

116TH CONGRESS
1ST SESSION

S. 1835

To reauthorize the Assistive Technology Act of 1998, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Mr. CASEY (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To reauthorize the Assistive Technology Act of 1998, 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 “21st Century Assistive
5 Technology Act”.

6 **SEC. 2. REAUTHORIZATION.**

7 The Assistive Technology Act of 1998 (29 U.S.C.
8 3001 et seq.) is amended to read as follows:

1 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 “(a) SHORT TITLE.—This Act may be cited as the
3 ‘Assistive Technology Act of 1998’.

4 “(b) TABLE OF CONTENTS.—The table of contents
5 of this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Findings and purposes.

“Sec. 3. Definitions.

“Sec. 4. Grants for State assistive technology programs.

“Sec. 5. State grants for protection and advocacy services related to assistive
technology.

“Sec. 6. Technical assistance and data collection support.

“Sec. 7. Projects of national significance.

“Sec. 8. Administrative provisions.

“Sec. 9. Authorization of appropriations; reservations and distribution of funds.

6 **“SEC. 2. FINDINGS AND PURPOSES.**

7 “(a) FINDINGS.—Congress finds the following:

8 “(1) Over 54,000,000 individuals in the United
9 States have disabilities, with almost half experi-
10 encing severe disabilities that affect their ability to
11 see, hear, communicate, reason, walk, or perform
12 other basic life functions.

13 “(2) Disability is a natural part of the human
14 experience and in no way diminishes the right of in-
15 dividuals to—

16 “(A) live independently;

17 “(B) enjoy self-determination and make
18 choices;

19 “(C) benefit from an education;

20 “(D) pursue competitive, integrated em-
21 ployment; and

1 “(E) enjoy full inclusion and integration in
2 the economic, political, social, cultural, and edu-
3 cational mainstream of society in the United
4 States.

5 “(3) Technology is one of the primary engines
6 for economic activity, education, and innovation in
7 the Nation, and throughout the world. The commit-
8 ment of the United States to the development and
9 utilization of technology is one of the main factors
10 underlying the strength and vibrancy of the economy
11 of the United States.

12 “(4) As technology has come to play an increas-
13 ingly important role in the lives of all persons in the
14 United States, in the conduct of business, in the
15 functioning of government, in the fostering of com-
16 munication, in the conduct of commerce, and in the
17 provision of education, its impact upon the lives of
18 individuals with disabilities in the United States has
19 been comparable to its impact upon the remainder
20 of the citizens of the United States. Any develop-
21 ment in mainstream technology will have profound
22 implications for individuals with disabilities in the
23 United States.

24 “(5) Substantial progress has been made in the
25 development of assistive technology devices, includ-

1 ing adaptations to existing devices that facilitate ac-
2 tivities of daily living that significantly benefit indi-
3 viduals with disabilities of all ages. These devices,
4 including adaptations, increase involvement in, and
5 reduce expenditures associated with, programs and
6 activities that facilitate communication, ensure inde-
7 pendent functioning, enable early childhood develop-
8 ment, support educational achievement, provide and
9 enhance employment options, and enable full partici-
10 pation in community living for individuals with dis-
11 abilities. Access to such devices can also reduce ex-
12 penditures associated with early childhood interven-
13 tion, education, rehabilitation and training, health
14 care, employment, residential living, independent liv-
15 ing, recreation opportunities, and other aspects of
16 daily living.

17 “(6) Over the last 15 years, the Federal Gov-
18 ernment has invested in the development of com-
19 prehensive statewide programs of technology-related
20 assistance, which have proven effective in assisting
21 individuals with disabilities in accessing assistive
22 technology devices and assistive technology services.
23 This partnership between the Federal Government
24 and the States provided an important service to indi-
25 viduals with disabilities by strengthening the capac-

1 ity of each State to assist individuals with disabil-
2 ities of all ages meet their assistive technology
3 needs.

4 “(7) Despite the success of the Federal-State
5 partnership in providing access to assistive tech-
6 nology devices and assistive technology services,
7 there is a continued need to provide information and
8 legally based advocacy about the availability of as-
9 sistive technology, advances in improving accessi-
10 bility and functionality of assistive technology, and
11 appropriate methods to secure and utilize assistive
12 technology in order to maximize the independence
13 and participation of individuals with disabilities in
14 society.

15 “(8) The combination of significant recent
16 changes in Federal policy (including changes to sec-
17 tion 508 of the Rehabilitation Act of 1973 (29
18 U.S.C. 794d), accessibility provisions of the Help
19 America Vote Act of 2002 (42 U.S.C. 15301 et
20 seq.), and the amendments made to the Elementary
21 and Secondary Education Act of 1965 (20 U.S.C.
22 6301 et seq.) by the No Child Left Behind Act of
23 2001 (Public Law 107–110; 115 Stat. 1425) and
24 the rapid and unending evolution of technology re-
25 quire a Federal-State investment in State assistive

1 technology programs, as well as an investment in
2 protection and advocacy systems, to continue to en-
3 sure that individuals with disabilities reap the bene-
4 fits of the technological revolution and participate
5 fully in life in their communities.

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

7 “(1) to support State efforts to improve the
8 provision of assistive technology to individuals with
9 disabilities through a comprehensive statewide con-
10 tinuum of integrated activities, for individuals with
11 disabilities of all ages, that are designed to—

12 “(A) increase the availability of, funding
13 for, access to, provision of, and training about
14 assistive technology devices and assistive tech-
15 nology services;

16 “(B) increase the ability of individuals
17 with disabilities of all ages to secure and main-
18 tain possession of assistive technology devices
19 as such individuals make the transition between
20 services offered by educational or human service
21 agencies or between settings of daily living (for
22 example, between home and work);

23 “(C) increase the capacity of public agen-
24 cies and private entities to provide and pay for
25 assistive technology devices and assistive tech-

1 nology services on a statewide basis for individ-
2 uals with disabilities of all ages;

3 “(D) increase the involvement of individ-
4 uals with disabilities and, if appropriate, their
5 family members, guardians, advocates, and au-
6 thorized representatives, in decisions related to
7 the provision of assistive technology devices and
8 assistive technology services;

9 “(E) increase and promote coordination
10 among State agencies, between State and local
11 agencies, among local agencies, and between
12 State and local agencies and private entities
13 (such as managed care providers), that are in-
14 volved or are eligible to be involved in carrying
15 out activities under this Act;

16 “(F) increase the awareness and facilitate
17 the change of laws, regulations, policies, prac-
18 tices, procedures, and organizational structures,
19 that facilitate the availability or provision of as-
20 sistive technology devices and assistive tech-
21 nology services; and

22 “(G) increase awareness and knowledge of
23 the benefits of assistive technology devices and
24 assistive technology services among individuals
25 with disabilities and their families, older indi-

1 viduals and their families, and the general pop-
2 ulation; and

3 “(2) to provide States and protection and advoca-
4 cacy systems with financial assistance that supports
5 programs designed to maximize the ability of indi-
6 viduals with disabilities and their family members,
7 guardians, advocates, and authorized representatives
8 to obtain assistive technology devices and assistive
9 technology services.

