established to en-
7 sure coordination of activities and collaboration
8 with the implementing entity.

9 (D) In the case of an application for a
10 grant for an alternative financing loan program
11 described in paragraph (6)(A), information
12 identifying and describing—

13 (i) a consumer-based organization
14 that has individuals with disabilities in-
15 volved in organizational decisionmaking at
16 all organizational levels, that will admin-
17 ister the alternative financing loan pro-
18 gram; and

19 (ii) a commercial lending institution,
20 State financing agency, or other qualified
21 entity who will facilitate implementation of
22 the program.

23 (E) A description of resources that have
24 been committed for the activities to be carried
25 out under the grant and assurances that—

1 (i) the State or entity will provide any
2 required non-Federal contributions toward
3 the cost of the activities;

4 (ii) the State or entity will make every
5 effort to continue the activities on a per-
6 manent basis;

7 (iii) the funds made available through
8 the grant to support the activities will sup-
9 plement and not supplant other funds
10 available to provide such activities;

11 (iv) in the case of a grant for an al-
12 ternative financing loan program described
13 in paragraph (6)(A)—

14 (I) all funds that support the al-
15 ternative financing loan program, in-
16 cluding the grant funds, funds pro-
17 vided for the non-Federal contribu-
18 tions described in clause (i), funds re-
19 paid during the life of the program,
20 and any interest or investment income
21 resulting from the program, will be
22 placed in a permanent separate ac-
23 count and identified and accounted
24 for separately from any other funds;

25 (II) such account will be—

1 (aa) used only to support
2 the alternative financing pro-
3 gram;

4 (bb) administered by an or-
5 ganization that has individuals
6 with disabilities involved in orga-
7 nizational decisionmaking at all
8 organizational levels; and

9 (cc) administered with the
10 same judgment and care that a
11 person of prudence, discretion,
12 and intelligence would exercise in
13 the management of the financial
14 affairs of such person; and

15 (III) if the funds in the account
16 are invested, the funds will be in-
17 vested in low-risk securities in which a
18 regulated insurance company may in-
19 vest under the law of the State.

20 (4) PREFERENCES.—

21 (A) EXPERIENCE.—In awarding grants
22 under this subsection for activities described in
23 subparagraph (A) or (B) of paragraph (6), the
24 Secretary shall give preference to a State entity
25 or other entity that—

1 (i) has experience carrying out similar
2 activities; or

3 (ii) received a grant under title III of
4 the Assistive Technology Act of 1998, as in
5 effect on the day before the date of enact-
6 ment of this Act, or a predecessor author-
7 ity.

8 (B) NO PRIOR GRANT OR LOW GRANT
9 TOTAL.—In awarding grants under this sub-
10 section for activities described in paragraph
11 (6)(A), the Secretary may give preference to a
12 State, or an entity in a State, where the State
13 has not received a grant, or has received less
14 than a total of \$1,000,000 in grant awards,
15 under title III of the Assistive Technology Act
16 of 1998, as in effect on the day before the date
17 of enactment of this Act. In awarding grants
18 under this subsection for activities described in
19 paragraph (6)(B), the Secretary may give pref-
20 erence to a State, or an entity in a State, where
21 the State has not operated a device loan pro-
22 gram for assistive technology or assistive tech-
23 nology devices.

24 (C) LIMITATIONS.—A State, or an entity
25 in a State, where the State has not received an

1 alternative financing grant described in subpara-
2 graph (B) may not receive an initial grant under
3 this subsection for activities described in para-
4 graph (6)(A) in an amount greater than
5 \$1,000,000. A State, or an entity in a State,
6 where the State has not operated a device loan
7 program described in subparagraph (B) may not
8 receive an initial grant under this subsection for
9 activities described in paragraph (6)(B) in an
10 amount greater than \$1,000,000.

11 (5) CONDITIONS ON SUPPLEMENTARY
12 GRANTS.—

13 (A) PAYMENTS TO STATES OR OTHER EN-
14 TITIES.—Subject to the conditions specified in
15 this subsection, the Secretary shall make pay-
16 ments to the States or entities that are selected
17 to receive supplementary grants awarded under
18 this subsection.

19 (B) OBLIGATION AND EXPENDITURE.—A
20 State or entity that receives a grant under this
21 subsection shall obligate and expend the funds
22 made available through the grant during the pe-
23 riod of the grant.

24 (C) MATCHING REQUIREMENT.—With re-
25 spect to the cost to be incurred by a State or

1 entity that receives a grant under this sub-
2 section to carry out activities described in para-
3 graph (6), a State or entity that receives such
4 a grant in an amount of more than \$500,000
5 shall make available non-Federal contributions
6 in an amount not less than \$1 for every \$5 of
7 Federal funds provided under the grant.

8 (D) INDIRECT COSTS.—No State or entity
9 shall use more than 10 percent of the funds
10 made available through a grant awarded under
11 this subsection for indirect costs.

12 (6) ACTIVITIES.—The State or entity may use
13 funds made available through a grant awarded
14 under this subsection to carry out 1 or more of the
15 following activities:

16 (A) ALTERNATIVE FINANCING LOAN PRO-
17 GRAMS CAPITAL INFUSION GRANTS.—The es-
18 tablishment or expansion, and administration,
19 of an alternative financing loan program to
20 allow targeted individuals and entities described
21 in section 3(18)(A) to purchase assistive tech-
22 nology devices and assistive technology services,
23 accessible information technology and tele-
24 communications, and related goods and services
25 required for the independence and productivity

1 of an individual with a disability. The program
2 may include—

3 (i) a low-interest loan fund program;

4 (ii) an interest buy-down program;

5 (iii) a revolving loan fund program;

6 (iv) a loan guarantee or insurance
7 program; or

8 (v) a program based on another fi-
9 nancing mechanism that is approved by
10 the Secretary.