10 **“SEC. 3. DEFINITIONS.**

11 “In this Act:

12 “(1) **ADULT SERVICE PROGRAM.**—The term
13 ‘adult service program’ means a program that pro-
14 vides services to, or is otherwise substantially in-
15 volved with the major life functions of, individuals
16 with disabilities. Such term includes—

17 “(A) a program providing residential, sup-
18 portive, or employment services, or employment-
19 related services, to individuals with disabilities;

20 “(B) a program carried out by a center for
21 independent living, such as a center described
22 in part C of title VII of the Rehabilitation Act
23 of 1973 (29 U.S.C. 796f et seq.);

24 “(C) a program carried out by an employ-
25 ment support agency connected to adult voca-

1 tional rehabilitation, such as a one-stop partner,
2 as defined in section 3 of the Workforce Inno-
3 vation and Opportunity Act (29 U.S.C. 3102);
4 and

5 “(D) a program carried out by another or-
6 ganization or vender licensed or registered by
7 the designated State agency, as defined in sec-
8 tion 7 of the Rehabilitation Act of 1973 (29
9 U.S.C. 705).

10 “(2) AMERICAN INDIAN CONSORTIUM.—The
11 term ‘American Indian consortium’ means an entity
12 that is an American Indian Consortium (as defined
13 in section 102 of the Developmental Disabilities As-
14 sistance and Bill of Rights Act of 2000 (42 U.S.C.
15 15002)), and that is established to provide protec-
16 tion and advocacy services for purposes of receiving
17 funding under subtitle C of title I of such Act (42
18 U.S.C. 15041 et seq.).

19 “(3) ASSISTIVE TECHNOLOGY.—The term ‘as-
20 sistive technology’ means technology designed to be
21 utilized in an assistive technology device or assistive
22 technology service.

23 “(4) ASSISTIVE TECHNOLOGY DEVICE.—The
24 term ‘assistive technology device’ means any item,
25 piece of equipment, or product system, whether ac-

1 quired commercially, modified, or customized, that is
2 used to increase, maintain, or improve functional ca-
3 pabilities of individuals with disabilities.

4 “(5) ASSISTIVE TECHNOLOGY SERVICE.—The
5 term ‘assistive technology service’ means any service
6 that directly assists an individual with a disability in
7 the selection, acquisition, or use of an assistive tech-
8 nology device. Such term includes—

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

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

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

24 “(D) coordination and use of necessary
25 therapies, interventions, or services with assist-

1 ive technology devices, such as therapies, inter-
2 ventions, or services associated with education
3 and rehabilitation plans and programs;

4 “(E) training or technical assistance for an
5 individual with a disability or, where appro-
6 priate, the family members, guardians, advoca-
7 tes, or authorized representatives of such an
8 individual;

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

18 “(G) a service consisting of expanding the
19 availability of access to technology, including
20 electronic and information technology, to indi-
21 viduals with disabilities.

22 “(6) CAPACITY BUILDING AND ADVOCACY AC-
23 TIVITIES.—The term ‘capacity building and advoca-
24 cacy activities’ means efforts that—

1 “(A) result in laws, regulations, policies,
2 practices, procedures, or organizational struc-
3 tures that promote consumer-responsive pro-
4 grams or entities; and

5 “(B) facilitate and increase access to, pro-
6 vision of, and funding for, assistive technology
7 devices and assistive technology services, in
8 order to empower individuals with disabilities to
9 achieve greater independence, productivity, and
10 integration and inclusion within the community
11 and the workforce.

12 “(7) COMPREHENSIVE STATEWIDE PROGRAM OF
13 TECHNOLOGY-RELATED ASSISTANCE.—The term
14 ‘comprehensive statewide program of technology-re-
15 lated assistance’ means a consumer-responsive pro-
16 gram of technology-related assistance for individuals
17 with disabilities—

18 “(A) implemented by a State;

19 “(B) equally available to all individuals
20 with disabilities residing in the State, regardless
21 of their type of disability, age, income level, or
22 location of residence in the State, or the type
23 of assistive technology device or assistive tech-
24 nology service required; and

1 “(C) that incorporates all of the activities
2 described in section 4(e) (unless excluded pur-
3 suant to section 4(e)(6)).

4 “(8) CONSUMER-RESPONSIVE.—The term ‘con-
5 sumer-responsive’—

6 “(A) with regard to policies, means that
7 the policies are consistent with the principles
8 of—

9 “(i) respect for individual dignity, per-
10 sonal responsibility, self-determination, and
11 pursuit of meaningful careers, based on in-
12 formed choice, of individuals with disabil-
13 ities;

14 “(ii) respect for the privacy, rights,
15 and equal access (including the use of ac-
16 cessible formats) of such individuals;

17 “(iii) inclusion, integration, and full
18 participation of such individuals in society;

19 “(iv) support for the involvement in
20 decisions of a family member, a guardian,
21 an advocate, or an authorized representa-
22 tive, if an individual with a disability re-
23 quests, desires, or needs such involvement;
24 and

1 “(v) support for individual and sys-
2 tems advocacy and community involve-
3 ment; and

4 “(B) with respect to an entity, program, or
5 activity, means that the entity, program, or ac-
6 tivity—

7 “(i) is easily accessible to, and usable
8 by, individuals with disabilities and, when
9 appropriate, their family members, guard-
10 ians, advocates, or authorized representa-
11 tives;

12 “(ii) responds to the needs of individ-
13 uals with disabilities in a timely and appro-
14 priate manner; and

15 “(iii) facilitates the full and meaning-
16 ful participation of individuals with disabili-
17 ties (including individuals from underrep-
18 resented populations and rural popu-
19 lations) and their family members, guard-
20 ians, advocates, and authorized representa-
21 tives, in—

22 “(I) decisions relating to the pro-
23 vision of assistive technology devices
24 and assistive technology services to
25 such individuals; and

1 “(II) decisions related to the
2 maintenance, improvement, and eval-
3 uation of the comprehensive statewide
4 program of technology-related assist-
5 ance, including decisions that affect
6 capacity building and advocacy activi-
7 ties.

8 “(9) DISABILITY.—The term ‘disability’ has the
9 meaning given the term under section 3 of the
10 Americans with Disabilities Act of 1990 (42 U.S.C.
11 12102).