11 (B) DEVICE LOAN PROGRAMS CAPITAL IN-
12 FUSION GRANTS.—The expansion and adminis-
13 tration of device loan programs to meet unique
14 or comprehensive State needs, such as the ex-
15 pansion and administration of the programs
16 through—

17 (i) joint funding agreements between
18 the implementing entity for the State as-
19 sistive technology program and educational
20 agencies, vocational rehabilitation agencies,
21 entities providing medical assistance, or
22 other public or private entities who pay for
23 assistive technology devices; or

1 (ii) a specialized State-specific fund-
2 ing stream or pool for the purchase of as-
3 sistive technology to be loaned.

4 (C) STATE FUNDS.—A State may use
5 State funds to carry out activities described in
6 subparagraph (A) for additional targeted indi-
7 viduals and entities (other than individuals and
8 entities described in section 3(18)(A)) if the
9 State advisory council described in section
10 4(e)(2) and the consumer-based organization
11 described in paragraph (3)(D) approve the ad-
12 ditional targeted individuals and entities.

13 (7) PROGRESS REPORTS.—

14 (A) IN GENERAL.—Each State or entity
15 that receives a grant under this subsection shall
16 prepare and submit to the Secretary a status
17 report not later than 7 months after the date
18 on which the State or entity receives the grant
19 and a final report not later than 18 months
20 after the date on which the State or entity re-
21 ceives the grant. Each report shall document
22 the progress of the State or entity in meeting
23 the goals described in paragraph (3)(A)(i)(I).

24 (B) ALTERNATIVE FINANCING LOAN PRO-
25 GRAM DATA REQUIRED.—A State or entity that

1 receives a grant for an alternative financing loan
2 program described in paragraph (6)(A) shall in-
3 clude in each report loan data with respect to
4 the program for the period of the grant award,
5 including—

6 (i) the number and dollar amount of
7 loans made under that paragraph for—

8 (I) loan applications received;

9 (II) loan applications approved;

10 and

11 (III) loan applications not ap-
12 proved;

13 (ii) the default rate of the loans;

14 (iii) the range of interest rates and
15 average interest rate for the loans;

16 (iv) the range of income and average
17 income of approved loan applicants for the
18 loans;

19 (v) the types and dollar amounts of
20 assistive technology financed through the
21 loans; and

22 (vi) the outcomes of the loan program,
23 including information relevant to the bene-
24 fits to individuals utilizing the program.

1 (C) DEVICE LOAN PROGRAMS DATA RE-
2 QUIRED.—A State that receives a grant for a
3 device loan program described in paragraph
4 (6)(B) shall include in each report loan data
5 with respect to the program for the period of
6 the grant award, including—

7 (i) the number and type of assistive
8 technology devices loaned under that para-
9 graph;

10 (ii) the general characteristics of bor-
11 rowers (such as individuals with disabil-
12 ities, parents, educators, employers, pro-
13 viders of employment services, health care
14 workers, counselors, other service pro-
15 viders, or venders);

16 (iii) the purposes for which the loans
17 were made; and

18 (iv) the outcomes of the loans, includ-
19 ing information relevant to the benefits to
20 individuals utilizing the program.

21 (8) CONSTRUCTION.—Nothing in this sub-
22 section shall be construed as affecting the authority
23 of a State to establish an alternative financing sys-
24 tem under section 4.

25 (b) PROJECTS OF NATIONAL SIGNIFICANCE.—

1 (1) COMPETITIVE GRANT FOR DEVELOPMENT
2 OF A NATIONAL PUBLIC-AWARENESS TOOLKIT.—

3 (A) PURPOSE.—The purpose of this para-
4 graph is to support the development of a na-
5 tional public-awareness toolkit for dissemination
6 to State assistive technology programs, in order
7 to expand public-awareness efforts to reach tar-
8 geted individuals and entities, as defined in sub-
9 paragraphs (A), (B), (D), (F), (G), and (I) of
10 section 3(18).

11 (B) COMPETITIVE TECHNICAL ASSISTANCE
12 GRANT AUTHORIZED.—The Secretary may
13 award a grant on a competitive basis to an eli-
14 gible partnership, to enable the partnership to
15 carry out the activities described in subpara-
16 graph (A).

17 (C) ELIGIBLE PARTNERSHIP.—To be eligi-
18 ble to receive the grant, the partnership—

19 (i) shall consist of—

20 (I) an implementing entity for a
21 State assistive technology program or
22 an organization or association that
23 represents implementing entities for
24 State assistive technology programs;

1 (II) a private or public entity
2 from the media industry;

3 (III) a private entity from the as-
4 sistive technology industry; and

5 (IV) a private employer or an or-
6 ganization or association that rep-
7 resents private employers; and

8 (ii) may include another entity deter-
9 mined by the Secretary to be appropriate.

10 (D) APPLICATIONS.—To be eligible to re-
11 ceive a grant under this paragraph, a partner-
12 ship shall submit an application to the Sec-
13 retary at such time, in such manner, and con-
14 taining such information as the Secretary may
15 require.

16 (E) USE OF FUNDS.—A partnership that
17 receives a grant under this paragraph shall use
18 the funds made available through the grant to
19 develop a national public-awareness toolkit,
20 which shall contain appropriate multimedia ma-
21 terials to reach targeted individuals and enti-
22 ties, as defined in subparagraphs (A), (B), (D),
23 (F), (G), and (I) of section 3(18), for dissemi-
24 nation to State assistive technology programs.

1 (2) RESEARCH, DEVELOPMENT, AND EVALUA-
2 TION.—

3 (A) COMPETITIVE RESEARCH, DEVELOP-
4 MENT, AND EVALUATION GRANTS AUTHOR-
5 IZED.—The Secretary may award grants to eli-
6 gible entities to carry out research, develop-
7 ment, and evaluation of assistive technology.

8 (B) ELIGIBLE ENTITIES.—Entities eligible
9 to receive a grant under this paragraph shall
10 include—

11 (i) providers of assistive technology
12 services and assistive technology devices;

13 (ii) public and private educational
14 agencies serving students in kindergarten,
15 elementary school, or secondary school;

16 (iii) institutions of higher education,
17 including University Centers for Excellence
18 in Developmental Disabilities Education,
19 Research, and Service authorized under
20 subtitle D of title I of the Developmental
21 Disabilities Assistance and Bill of Rights
22 Act of 2000 (42 U.S.C. 15061 et seq.), or
23 such institutions offering rehabilitation en-
24 gineering programs, computer science pro-

1 grams, or information technology pro-
2 grams;

3 (iv) manufacturers of assistive tech-
4 nology and accessible information tech-
5 nology and telecommunications;

6 (v) consumer organizations concerned
7 with assistive technology;

8 (vi) professionals, organizations, and
9 agencies, providing services to individuals
10 with disabilities; and

11 (vii) professionals, individuals, and or-
12 ganizations, providing employment services
13 to individuals with disabilities.

14 (C) PRIORITY ACTIVITIES.—In awarding
15 such grants, the Secretary shall give priority to
16 funding projects that address 1 or more of the
17 following:

18 (i) Developing standards for reliability
19 and accessibility of assistive technology,
20 and standards for interoperability (includ-
21 ing open standards) of assistive technology
22 with information technology, telecommuni-
23 cations products, and other assistive tech-
24 nology.

1 (ii) Developing and implementing
2 measurements and tools that evaluate as-
3 sistive technology for—

4 (I) conformity with reliability, ac-
5 cessibility and interoperability stand-
6 ards developed under clause (i);

7 (II) usability by individuals with
8 disabilities to meet functional needs;
9 or

10 (III) other characteristics that
11 support increased functional perform-
12 ance of assistive technology.

13 (iii) Developing assistive technology
14 that benefits individuals with disabilities or
15 developing technologies or practices that
16 result in the adaptation, maintenance,
17 servicing, or improvement of assistive tech-
18 nology devices.

19 (D) INPUT.—An entity that receives a
20 grant under this paragraph shall, in developing
21 and implementing the project carried out
22 through the grant, coordinate activities with the
23 implementing entity for the State assistive tech-
24 nology program (or a national organization that
25 represents such programs) and the State advi-

1 sory council described in section 4(c)(2) (or a
2 national organization that represents such
3 councils).

4 (E) REPORT.—The entity shall prepare
5 and submit a report to the Secretary at such
6 time, in such manner, and containing such in-
7 formation as the Secretary may require.

8 (3) PERSONNEL PREPARATION CENTERS.—

9 (A) GRANTS.—The Secretary shall award
10 grants, on a competitive basis, to public and
11 private entities and institutions of higher edu-
12 cation, including University Centers for Excel-
13 lence in Developmental Disabilities Education,
14 Research, and Service established under subtitle
15 D of title I of the Developmental Disabilities
16 Assistance and Bill of Rights Act of 2000 (42
17 U.S.C. 15061 et seq.), to fund the establish-
18 ment or expansion of personnel preparation
19 centers.

20 (B) ELIGIBLE ENTITIES.—To be eligible to
21 receive a grant under this paragraph, an entity
22 shall have—

23 (i) knowledge and skills to assess and
24 evaluate the need for assistive technology
25 devices and assistive technology services;

1 (ii) knowledge and skills to assist con-
2 sumers in the selection and acquisition of
3 the devices and services; and

4 (iii) experience training professionals
5 in school districts, at early intervention
6 service sites, and in adult service provider
7 settings, in geographically diverse areas
8 within the State.

9 (C) APPLICATION.—

10 (i) IN GENERAL.—To be eligible to re-
11 ceive a grant under this paragraph, an en-
12 tity shall submit an application to the Sec-
13 retary at such time, in such manner, and
14 containing such information as the Sec-
15 retary may require.

16 (ii) CONTENTS.—At a minimum, the
17 application shall include—

18 (I) a description of the entity's
19 knowledge and skills regarding assist-
20 ive technology assessment and evalua-
21 tion;

22 (II) a description of how the enti-
23 ty will collect training outcome data;

24 (III) a description of the manner
25 in which the entity will carry out fi-

1 nancial and programmatic responsibil-
2 ities, including any shared responsibil-
3 ities, in implementing the activities
4 carried out under the grant;

5 (IV) a description of the relation-
6 ship between the entity and school
7 personnel, early intervention service
8 personnel, and adult service provider
9 personnel in the State; and

10 (V) a description of an advisory
11 committee designated or established
12 under subparagraph (E).

13 (D) USE OF FUNDS.—An entity that re-
14 ceives a grant under this paragraph shall use
15 the funds made available through the grant to
16 carry out the activities described in subpara-
17 graph (B).

18 (E) ADVISORY COMMITTEE.—

19 (i) IN GENERAL.—A council (which
20 may be the advisory council described in
21 section 4(c)(2)) shall be designated to
22 serve as an advisory committee, or an advi-
23 sory committee shall be established, to
24 make recommendations for the training to
25 be offered through the grant, the specific

1 populations to receive the training, and the
2 reporting requirements applicable to the
3 entity under subparagraph (F).

4 (ii) COMPOSITION.—At a minimum,
5 such advisory committee shall be composed
6 of—

7 (I) consumers of assistive tech-
8 nology services and assistive tech-
9 nology devices;

10 (II) providers of assistive tech-
11 nology services and assistive tech-
12 nology devices;

13 (III) the implementing entity for
14 the State assistive technology pro-
15 gram; and

16 (IV) entities (other than the enti-
17 ty described in clause (i)) that receive
18 grants under this paragraph.

19 (F) REPORTING REQUIREMENTS.—

20 (i) IN GENERAL.—An entity that re-
21 ceives a grant under this paragraph shall
22 submit to the Secretary an annual report
23 detailing outcomes achieved through activi-
24 ties carried out under the grant at such
25 time, in such manner, and containing such

1 information as the Secretary may require,
2 after receiving the recommendations of the
3 advisory committee described in subpara-
4 graph (E) for the entity.