12 “(10) INDIVIDUAL WITH A DISABILITY; INDI-
13 VIDUALS WITH DISABILITIES.—

14 “(A) INDIVIDUAL WITH A DISABILITY.—
15 The term ‘individual with a disability’ means
16 any individual of any age, race, or ethnicity—

17 “(i) who has a disability; and

18 “(ii) who is or would be enabled by an
19 assistive technology device or an assistive
20 technology service to minimize deteriora-
21 tion in functioning, to maintain a level of
22 functioning, or to achieve a greater level of
23 functioning in any major life activity.

1 “(B) INDIVIDUALS WITH DISABILITIES.—

2 The term ‘individuals with disabilities’ means
3 more than 1 individual with a disability.

4 “(11) INSTITUTION OF HIGHER EDUCATION.—

5 The term ‘institution of higher education’ has the
6 meaning given such term in section 101(a) of the
7 Higher Education Act of 1965 (20 U.S.C. 1001(a)),
8 and includes a community college receiving funding
9 under the Tribally Controlled Colleges and Univer-
10 sities Assistance Act of 1978 (25 U.S.C. 1801 et
11 seq.).

12 “(12) PROTECTION AND ADVOCACY SERV-
13 ICES.—The term ‘protection and advocacy services’
14 means services that—

15 “(A) are described in subtitle C of title I
16 of the Developmental Disabilities Assistance
17 and Bill of Rights Act of 2000 (42 U.S.C.
18 15041 et seq.), the Protection and Advocacy for
19 Individuals with Mental Illness Act (42 U.S.C.
20 10801 et seq.), or section 509 of the Rehabilita-
21 tion Act of 1973 (29 U.S.C. 794e); and

22 “(B) assist individuals with disabilities
23 with respect to assistive technology devices and
24 assistive technology services.

1 “(13) SECRETARY.—The term ‘Secretary’
2 means the Secretary of Health and Human Services,
3 acting through the Administrator for Community
4 Living.

5 “(14) STATE.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), the term ‘State’ means each
8 of the 50 States of the United States, the Dis-
9 trict of Columbia, the Commonwealth of Puerto
10 Rico, the United States Virgin Islands, Guam,
11 American Samoa, and the Commonwealth of
12 the Northern Mariana Islands.

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

14 “(i) OUTLYING AREA.—The term ‘out-
15 lying area’ means the United States Virgin
16 Islands, Guam, American Samoa, and the
17 Commonwealth of the Northern Mariana
18 Islands.

19 “(ii) STATE.—The term ‘State’ does
20 not include the United States Virgin Is-
21 lands, Guam, American Samoa, and the
22 Commonwealth of the Northern Mariana
23 Islands.

1 “(15) STATE ASSISTIVE TECHNOLOGY PRO-
2 GRAM.—The term ‘State assistive technology pro-
3 gram’ means a program authorized under section 4.

4 “(16) TARGETED INDIVIDUALS AND ENTI-
5 TIES.—The term ‘targeted individuals and entities’
6 means—

7 “(A) individuals with disabilities of all ages
8 and their family members, guardians, advo-
9 cates, and authorized representatives;

10 “(B) underrepresented populations, includ-
11 ing the aging workforce;

12 “(C) individuals who work for public or
13 private entities (including centers for inde-
14 pendent living described in part C of title VII
15 of the Rehabilitation Act of 1973 (29 U.S.C.
16 796f et seq.), insurers, or managed care pro-
17 viders) that have contact, or provide services to,
18 with individuals with disabilities;

19 “(D) educators at all levels (including pro-
20 viders of early intervention services, elementary
21 schools, secondary schools, community colleges,
22 and vocational and other institutions of higher
23 education) and related services personnel;

24 “(E) technology experts (including web de-
25 signers and procurement officials);

1 “(F) health, allied health, and rehabilita-
2 tion professionals and hospital employees (in-
3 cluding discharge planners);

4 “(G) employers, especially small business
5 employers, and providers of employment and
6 training services;

7 “(H) entities that manufacture or sell as-
8 sistive technology devices;

9 “(I) entities that carry out community pro-
10 grams designed to develop essential community
11 services in rural and urban areas; and

12 “(J) other appropriate individuals and en-
13 tities, as determined for a State by the State.

14 “(17) UNDERREPRESENTED POPULATION.—
15 The term ‘underrepresented population’ means a
16 population that is typically underrepresented in serv-
17 ice provision, and includes populations such as indi-
18 viduals who have low-incidence disabilities, individ-
19 uals who are minorities, individuals with a total fam-
20 ily income that is below the poverty line (as defined
21 in section 3 of the Workforce Innovation and Oppor-
22 tunity Act (29 U.S.C. 3102)), individuals with lim-
23 ited English proficiency, older individuals, or individ-
24 uals from rural areas.

1 “(18) UNIVERSAL DESIGN.—The term ‘uni-
2 versal design’ means a concept or philosophy for de-
3 signing and delivering products and services that are
4 usable by people with the widest possible range of
5 functional capabilities, which include products and
6 services that are directly accessible (without requir-
7 ing assistive technologies) and products and services
8 that are interoperable with assistive technologies.

9 **“SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PRO-**
10 **GRAMS.**

11 “(a) GRANTS TO STATES.—The Secretary shall
12 award grants under subsection (b) to States to maintain
13 a comprehensive statewide continuum of integrated assist-
14 ive technology activities described in subsection (d)
15 through State assistive technology programs that are de-
16 signed to—

17 “(1) maximize the ability of individuals with
18 disabilities across the human lifespan and across the
19 wide array of disabilities, and their family members,
20 guardians, advocates, and authorized representa-
21 tives, to obtain assistive technology; and

22 “(2) to increase access to assistive technology.

23 “(b) AMOUNT OF FINANCIAL ASSISTANCE.—

24 “(1) IN GENERAL.—From funds made available
25 to carry out this section, the Secretary shall award

1 a grant to each eligible State and eligible outlying
2 area from an allotment determined in accordance
3 with paragraph (2).

4 “(2) CALCULATION OF STATE GRANTS.—

5 “(A) BASE YEAR.—Except as provided in
6 subparagraphs (B) and (C), the Secretary shall
7 allot to each State and outlying area for a fiscal
8 year an amount that is not less than the
9 amount the State or outlying area received
10 under the grants provided under section 4 of
11 this Act (as in effect on the day before the ef-
12 fective date of the 21st Century Assistive Tech-
13 nology Act) for fiscal year 2019.