5 (ii) CONTENTS.—At a minimum, the
6 report shall include information on—

7 (I) the number and geographical
8 distribution of teachers (broken down
9 into general education and special
10 education categories) and other school
11 personnel who received training under
12 this paragraph in the school year cov-
13 ered by the report;

14 (II) the number and geographical
15 distribution of early intervention serv-
16 ice personnel who received training
17 under this paragraph in the year cov-
18 ered by the report; and

19 (III) the number and geo-
20 graphical distribution of adult service
21 provider personnel who received train-
22 ing under this paragraph in the year
23 covered by the report.

1 (4) PERIOD OF GRANTS.—The Secretary shall
2 make grants under this subsection for periods of 12
3 months.

4 (5) CONDITIONS ON PROJECTS OF NATIONAL
5 SIGNIFICANCE.—

6 (A) PAYMENTS TO PARTNERSHIPS AND
7 ENTITIES.—Subject to the conditions specified
8 in this paragraph, the Secretary shall make
9 payments to the partnerships and entities that
10 are selected to receive grants awarded under
11 this subsection.

12 (B) OBLIGATION AND EXPENDITURE.—A
13 partnership or entity that receives a grant
14 under this subsection shall obligate and expend
15 the funds made available through the grant
16 during the period of the grant.

17 (C) MATCHING REQUIREMENT.—

18 (i) IN GENERAL.—With respect to the
19 cost to be incurred by a partnership or en-
20 tity that receives a grant under this sub-
21 section in carrying out the activities for
22 which the grant was awarded, a partner-
23 ship or entity that receives a grant under
24 this subsection in an amount of more than
25 \$50,000 shall make available non-Federal

1 contributions in an amount not less than
2 \$1 for every \$3 of the portion of the grant
3 amount that exceeds \$50,000.

4 (ii) NON-FEDERAL CONTRIBUTIONS.—
5 The partnership or entity may make the
6 non-Federal contributions available in cash
7 or in kind, fairly evaluated, including
8 plant, equipment, or services.

9 **SEC. 7. TRAINING, TECHNICAL ASSISTANCE, DATA-COLLEC-**
10 **TION, REPORTING, AND INTERNET PRO-**
11 **GRAMS.**

12 (a) IN GENERAL.—In order to strengthen and sup-
13 port State assistive technology programs, and protection
14 and advocacy systems authorized under section 5, the Sec-
15 retary may award 1 or more grants, contracts, or coopera-
16 tive agreements on a competitive basis under subsections
17 (b) and (c) to provide training and technical assistance,
18 and conduct data collection and reporting, about and for
19 the State assistive technology programs and protection
20 and advocacy systems.

21 (b) TRAINING AND TECHNICAL ASSISTANCE; DATA
22 COLLECTION AND REPORTING.—

23 (1) STATE PROJECTS TRAINING AND TECH-
24 NICAL ASSISTANCE EFFORTS.—

1 (A) IN GENERAL.—The Secretary shall
2 award grants, contracts, and cooperative agree-
3 ments to provide training and technical assist-
4 ance concerning State assistive technology pro-
5 grams.

6 (B) ELIGIBLE ENTITIES.—To be eligible to
7 receive a grant, contract, or cooperative agree-
8 ment under this paragraph, an entity shall have
9 personnel with—

10 (i) documented experience and exper-
11 tise in administering State assistive tech-
12 nology programs, including developing, im-
13 plementing, and administering the required
14 and discretionary activities described in
15 sections 4 and 6(a); and

16 (ii) documented experience in and
17 knowledge about banking, finance, and
18 microlending.

19 (C) APPLICATION.—To be eligible to re-
20 ceive a grant, contract, or cooperative agree-
21 ment under this paragraph, an entity shall sub-
22 mit an application to the Secretary at such
23 time, in such manner, and containing such in-
24 formation as the Secretary may require.

1 (D) TRAINING AND TECHNICAL ASSIST-
2 ANCE EFFORTS.—In awarding the grant, con-
3 tract, or cooperative agreement, the Secretary
4 shall ensure that the recipient conducts a train-
5 ing and technical assistance program, taking
6 into account the required input and collabora-
7 tions described in subparagraph (E), through
8 which the recipient—

9 (i) addresses State-specific informa-
10 tion requests concerning assistive tech-
11 nology and accessible information tech-
12 nology and telecommunications from imple-
13 menting entities for State assistive tech-
14 nology programs funded under this Act
15 and public and private entities not funded
16 under this Act, including—

17 (I) requests for information on
18 effective approaches to developing, im-
19 plementing, evaluating, and sustaining
20 required and discretionary activities
21 identified in sections 4 and 6(a), and
22 requests for assistance in developing
23 corrective action plans;

24 (II) requests for examples of
25 Federal, State, and local policies,

1 practices, procedures, regulations,
2 interagency agreements, administra-
3 tive hearing decisions, or legal actions
4 that facilitate, and overcome barriers
5 to, the provision of funding for, and
6 access to, assistive technology devices,
7 accessible information technology and
8 telecommunications, and assistive
9 technology services for individuals with
10 disabilities; and

11 (III) other requests for training
12 and technical assistance from State
13 assistive technology programs funded
14 under this Act and public and private
15 entities not funded under this Act,
16 and other assignments specified by
17 the Secretary; and

18 (ii) provides State-specific and na-
19 tional training and technical assistance
20 concerning assistive technology and acces-
21 sible information technology and tele-
22 communications to implementing entities
23 for State assistive technology programs, in-
24 cluding financing systems, funded under
25 section 4, other entities funded under this

1 Act (with respect to the required or discre-
2 tionary activities that the entities carry out
3 under this Act and especially with respect
4 to the establishment or expansion, and ad-
5 ministration (including evaluation and sus-
6 tenance), of alternative financing loan pro-
7 grams under section 6(a)), and public and
8 private entities not funded under this Act,
9 including—

10 (I) annually providing a forum
11 for exchanging information and pro-
12 moting program and policy improve-
13 ments in required activities of the
14 State assistive technology programs;

15 (II) facilitating on-site and elec-
16 tronic information sharing using
17 state-of-the-art Internet technologies
18 such as real-time online discussions,
19 multipoint video conferencing, and
20 web-based audio/video broadcasts, on
21 emerging topics that affect State as-
22 sistive technology programs and indi-
23 viduals with assistive technology and
24 accessible information technology and
25 telecommunications needs;

1 (III) convening experts from
2 State assistive technology programs to
3 discuss and make recommendations
4 with regard to national emerging
5 issues of importance to individuals
6 with assistive technology and acces-
7 sible information technology and tele-
8 communications needs;

9 (IV) sharing best practice and
10 evidence-based practices among State
11 assistive technology programs;

12 (V) maintaining an accessible
13 website that includes a link to State
14 assistive technology programs, Federal
15 departments and agencies, and asso-
16 ciations and developing a national toll-
17 free number that links callers from a
18 State with the State assistive tech-
19 nology program in their State;

20 (VI) developing or utilizing exist-
21 ing (as of the date of the award in-
22 volved) model cooperative volume-pur-
23 chasing mechanisms designed to re-
24 duce the financial costs of purchasing
25 assistive technology for required and

1 discretionary activities identified in
2 sections 4 and 6(a), and reducing du-
3 plication of activities among State as-
4 sistive technology programs; and

5 (VII) providing access to experts
6 in the areas of banking, microlending,
7 and finance, for implementing entities
8 for State assistive technology pro-
9 grams and other entities funded under
10 this Act to administer alternative fi-
11 nancing loan programs, through site
12 visits, teleconferences, and other
13 means, to ensure access to informa-
14 tion for entities that are carrying out
15 new programs or programs that are
16 not making progress in achieving the
17 objectives of the programs.

18 (E) REQUIRED INPUT AND COLLABORA-
19 TION.—In providing training and technical as-
20 sistance under this paragraph, a recipient of a
21 grant, contract, or cooperative agreement under
22 this paragraph shall meet the following require-
23 ments:

24 (i) INPUT.—The recipient shall in-
25 volve, in the planning and identification of

1 priority issues and needs, the directors of
2 State assistive technology programs and
3 other individuals the Secretary determines
4 to be appropriate, especially—

5 (I) individuals with disabilities
6 who use, and understand the barriers
7 to the acquisition of, assistive tech-
8 nology and accessible information
9 technology and telecommunications;

10 (II) family members, guardians,
11 advocates, and authorized representa-
12 tives of such individuals;

13 (III) relevant employees from
14 other Federal departments and agen-
15 cies;

16 (IV) businesses; and

17 (V) venders and public and pri-
18 vate researchers and developers.

19 (ii) COLLABORATION.—The recipient
20 shall collaborate, in developing and imple-
21 menting training and technical assistance
22 activities identified as priorities, with other
23 organizations, in particular—

1 (I) national organizations rep-
2 resenting State assistive technology
3 programs;

4 (II) organizations representing
5 State officials and agencies engaged
6 in the delivery of assistive technology
7 and accessible information technology
8 and telecommunications;

9 (III) the data-collection and re-
10 porting providers described in para-
11 graph (2); and

12 (IV) other providers of national
13 programs or programs of national sig-
14 nificance funded under this Act.

15 (2) STATE PROJECTS DATA-COLLECTION AND
16 REPORTING PROGRAM.—

17 (A) IN GENERAL.—The Secretary shall
18 award grants, contracts, and cooperative agree-
19 ments to conduct data collection and reporting
20 concerning State assistive technology programs.

21 (B) ELIGIBLE ENTITIES.—To be eligible to
22 receive a grant, contract, or cooperative agree-
23 ment under this paragraph, an entity shall have
24 personnel with—

1 (i) documented experience and exper-
2 tise in administering State assistive tech-
3 nology programs;

4 (ii) experience in collecting and ana-
5 lyzing data associated with implementing
6 required and discretionary activities;

7 (iii) expertise necessary to identify ad-
8 ditional data elements needed to provide
9 comprehensive reporting of State activities
10 and outcomes; and

11 (iv) experience in utilizing data to
12 provide annual reports to State policy-
13 makers.

14 (C) APPLICATION.—To be eligible to re-
15 ceive a grant, contract, or cooperative agree-
16 ment under this paragraph, an eligible appli-
17 cant shall submit an application to the Sec-
18 retary at such time, in such manner, and con-
19 taining such information as the Secretary may
20 require.

21 (D) DATA-COLLECTION AND REPORTING
22 PROGRAM.—In awarding the grant, contract, or
23 cooperative agreement, the Secretary shall en-
24 sure that the recipient conducts a data-collec-
25 tion and reporting program that enhances and

1 improves the operations and conduct of a State
2 assistive technology program. The Secretary
3 shall ensure that the recipient achieves that en-
4 hancement and improvement by using quan-
5 titative and qualitative data elements, meas-
6 uring the outcomes of the required activities de-
7 scribed in section 4(e), and measuring the ac-
8 crued benefits of the activities to individuals
9 who need assistive technology and accessible in-
10 formation technology and telecommunications.