14 “(B) RATABLE REDUCTION.—

15 “(i) IN GENERAL.—If funds made
16 available to carry out this section for any
17 fiscal year are insufficient to make the al-
18 lotments required for each State and out-
19 lying area under subparagraph (A) for
20 such fiscal year, the Secretary shall ratably
21 reduce the allotments for such fiscal year.

22 “(ii) ADDITIONAL FUNDS.—If, after
23 the Secretary makes the reductions de-
24 scribed in clause (i), additional funds be-
25 come available to carry out this section for

1 the fiscal year, the Secretary shall ratably
2 increase the allotments, until the Secretary
3 has allotted the entire base year amount
4 under this paragraph.

5 “(C) HIGHER APPROPRIATION YEARS.—
6 For a fiscal year for which the amount of funds
7 made available to carry out this section is
8 greater than the base year amount described in
9 subparagraph (A), the Secretary shall—

10 “(i) make the allotments described in
11 subparagraph (A);

12 “(ii) from the funds remaining after
13 the allotments described in clause (i), allot
14 to each State or outlying area an equal
15 amount of such funds, until each State has
16 received an allotment under clause (i) and
17 this clause of not less than \$550,000, and
18 each outlying area has received an allot-
19 ment of \$167,500; and

20 “(iii) from the remainder of the funds
21 after the Secretary makes the allotments
22 described in clause (ii)—

23 “(I) from 80 percent of the re-
24 mainder allot to each State an
25 amount that bears the same relation-

1 ship to such 80 percent as the popu-
2 lation of the State bears to the popu-
3 lation of all States; and

4 “(II) from 20 percent of the re-
5 mainder, allot to each State an equal
6 amount.

7 “(3) AVAILABILITY OF FUNDS.—Amounts made
8 available for an award year under this section shall
9 be available for the award year and the year fol-
10 lowing the award year.

11 “(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND
12 ADVISORY COUNCIL.—

13 “(1) LEAD AGENCY AND IMPLEMENTING ENTI-
14 TY.—

15 “(A) LEAD AGENCY.—

16 “(i) IN GENERAL.—The Governor of a
17 State shall designate a public agency as a
18 lead agency—

19 “(I) to control and administer
20 the funds made available through the
21 grant awarded to the State under this
22 section; and

23 “(II) to submit the application
24 described in subsection (d) on behalf
25 of the State, to ensure conformance

1 with Federal and State accounting re-
2 quirements.

3 “(ii) DUTIES.—The duties of the lead
4 agency shall include—

5 “(I) preparing the application de-
6 scribed in subsection (d) and carrying
7 out State activities described in that
8 application, including making pro-
9 grammatic and resource allocation de-
10 cisions necessary to implement the
11 comprehensive statewide program of
12 technology-related assistance;

13 “(II) coordinating the activities
14 of the comprehensive statewide pro-
15 gram of technology-related assistance
16 among public and private entities, in-
17 cluding coordinating efforts related to
18 entering into interagency agreements,
19 and maintaining and evaluating the
20 program; and

21 “(III) coordinating culturally
22 competent efforts related to the ac-
23 tive, timely, and meaningful participa-
24 tion by individuals with disabilities
25 and their family members, guardians,

1 advocates, or authorized representa-
2 tives, and other appropriate individ-
3 uals, with respect to activities carried
4 out through the grant.

5 “(B) IMPLEMENTING ENTITY.—The Gov-
6 ernor or lead agency may designate an agency,
7 office, or other entity to carry out all State ac-
8 tivities under this section (referred to in this
9 section as the ‘implementing entity’), if such
10 implementing entity is different from the lead
11 agency. The implementing entity shall carry out
12 responsibilities under this Act through a sub-
13 contract or another administrative agreement
14 with the lead agency.

15 “(C) CHANGE IN AGENCY OR ENTITY.—

16 “(i) IN GENERAL.—On obtaining the
17 approval of the Secretary—

18 “(I) the Governor may redesign-
19 nate the lead agency of a State, if the
20 Governor shows to the Secretary good
21 cause why the entity designated as the
22 lead agency should not serve as that
23 agency; and

24 “(II) the Governor or the lead
25 agency may redesignate the imple-

1 menting entity of a State, if the Gov-
2 ernor or lead agency shows to the Sec-
3 retary, in accordance with subsection
4 (d)(2)(B), good cause why the entity
5 designated as the implementing entity
6 should not serve as that entity.

7 “(ii) CONSTRUCTION.—Nothing in
8 this paragraph shall be construed to re-
9 quire the Governor of a State to change
10 the lead agency or implementing entity of
11 the State to an agency other than the lead
12 agency or implementing entity of such
13 State as of the date of enactment of the
14 Assistive Technology Act of 2004 (Public
15 Law 108–364; 118 Stat. 1707).

16 “(2) ADVISORY COUNCIL.—

17 “(A) IN GENERAL.—There shall be estab-
18 lished an advisory council to provide consumer-
19 responsive, consumer-driven advice to the State
20 for, planning of, implementation of, and evalua-
21 tion of the activities carried out through the
22 grant, including setting the measurable goals
23 described in subsection (d)(3)(C).

24 “(B) COMPOSITION AND REPRESENTA-
25 TION.—

1 “(i) COMPOSITION.—The advisory
2 council shall be composed of—

3 “(I) individuals with disabilities
4 that use assistive technology, includ-
5 ing individuals over 50 years of age,
6 or the family members or guardians of
7 the individuals;

8 “(II) a representative of the des-
9 ignated State agency, as defined in
10 section 7 of the Rehabilitation Act of
11 1973 (29 U.S.C. 705) and the State
12 agency for individuals who are blind
13 (within the meaning of section 101 of
14 that Act (29 U.S.C. 721)), if such
15 agency is separate;

16 “(III) a representative of a State
17 center for independent living described
18 in part C of title VII of the Rehabili-
19 tation Act of 1973 (29 U.S.C. 796f et
20 seq.) or the Statewide Independent
21 Living Council established under sec-
22 tion 705 of such Act (29 U.S.C.
23 796d);

24 “(IV) a representative of the
25 State workforce development board es-

1 tablished under section 101 of the
2 Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3111);

4 “(V) a representative of 1 or
5 more of the following:

6 “(aa) the agency responsible
7 for administering the State Med-
8 icaid program under title XIX of
9 the Social Security Act (42
10 U.S.C. 1396 et seq.);

11 “(bb) the designated State
12 agency for purposes of section
13 124 of the Developmental Dis-
14 abilities Assistance and Bill of
15 Rights Act of 2000 (42 U.S.C.
16 15024);

17 “(cc) the State agency des-
18 ignated under section 305(a)(1)
19 of the Older Americans Act of
20 1965 (42 U.S.C. 3025 et seq.) or
21 an organization that receives as-
22 sistant under such Act (42
23 U.S.C. 3001 et seq.);