11 (E) REQUIRED DATA ELEMENTS.—The
12 core set of the data elements shall, at a min-
13 imum, include data elements for—

14 (i) the number and dollar amount of
15 financial loans made;

16 (ii) the number and type of assistive
17 technology device demonstrations provided;

18 (iii) the number and type of assistive
19 technology devices loaned through device
20 loan programs;

21 (iv) the number and estimated value
22 of assistive technology devices exchanged,
23 repaired, recycled, or re-utilized (including
24 redistributed through device sales, loans,

1 rentals, or donations) through device re-uti-
2 lization programs;

3 (v)(I) the number and general charac-
4 teristics of individuals who participated in
5 training (such as individuals with disabil-
6 ities, parents, educators, employers, pro-
7 viders of employment services, health care
8 workers, counselors, other service pro-
9 viders, or vendors) and the topics of such
10 training; and

11 (II) to the extent practicable, the geo-
12 graphic distribution of individuals who par-
13 ticipated in training or technical assistance
14 activities;

15 (vi) the amount and nature of tech-
16 nical assistance provided to State and local
17 agencies and other entities;

18 (vii) the number of individuals as-
19 sisted through the public-awareness activi-
20 ties and statewide information and ref-
21 erence system;

22 (viii) the outcomes of any improve-
23 ment initiatives carried out by the State as
24 a result of activities funded under section
25 4;

1 (ix) the outcomes of interagency co-
2 ordination and collaboration activities car-
3 ried out by the State that support access
4 to assistive technology;

5 (x) measured outcomes of activities
6 undertaken to improve access to assistive
7 technology devices and assistive technology
8 services for targeted populations;

9 (xi) the outcomes of the services pro-
10 vided; and

11 (xii) the level of customer satisfaction
12 with, or the outcomes of, the services pro-
13 vided.

14 (F) REQUIRED INPUT AND COLLABORA-
15 TION.—In conducting data-collection and re-
16 porting activities under this paragraph, a recipi-
17 ent of a grant, contract, or cooperative agree-
18 ment under this paragraph shall meet the fol-
19 lowing requirements:

20 (i) INPUT.—The recipient shall ac-
21 tively involve, in the development of the
22 data-collection and reporting system, the
23 directors of State assistive technology pro-
24 grams and other individuals the Secretary
25 determines to be appropriate, especially—

1 (I) individuals with disabilities
2 who use, and understand the barriers
3 to the acquisition of, assistive tech-
4 nology and accessible information
5 technology and telecommunications;

6 (II) family members, guardians,
7 advocates, and authorized representa-
8 tives of such individuals;

9 (III) relevant employees from
10 other Federal departments and agen-
11 cies;

12 (IV) businesses; and

13 (V) vendors and public and pri-
14 vate researchers and developers.

15 (ii) COLLABORATION.—The recipient
16 shall actively collaborate, in developing and
17 implementing the system, with other orga-
18 nizations, in particular—

19 (I) national organizations rep-
20 resenting State assistive technology
21 programs;

22 (II) the training and technical
23 assistance providers described in para-
24 graph (1); and

1 (III) entities carrying out
2 projects of national significance fund-
3 ed under section 6(b), as appropriate.

4 (3) STATE PROTECTION AND ADVOCACY SERV-
5 ICES TRAINING AND TECHNICAL ASSISTANCE EF-
6 FORTS.—

7 (A) GENERAL AUTHORITY.—The Secretary
8 shall award grants, contracts, and cooperative
9 agreements to provide training and technical
10 assistance concerning protection and advocacy
11 services.

12 (B) ELIGIBLE ENTITIES.—To be eligible to
13 receive a grant, contract, or cooperative agree-
14 ment under this paragraph to provide training
15 and technical assistance, an entity shall have
16 personnel with documented experience related
17 to protection and advocacy services.

18 (C) APPLICATION.—To be eligible to re-
19 ceive a grant, contract, or cooperative agree-
20 ment under this paragraph, an eligible appli-
21 cant shall submit an application to the Sec-
22 retary at such time, in such manner, and con-
23 taining such information as the Secretary may
24 require.

1 (D) TRAINING AND TECHNICAL ASSIST-
2 ANCE EFFORTS.—

3 (i) TECHNICAL ASSISTANCE EF-
4 FORTS.—In awarding the grant, contract,
5 or cooperative agreement, the Secretary
6 shall ensure that the recipient conducts a
7 technical assistance program through
8 which the recipient—

9 (I) provides advocacy-related and
10 management-related technical assist-
11 ance;

12 (II) prepares publications, in nu-
13 merous formats, on the funding of as-
14 sistive technology through a variety of
15 funding sources;

16 (III) makes available, through in-
17 house resource libraries, documents
18 related to the funding of assistive
19 technology;

20 (IV) maintains a project website
21 containing information concerning the
22 funding of assistive technology, and
23 containing publications and links to
24 other web-based resources to support

1 assistive technology advocacy efforts;
2 and

3 (V) maintains a national assistive
4 technology list serve.

5 (ii) TRAINING EFFORTS.—In award-
6 ing the grant, contract, or cooperative
7 agreement, the Secretary shall ensure that
8 the recipient conducts a training program
9 through which the recipient—

10 (I) provides advocacy-related
11 training through annual statewide or
12 regional conferences and distance-
13 training events; and

14 (II) provides management-related
15 training at annual training events, as-
16 sisting protection and advocacy man-
17 agers and fiscal officers to meet grant
18 obligations.

19 (iii) DATA COLLECTION AND REPORT-
20 ING.—The recipient shall prepare and sub-
21 mit to the Secretary a report containing
22 information on the activities carried out
23 under this paragraph, including informa-
24 tion on the following:

25 (I) Non-case services.

1 (II) Case services.

2 (III) Statistical information for
3 individuals served.

4 (IV) Systemic activities and liti-
5 gation.

6 (V) Priorities and objectives.

7 (VI) Agency administration.

8 (c) NATIONAL INFORMATION INTERNET SYSTEM.—

9 (1) IN GENERAL.—In order to provide informa-
10 tion nationally on the availability of assistive tech-
11 nology, the Secretary may award 1 grant, contract,
12 or cooperative agreement on a competitive basis to
13 maintain, renovate, and update the National Public
14 Internet Site established under section 104(c)(1) of
15 the Assistive Technology Act of 1998 (29 U.S.C.
16 3014(c)(1)), as in effect on the date of enactment of
17 this Act.