24 “(dd) an organization rep-
25 resenting injured veterans;

1 “(ee) A University Center
2 for Excellence in Developmental
3 Disabilities Education, Research,
4 and Service designated under
5 section 151(a) of the Develop-
6 mental Disabilities Assistance
7 and Bill of Rights Act of 2000
8 (42 U.S.C. 15061(a));

9 “(ff) the State protection
10 and advocacy system established
11 in accordance with section 143 of
12 the Developmental Disabilities
13 Assistance and Bill of Rights Act
14 of 2000 (42 U.S.C. 15043 et
15 seq.); or

16 “(gg) the State Council on
17 Developmental Disabilities estab-
18 lished under section 125 of the
19 Developmental Disabilities As-
20 sistance and Bill of Rights Act of
21 2000 (42 U.S.C. 15025);

22 “(VI) a representative of the
23 State educational agency, as defined
24 in section 8101 of the Elementary and

1 Secondary Education Act of 1965 (20
2 U.S.C. 7801); and

3 “(VII) representatives of other
4 State agencies, public agencies, or pri-
5 vate organizations, as determined by
6 the State.

7 “(ii) MAJORITY.—

8 “(I) IN GENERAL.—Not less than
9 51 percent of the members of the ad-
10 visory council shall be members ap-
11 pointed under clause (i)(I), in a man-
12 ner that ensures—

13 “(aa) not less than 26 per-
14 cent of the members of the advi-
15 sory council are individuals with
16 disabilities described in such
17 clause; and

18 “(bb) not more than 20 per-
19 cent of the members of the advi-
20 sory council are family members
21 or guardians of individuals with
22 disabilities described in such
23 clause.

24 “(II) REPRESENTATIVES OF
25 AGENCIES.—Members appointed

1 under subclauses (II) through (VII) of
2 clause (i) shall not count toward the
3 majority membership requirement es-
4 tablished in subclause (I).

5 “(iii) REPRESENTATION.—The advi-
6 sory council shall be geographically rep-
7 resentative of the State and reflect the di-
8 versity of the State with respect to race,
9 ethnicity, types of disabilities across the
10 age span, and users of types of services
11 that an individual with a disability may re-
12 ceive.

13 “(C) EXPENSES.—The members of the ad-
14 visory council shall receive no compensation for
15 their service on the advisory council, but shall
16 be reimbursed for reasonable and necessary ex-
17 penses actually incurred in the performance of
18 official duties for the advisory council.

19 “(D) IMPACT ON EXISTING STATUTES,
20 RULES, OR POLICIES.—Nothing in this para-
21 graph shall be construed to affect State stat-
22 utes, rules, or official policies relating to advi-
23 sory bodies for State assistive technology pro-
24 grams or require changes to governing bodies of

1 incorporated agencies who carry out State as-
2 sistive technology programs.

3 “(d) APPLICATION.—

4 “(1) IN GENERAL.—Any State that desires to
5 receive a grant under this section shall submit an
6 application to the Secretary, at such time, in such
7 manner, and containing such information as the Sec-
8 retary may require.

9 “(2) LEAD AGENCY AND IMPLEMENTING ENTI-
10 TY.—

11 “(A) IN GENERAL.—The application shall
12 contain—

13 “(i) information identifying and de-
14 scribing the lead agency referred to in sub-
15 section (c)(1)(A); and

16 “(ii) information identifying and de-
17 scribing the implementing entity referred
18 to in subsection (c)(1)(B), if the Governor
19 or lead agency of the State designates such
20 an entity.

21 “(B) CHANGE IN LEAD AGENCY OR IMPLE-
22 MENTING AGENCY.—In any case where the Gov-
23 ernor or lead agency requests to redesignate a
24 lead agency or implementing entity, as the case
25 may be, the Governor or lead agency shall in-

1 clude in or amend the application to request the
2 redesignation and provide a written description
3 of the rationale for why the entity designated as
4 the case may be, should not serve as that agen-
5 cy or entity.

6 “(3) STATE PLAN.—The application under this
7 subsection shall include a State plan for assistive
8 technology, consisting of—

9 “(A) a description of how the State will
10 carry out a statewide continuum of integrated
11 assistive technology activities and implement all
12 activities described in subsection (e) (unless ex-
13 cluded by the State pursuant to subsection
14 (e)(6));

15 “(B) a description of how the State will al-
16 locate and utilize grant funds to implement the
17 activities, including describing proposed budget
18 allocations and planned procedures for tracking
19 expenditures for the activities;

20 “(C) measurable goals, and a timeline for
21 meeting the goals, that the State has set for ad-
22 dressing the assistive technology needs of indi-
23 viduals with disabilities in the State related
24 to—

1 “(i) education, including goals involv-
2 ing the provision of assistive technology to
3 individuals with disabilities who receive
4 services under the Individuals with Disabil-
5 ities Education Act (20 U.S.C. 1400 et
6 seq.);

7 “(ii) employment, including goals in-
8 volving the State vocational rehabilitation
9 program carried out under title I of the
10 Rehabilitation Act of 1973 (29 U.S.C. 720
11 et seq.);

12 “(iii) accessible information and com-
13 munication technology training; and

14 “(iv) community living;

15 “(D) information describing how the State
16 will quantifiably measure the goals to determine
17 whether the goals have been achieved, in a
18 manner consistent with the data submitted
19 through the progress reports under subsection
20 (f); and

21 “(E) a description of any activities de-
22 scribed in subsection (e) that the State will sup-
23 port with State or non-Federal funds.

24 “(4) INVOLVEMENT OF PUBLIC AND PRIVATE
25 ENTITIES.—The application shall describe how var-

1 ious public and private entities were involved in the
2 development of the application and will be involved
3 in the implementation of the activities to be carried
4 out through the grant, including—

5 “(A) in cases determined to be appropriate
6 by the State, a description of the nature and
7 extent of resources that will be committed by
8 public and private collaborators to assist in ac-
9 complishing identified goals; and

10 “(B) a description of the mechanisms es-
11 tablished to ensure coordination of activities
12 and collaboration between the implementing en-
13 tity, if any, and the State.

14 “(5) ASSURANCES.—The application shall in-
15 clude assurances that—

16 “(A) the State will annually collect data
17 related to all activities described in paragraph
18 (3)(A), including activities funded by State or
19 non-Federal sources under subsection (e)(1)(B),
20 in order to prepare the progress reports re-
21 quired under subsection (f);

22 “(B) funds received through the grant—

23 “(i) will be expended in accordance
24 with this section; and

1 “(ii) will be used to supplement, and
2 not supplant, funds available from other
3 sources for technology-related assistance,
4 including the provision of assistive tech-
5 nology devices and assistive technology
6 services;

7 “(C) the lead agency will control and ad-
8 minister the funds received through the grant;

9 “(D) the State will adopt such fiscal con-
10 trol and accounting procedures as may be nec-
11 essary to ensure proper disbursement of and ac-
12 counting for the funds received through the
13 grant;

14 “(E) the physical facility of the lead agen-
15 cy and implementing entity, if any, meets the
16 requirements of the Americans with Disabilities
17 Act of 1990 (42 U.S.C. 12101 et seq.) regard-
18 ing accessibility for individuals with disabilities;

19 “(F) a public agency or an individual with
20 a disability holds title to any property pur-
21 chased with funds received under the grant and
22 administers that property;

23 “(G) activities carried out in the State that
24 are authorized under this Act, and supported by
25 Federal funds received under this Act, will com-

1 ply with the standards established by the Archi-
2 tectural and Transportation Barriers Compli-
3 ance Board under section 508 of the Rehabilita-
4 tion Act of 1973 (20 U.S.C. 794d); and

5 “(H) the State will—

6 “(i) prepare reports to the Secretary
7 in such form and containing such informa-
8 tion as the Secretary may require to carry
9 out the Secretary’s functions under this
10 Act; and

11 “(ii) keep such records and allow ac-
12 cess to such records as the Secretary may
13 require to ensure the correctness and
14 verification of information provided to the
15 Secretary under this subparagraph.

16 “(e) USE OF FUNDS.—

17 “(1) REQUIRED ACTIVITIES.—

18 “(A) IN GENERAL.—Except as provided in
19 subparagraph (B) and paragraph (6), any State
20 that receives a grant under this section shall—

21 “(i) use a portion of not more than 40
22 percent of the funds made available
23 through the grant to carry out all of the
24 activities described in paragraph (3), of
25 which not less than 5 percent of such por-

1 tion shall be available for activities de-
2 scribed in paragraph (3)(A)(iii); and

3 “(ii) use a portion of the funds made
4 available through the grant to carry out all
5 of the activities described in paragraph (2).

6 “(B) STATE OR NON-FEDERAL FINANCIAL
7 SUPPORT.—A State receiving a grant under this
8 section shall not be required to use grant funds
9 to carry out the category of activities described
10 in subparagraph (A), (B), (C), or (D) of para-
11 graph (2) if, in that State—

12 “(i) financial support is provided from
13 State or other non-Federal resources or en-
14 tities for that category of activities; and

15 “(ii) the amount of the financial sup-
16 port is comparable to, or greater than, the
17 amount of the portion of the funds made
18 available through the grant that the State
19 would have expended for that category of
20 activities, in the absence of this subpara-
21 graph.

22 “(2) STATE-LEVEL ACTIVITIES.—

23 “(A) STATE FINANCING ACTIVITIES.—The
24 State shall support State financing activities to
25 increase access to, and funding for, assistive

1 technology devices and assistive technology
2 services (which shall not include direct payment
3 for such a device or service for an individual
4 with a disability but may include support and
5 administration of a program to provide such
6 payment), including development of systems to
7 provide and pay for such devices and services,
8 for targeted individuals and entities described
9 in section 3(16)(A), including—

10 “(i) support for the development of
11 systems for the purchase, lease, or other
12 acquisition of, or payment for, assistive
13 technology devices and assistive technology
14 services; or

15 “(ii) support for the development of
16 State-financed or privately financed alter-
17 native financing systems of subsidies for
18 the provision of assistive technology de-
19 vices, such as—

20 “(I) a low-interest loan fund;

21 “(II) an interest buy-down pro-
22 gram;

23 “(III) a revolving loan fund;

24 “(IV) a loan guarantee or insur-
25 ance program;

1 “(V) support for a program pro-
2 viding for the purchase, lease, or
3 other acquisition of assistive tech-
4 nology devices or assistive technology
5 services; or

6 “(VI) another mechanism that is
7 approved by the Secretary.

8 “(B) DEVICE REUTILIZATION PRO-
9 GRAMS.—The State shall directly, or in collabo-
10 ration with public or private entities, carry out
11 assistive technology device reutilization pro-
12 grams that provide for the exchange, repair, re-
13 cycling, or other reutilization of assistive tech-
14 nology devices, which may include redistribution
15 through device sales, loans, rentals, or dona-
16 tions.

17 “(C) DEVICE LOAN PROGRAMS.—The
18 State shall directly, or in collaboration with
19 public or private entities, carry out device loan
20 programs that provide short-term loans of as-
21 sistive technology devices to individuals, employ-
22 ers, public agencies, or others seeking to meet
23 the needs of targeted individuals and entities,
24 including others seeking to comply with the In-
25 dividuals with Disabilities Education Act (20

1 U.S.C. 1400 et seq.), the Americans with Dis-
2 abilities Act of 1990 (42 U.S.C. 12101 et seq.),
3 and section 504 of the Rehabilitation Act of
4 1973 (29 U.S.C. 794).

5 “(D) DEVICE DEMONSTRATIONS.—

6 “(i) IN GENERAL.—The State shall
7 directly, or in collaboration with public and
8 private entities, such as one-stop partners,
9 as defined in section 3 of the Workforce
10 Innovation and Opportunity Act (29
11 U.S.C. 3102), demonstrate a variety of as-
12 sistive technology devices and assistive
13 technology services (including assisting in-
14 dividuals in making informed choices re-
15 garding, and providing experiences with,
16 the devices and services), using personnel
17 who are familiar with such devices and
18 services and their applications.

19 “(ii) COMPREHENSIVE INFORMA-
20 TION.—The State shall directly, or through
21 referrals, provide to individuals, to the ex-
22 tent practicable, comprehensive informa-
23 tion about State and local assistive tech-
24 nology venders, providers, and repair serv-
25 ices.

1 “(3) STATE LEADERSHIP ACTIVITIES.—

2 “(A) TRAINING AND TECHNICAL ASSIST-
3 ANCE.—

4 “(i) IN GENERAL.—The State shall
5 directly, or provide support to public or
6 private entities with demonstrated exper-
7 tise in collaborating with public or private
8 agencies that serve individuals with disabil-
9 ities, to develop and disseminate training
10 materials, conduct training, and provide
11 technical assistance, for individuals from
12 local settings statewide, including rep-
13 resentatives of State and local educational
14 agencies, other State and local agencies,
15 early intervention programs, adult service
16 programs, hospitals and other health care
17 facilities, institutions of higher education,
18 and businesses.