18 (2) ELIGIBLE ENTITY.—To be eligible to receive
19 a grant, contract, or cooperative agreement under
20 paragraph (1), an entity shall be a nonprofit organi-
21 zation, for-profit organization, or institution of high-
22 er education, that—

23 (A) emphasizes research and engineering;

24 (B) has a multidisciplinary research cen-
25 ter; and

1 (C) has demonstrated expertise in—

2 (i) working with assistive technology,
3 accessible information technology and tele-
4 communications, and intelligent agent
5 interactive information dissemination sys-
6 tems;

7 (ii) managing libraries of assistive
8 technology, accessible information tech-
9 nology and telecommunications, and dis-
10 ability-related resources;

11 (iii) delivering to individuals with dis-
12 abilities education, information, and refer-
13 ral services, including technology-based
14 curriculum-development services for adults
15 with low-level reading skills;

16 (iv) developing cooperative partner-
17 ships with the private sector, particularly
18 with private-sector computer software,
19 hardware, and Internet services entities;
20 and

21 (v) developing and designing advanced
22 Internet sites.

23 (3) APPLICATION.—To be eligible to receive a
24 grant, contract, or cooperative agreement under this
25 section, an eligible applicant shall submit an applica-

1 tion to the Secretary at such time, in such manner,
2 and containing such information as the Secretary
3 may require.

4 (4) NATIONAL PUBLIC INTERNET SITE.—

5 (A) FEATURES OF INTERNET SITE.—The
6 National Public Internet Site shall contain the
7 following features:

8 (i) AVAILABILITY OF INFORMATION AT
9 ANY TIME.—The site shall be designed so
10 that any member of the public may obtain
11 information posted on the site at any time.

12 (ii) INNOVATIVE AUTOMATED INTEL-
13 LIGENT AGENT.—The site shall be con-
14 structed with an innovative automated in-
15 telligent agent that is a diagnostic tool for
16 assisting users in problem definition and
17 the selection of appropriate assistive tech-
18 nology devices and assistive technology
19 services resources and accessible informa-
20 tion technology and telecommunications.

21 (iii) RESOURCES.—

22 (I) LIBRARY ON ASSISTIVE TECH-
23 NOLOGY.—The site shall include ac-
24 cess to a comprehensive working li-
25 brary on assistive technology and ac-

1 cessible information technology and
2 telecommunications for all environ-
3 ments, including home, workplace,
4 transportation, and other environ-
5 ments.

6 (II) INFORMATION ON ACCOMMO-
7 DATING INDIVIDUALS WITH DISABIL-
8 ITIES.—The site shall include access
9 to evidence-based research and best
10 practices concerning how assistive
11 technology and accessible information
12 technology and telecommunications
13 can be used to accommodate individ-
14 uals with disabilities in the areas of
15 education, employment, health care,
16 community living, and telecommuni-
17 cations and information technology.

18 (III) RESOURCES FOR A NUMBER
19 OF DISABILITIES.—The site shall in-
20 clude resources relating to the largest
21 possible number of disabilities, includ-
22 ing resources relating to low-level
23 reading skills and cognitive disabili-
24 ties.

1 (iv) LINKS TO PRIVATE-SECTOR RE-
2 SOURCES AND INFORMATION.—To the ex-
3 tent feasible, the site shall be linked to rel-
4 evant private-sector resources and informa-
5 tion, under agreements developed between
6 the recipient of the grant, contract, or co-
7 operative agreement and cooperating pri-
8 vate-sector entities.

9 (v) LINKS TO PUBLIC-SECTOR RE-
10 SOURCES AND INFORMATION.—To the ex-
11 tent feasible, the site shall be linked to rel-
12 evant public-sector resources and informa-
13 tion, such as the Internet sites of the Of-
14 fice of Special Education and Rehabilita-
15 tion Services of the Department of Edu-
16 cation, the Office of Disability Employ-
17 ment Policy of the Department of Labor,
18 the Small Business Administration, the Ar-
19 chitectural and Transportation Barriers
20 Compliance Board, and the Technology
21 Administration of the Department of Com-
22 merce, the accessible website described in
23 subsection (b)(1)(D)(ii)(V), the Jobs Ac-
24 commodation Network funded by the Of-
25 fice of Disability Employment Policy of the

1 Department of Labor, and other relevant
2 sites.

3 (B) MINIMUM LIBRARY COMPONENTS.—At
4 a minimum, the National Public Internet Site
5 shall maintain updated information on—

6 (i) State assistive technology program
7 demonstration sites where individuals may
8 try out assistive technology devices;

9 (ii) State assistive technology program
10 device loan program sites where individuals
11 may borrow assistive technology devices;

12 (iii) State assistive technology pro-
13 gram device re-utilization program sites;

14 (iv) alternative financing programs or
15 systems operated through, or independ-
16 ently of, State assistive technology pro-
17 grams, and other sources of funding for
18 assistive technology devices; and

19 (v) various tax credits available to em-
20 ployers for hiring or accommodating em-
21 ployees who are individuals with disabil-
22 ities.

23 (5) INPUT.—While providing information (in-
24 cluding technical assistance) under this subsection,
25 the Secretary and recipient of the grant, contract, or

1 cooperative agreement under this subsection shall
2 consider the input of the directors of State assistive
3 technology programs and other individuals the Sec-
4 retary determines to be appropriate, especially—

5 (A) individuals with disabilities who use,
6 and understand the barriers to the acquisition
7 of, assistive technology and accessible informa-
8 tion technology and telecommunications;

9 (B) family members, guardians, advocates,
10 and authorized representatives of such individ-
11 uals;

12 (C) relevant employees from other Federal
13 departments and agencies involved in the pro-
14 curement or development of assistive technology
15 devices, or the provision of assistive technology
16 services;

17 (D) employers of people with disabilities,
18 especially small business employers; and

19 (E) vendors and public and private re-
20 searchers and developers.

21 **SEC. 8. TECHNOLOGY INDUSTRY ASSESSMENT.**

22 (a) IN GENERAL.—To better promote and serve the
23 United States assistive technology industry, the Secretary
24 may conduct a detailed assessment of the industry. Such
25 assessment shall provide data and analysis concerning the

1 industry's market, products, and services, for better stra-
2 tegic and business modeling.