19 “(ii) AUTHORIZED ACTIVITIES.—In
20 carrying out activities under clause (i), the
21 State shall carry out activities that en-
22 hance the knowledge, skills, and com-
23 petencies of individuals from local settings
24 described in such clause, which may in-
25 clude—

1 “(I) general awareness training
2 on the benefits of assistive technology
3 and the Federal, State, and private
4 funding sources available to assist tar-
5 geted individuals, especially older indi-
6 viduals, and entities in acquiring as-
7 sistive technology;

8 “(II) skills-development training
9 in assessing the need for assistive
10 technology devices and assistive tech-
11 nology services;

12 “(III) training to ensure the ap-
13 propriate application and use of as-
14 sistive technology devices, assistive
15 technology services, and accessible in-
16 formation and communication tech-
17 nology for e-government functions;

18 “(IV) training in the importance
19 of multiple approaches to assessment
20 and implementation necessary to meet
21 the individualized needs of individuals
22 with disabilities and older individuals;
23 and

24 “(V) technical training on inte-
25 grating assistive technology into the

1 development and implementation of
2 service plans, including any education,
3 health, discharge, Olmstead, employ-
4 ment, or other plan required under
5 Federal or State law.

6 “(iii) TRANSITION ASSISTANCE TO IN-
7 DIVIDUALS WITH DISABILITIES.—The
8 State shall directly, or provide support to
9 public or private entities to, develop and
10 disseminate training materials, conduct
11 training, facilitate access to assistive tech-
12 nology, and provide technical assistance, to
13 assist—

14 “(I) students with disabilities,
15 within the meaning of the Individuals
16 with Disabilities Education Act (20
17 U.S.C. 1400 et seq.), that receive
18 transition services; or

19 “(II) adults who are individuals
20 with disabilities maintaining or
21 transitioning to community living.

22 “(B) PUBLIC-AWARENESS ACTIVITIES.—

23 “(i) IN GENERAL.—The State shall
24 conduct public-awareness activities de-
25 signed to provide information to targeted

1 individuals, including older individuals, and
2 entities relating to the availability, bene-
3 fits, appropriateness, and costs of assistive
4 technology devices and assistive technology
5 services, including—

6 “(I) the development of proce-
7 dures for providing direct communica-
8 tion between providers of assistive
9 technology and targeted individuals
10 and entities, which may include part-
11 nerships with entities in the statewide
12 and local workforce development sys-
13 tems established under the Workforce
14 Innovation and Opportunity Act (29
15 U.S.C. 3101 et seq.), State vocational
16 rehabilitation centers, public and pri-
17 vate employers, or elementary and
18 secondary public schools;

19 “(II) the development and dis-
20 semination, to targeted individuals
21 and entities, of information about
22 State efforts related to assistive tech-
23 nology; and

24 “(III) the distribution of mate-
25 rials to appropriate public and private

1 agencies that provide social, medical,
2 educational, employment, and trans-
3 portation services to individuals with
4 disabilities.

5 “(ii) STATEWIDE INFORMATION AND
6 REFERRAL SYSTEM.—

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

15 “(II) CONTENT.—The system
16 shall deliver information on assistive
17 technology devices, assistive tech-
18 nology services (with specific data re-
19 garding provider availability within
20 the State), and the availability of re-
21 sources, including funding through
22 public and private sources, to obtain
23 assistive technology devices and assist-
24 ive technology services. The system
25 shall also deliver information on the

1 benefits of assistive technology devices
2 and assistive technology services with
3 respect to enhancing the capacity of
4 individuals with disabilities of all ages
5 to perform activities of daily living.

6 “(C) COORDINATION AND COLLABORA-
7 TION.—The State shall coordinate activities de-
8 scribed in paragraph (2) and this paragraph,
9 among public and private entities that are re-
10 sponsible for policies, procedures, or funding for
11 the provision of assistive technology devices and
12 assistive technology services to individuals with
13 disabilities, service providers, and others to im-
14 prove access to assistive technology devices and
15 assistive technology services for individuals with
16 disabilities of all ages in the State.

17 “(4) INDIRECT COSTS.—Not more than 10 per-
18 cent of the funds made available through a grant to
19 a State under this section may be used for indirect
20 costs.

21 “(5) FUNDING RULES.—

22 “(A) PROHIBITION.—Funds made avail-
23 able through a grant to a State under this sec-
24 tion shall not be used for direct payment for an

1 assistive technology device for an individual
2 with a disability.

3 “(B) FEDERAL PARTNER COLLABORA-
4 TION.—In order to provide the maximum avail-
5 ability of funding to access and acquire assistive
6 technology through device demonstration, loan,
7 reuse, and State financing activities, a State re-
8 ceiving a grant under this section shall ensure
9 that the lead agency or implementing entity is
10 conducting outreach to and, as appropriate, col-
11 laborating with, other State agencies that re-
12 ceive Federal funding for assistive technology,
13 including—

14 “(i) the State educational agency re-
15 ceiving assistance under the Individuals
16 with Disabilities Education Act (20 U.S.C.
17 1400 et seq.);

18 “(ii) the State vocational rehabilita-
19 tion agency receiving assistance under title
20 I of the Rehabilitation Act of 1973 (29
21 U.S.C. 720 et seq.);

22 “(iii) the agency responsible for ad-
23 ministering the State Medicaid program
24 under title XIX of the Social Security Act
25 (42 U.S.C. 1396 et seq.);

1 “(iv) the State agency receiving as-
2 sistance under the Older Americans Act of
3 1965 (42 U.S.C. 3001 et seq.); and

4 “(v) any other agency in a State that
5 funds assistive technology.

6 “(6) STATE FLEXIBILITY.—

7 “(A) IN GENERAL.—Notwithstanding para-
8 graph (1)(A) and subject to subparagraph (B),
9 a State may use funds that the State receives
10 under a grant awarded under this section to
11 carry out any 2 or more of the activities de-
12 scribed in paragraph (2).

13 “(B) SPECIAL RULE.—Notwithstanding
14 paragraph (1)(A), any State that exercises its
15 authority under subparagraph (A)—

16 “(i) shall carry out each of the re-
17 quired activities described in paragraph
18 (3); and

19 “(ii) shall use not more than 30 per-
20 cent of the funds made available through
21 the grant to carry out such activities.

22 “(7) ASSISTIVE TECHNOLOGY DEVICE DISPOSI-
23 TION.—Notwithstanding other equipment disposition
24 policies under Federal law, an assistive technology
25 device purchased to be used in activities authorized

1 under this section may be reutilized to the maximum
2 extent possible and then donated to a public agency,
3 private non-profit agency, or individual with a dis-
4 ability in need of such device.