3 (b) CONTENTS.—The Secretary shall ensure that the
4 assessment provides data and analysis including—

5 (1) data to better assess the industry's potential
6 and provide metrics for future growth;

7 (2) information addressing strategies and cer-
8 tification practices of international trading partners;
9 and

10 (3) details about programs within the Depart-
11 ment of Commerce that facilitate assistive tech-
12 nology industry export efforts.

13 (c) CONSULTATION.—The Secretary shall conduct
14 the assessment after consultation with the Under Sec-
15 retary for Technology of the Department of Commerce
16 members of the assistive technology industry, the Inter-
17 agency Committee on Disability Research established
18 under section 203 of the Rehabilitation Act of 1973 (29
19 U.S.C. 763), and other appropriate agencies.

20 **SEC. 9. ADMINISTRATIVE PROVISIONS.**

21 (a) GENERAL ADMINISTRATION.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, the Commissioner of the Rehabili-
24 tation Services Administration in the Office of Spe-
25 cial Education and Rehabilitative Services of the De-

1 department of Education shall be responsible for the
2 administration of this Act.

3 (2) COLLABORATION.—The Commissioner of
4 the Rehabilitation Services Administration may
5 make 1 or more grants to, or enter into 1 or more
6 contracts, interagency agreements, or cooperative
7 agreements with, the Director of the Office of Spe-
8 cial Education Programs or the National Institute
9 on Disability and Rehabilitation Research in the Of-
10 fice of Special Education and Rehabilitative Services
11 of the Department of Education, the Assistant Sec-
12 retary for Disability Employment Policy in the De-
13 partment of Labor, the Under Secretary for Tech-
14 nology in the Department of Commerce, the Admin-
15 istrator of the Small Business Administration, or the
16 head of any other entity approved by the Secretary
17 to assist in the administration of this Act.

18 (3) ADMINISTRATION.—In administering this
19 Act, the Commissioner of the Rehabilitation Services
20 Administration shall ensure the provision of assistive
21 technology, through comprehensive statewide pro-
22 grams of technology-related assistance, to individuals
23 of all ages, whether the individuals will use the as-
24 sistive technology to obtain or maintain employment
25 or for other reasons.

1 (b) REVIEW OF PARTICIPATING ENTITIES.—The Sec-
2 retary shall assess the extent to which entities that receive
3 grants under this Act are complying with the applicable
4 requirements of this Act and achieving goals that are con-
5 sistent with the requirements of the grant programs under
6 which the entities received the grants.

7 (c) CORRECTIVE ACTION AND SANCTIONS.—

8 (1) CORRECTIVE ACTION.—If the Secretary de-
9 termines that an entity that receives a grant under
10 this Act fails to substantially comply with the appli-
11 cable requirements of this Act, the Secretary shall
12 assist the entity, through technical assistance funded
13 under section 7 or other means, within 90 days after
14 such determination, to develop a corrective action
15 plan.

16 (2) SANCTIONS.—If the entity fails to develop
17 and comply with a corrective action plan described
18 in paragraph (1) during a fiscal year, the entity
19 shall be subject to 1 of the following corrective ac-
20 tions selected by the Secretary:

21 (A) Partial or complete termination of
22 funding under the grant program.

23 (B) Ineligibility to participate in the grant
24 program in the following year.

1 (C) Reduction in funding for the following
2 year under the grant program.

3 (D) Required redesignation of the lead
4 agency designated under section 4(c)(1).

5 (3) APPEALS PROCEDURES.—The Secretary
6 shall establish appeals procedures for entities that
7 are determined to be in noncompliance with the ap-
8 plicable requirements of this Act.

9 (d) CONSTRUCTION.—Nothing in this section shall be
10 construed to affect the enforcement authority of the Sec-
11 retary, another Federal officer, or a court under part E
12 of the General Education Provisions Act (20 U.S.C. 1234
13 et seq.) or other applicable law.

14 (e) EFFECT ON OTHER ASSISTANCE.—This Act may
15 not be construed as authorizing a Federal or State agency
16 to reduce medical or other assistance available, or to alter
17 eligibility for a benefit or service, under any other Federal
18 law.

19 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) STATE GRANTS FOR ASSISTIVE TECHNOLOGY;
21 TRAINING, TECHNICAL ASSISTANCE, DATA-COLLECTION,
22 REPORTING, AND INTERNET PROGRAMS.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated to carry out sections 4 and 7
25 \$36,000,000 for fiscal year 2005, and such sums as

1 may be necessary for each of fiscal years 2006
2 through 2010.

3 (2) TRAINING, TECHNICAL ASSISTANCE, DATA-
4 COLLECTION, REPORTING, AND INTERNET PRO-
5 GRAMS.—

6 (A) IN GENERAL.—Of the amount appro-
7 priated under this subsection for a fiscal year,
8 not more than \$1,235,000 may be made avail-
9 able to carry out section 7.

10 (B) RESERVATIONS.—Of the amount made
11 available to carry out section 7 for a fiscal
12 year—

13 (i) not less than 45 percent shall be
14 made available to carry out section 7(b)(1);

15 (ii) not less than 20 percent shall be
16 made available to carry out section 7(b)(2);

17 (iii) not less than 15 percent shall be
18 made available to carry out section 7(b)(3);

19 and

20 (iv) not more than 20 percent shall be
21 made available to carry out section 7(c).

22 (b) STATE GRANTS FOR PROTECTION AND ADVO-
23 CACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY.—

24 There are authorized to be appropriated to carry out sec-
25 tion 5 \$4,419,000 for fiscal year 2005 and such sums as

1 may be necessary for each of fiscal years 2006 through
2 2010.

3 (c) SUPPLEMENTARY GRANTS AND PROJECTS OF
4 NATIONAL SIGNIFICANCE.—There are authorized to be
5 appropriated to carry out section 6 such sums as may be
6 necessary for each of fiscal years 2005 through 2010.

7 **SEC. 11. REPEAL.**

8 The Assistive Technology Act of 1998 (29 U.S.C.
9 3001 et seq.) is repealed.

○