5 “(f) ANNUAL PROGRESS REPORTS.—

6 “(1) DATA COLLECTION.—Each State receiving
7 a grant under this section shall participate in data
8 collection as required by law, including data collec-
9 tion required for preparation of the reports de-
10 scribed in paragraph (2).

11 “(2) REPORTS.—

12 “(A) IN GENERAL.—Each State shall pre-
13 pare and submit to the Secretary an annual
14 progress report on the activities carried out by
15 the State in accordance with subsection (e), in-
16 cluding activities funded by State or non-Fed-
17 eral sources under subsection (e)(1)(B), at such
18 time, and in such manner, as the Secretary may
19 require.

20 “(B) CONTENTS.—The report shall include
21 data collected pursuant to this section. The re-
22 port shall document, with respect to activities
23 carried out under this section in the State—

1 “(i) the type of State financing activi-
2 ties described in subsection (e)(2)(A) used
3 by the State;

4 “(ii) the amount and type of assist-
5 ance given to consumers of the State fi-
6 nancing activities described in subsection
7 (e)(2)(A) (who shall be classified by type
8 of assistive technology device or assistive
9 technology service financed through the
10 State financing activities, and geographic
11 distribution within the State), including—

12 “(I) the number of applications
13 for assistance received;

14 “(II) the number of applications
15 approved and rejected;

16 “(III) the number, and dollar
17 amount, of defaults for the financing
18 activities;

19 “(IV) the range and average in-
20 terest rate for the financing activities;

21 “(V) the range and average in-
22 come of approved applicants for the
23 financing activities; and

1 “(VI) the types and dollar
2 amounts of assistive technology fi-
3 nanced;

4 “(iii) the number, type, and length of
5 time of loans of assistive technology de-
6 vices provided to individuals with disabil-
7 ities, employers, public agencies, or public
8 accommodations through the device loan
9 program described in subsection (e)(2)(C),
10 and an analysis of the individuals with dis-
11 abilities who have benefited from the de-
12 vice loan program;

13 “(iv) the number, type, estimated
14 value, and scope of assistive technology de-
15 vices exchanged, repaired, recycled, or re-
16 utilized (including redistributed through
17 device sales, loans, rentals, or donations)
18 through the device reutilization program
19 described in subsection (e)(2)(B), and an
20 analysis of the individuals with disabilities
21 that have benefited from the device reutili-
22 zation program;

23 “(v) the number and type of device
24 demonstrations and referrals provided
25 under subsection (e)(2)(D), and an anal-

1 ysis of individuals with disabilities who
2 have benefited from the demonstrations
3 and referrals;

4 “(vi)(I) the number and general char-
5 acteristics of individuals who participated
6 in training under subsection (e)(3)(A)
7 (such as individuals with disabilities, par-
8 ents, educators, employers, providers of
9 employment services, health care workers,
10 counselors, other service providers, or ven-
11 dors) and the topics of such training; and

12 “(II) to the extent practicable, the ge-
13 ographic distribution of individuals who
14 participated in the training;

15 “(vii) the frequency of provision and
16 nature of technical assistance provided to
17 State and local agencies and other entities;

18 “(viii) the number of individuals as-
19 sisted through the statewide information
20 and referral system described in subsection
21 (e)(3)(B)(ii) and descriptions of the public-
22 awareness activities under subsection
23 (e)(3)(B) with a high impact;

24 “(ix) the outcomes of any improve-
25 ment initiatives carried out by the State as

1 a result of activities funded under this sec-
2 tion, including a description of any written
3 policies, practices, and procedures that the
4 State has developed and implemented re-
5 garding access to, provision of, and fund-
6 ing for, assistive technology devices, and
7 assistive technology services, in the con-
8 texts of education, health care, employ-
9 ment, community living, and accessible in-
10 formation and communication technology,
11 including e-government;

12 “(x) the source of leveraged funding
13 or other contributed resources, including
14 resources provided through subcontracts or
15 other collaborative resource-sharing agree-
16 ments, from and with public and private
17 entities to carry out State activities de-
18 scribed in subsection (e)(3)(C), the number
19 of individuals served with the contributed
20 resources for which information is not re-
21 ported under clauses (i) through (ix) or
22 clause (xi), and other outcomes accom-
23 plished as a result of such activities carried
24 out with the contributed resources; and

1 “(xi) the level of customer satisfaction
2 with the services provided.

3 **“SEC. 5. STATE GRANTS FOR PROTECTION AND ADVOCACY**
4 **SERVICES RELATED TO ASSISTIVE TECH-**
5 **NOLOGY.**

6 “(a) GRANTS.—

7 “(1) IN GENERAL.—From amounts made avail-
8 able to carry out this section, the Secretary shall
9 make grants, through allotments under subsection
10 (b), to protection and advocacy systems in each
11 State for the purpose of enabling such systems to
12 assist in the acquisition, utilization, or maintenance
13 of assistive technology devices or assistive technology
14 services for individuals with disabilities.

15 “(2) GENERAL AUTHORITIES.—In providing
16 such assistance, protection and advocacy systems
17 shall have the same general authorities as the sys-
18 tems are afforded under subtitle C of title I of the
19 Developmental Disabilities Assistance and Bill of
20 Rights Act of 2000 (42 U.S.C. 15041 et seq.), as
21 determined by the Secretary.

22 “(b) RESERVATION; DISTRIBUTION.—

23 “(1) RESERVATION.—For each fiscal year, the
24 Secretary shall reserve, from amounts made avail-
25 able to carry out this section under section

1 9(b)(3)(B), such sums as may be necessary to carry
2 out paragraph (4).

3 “(2) POPULATION BASIS.—From the funds ap-
4 propriated for this section for a fiscal year and re-
5 maining after the reservation required by paragraph
6 (1) has been made, the Secretary shall make a grant
7 to a protection and advocacy system within each
8 State in an amount bearing the same ratio to the re-
9 maining funds as the population of the State bears
10 to the population of all States.

11 “(3) MINIMUMS.—Subject to the availability of
12 appropriations and paragraph (5), the amount of a
13 grant to a protection and advocacy system under
14 paragraph (2) for a fiscal year shall—

15 “(A) in the case of a protection and advo-
16 cacy system located in American Samoa, Guam,
17 the United States Virgin Islands, or the Com-
18 monwealth of the Northern Mariana Islands,
19 not be less than \$30,000; and

20 “(B) in the case of a protection and advo-
21 cacy system located in a State not described in
22 subparagraph (A), not be less than \$50,000.

23 “(4) PAYMENT TO THE SYSTEM SERVING THE
24 AMERICAN INDIAN CONSORTIUM.—

1 “(A) IN GENERAL.—The Secretary shall
2 make grants to the protection and advocacy
3 system serving the American Indian Consortium
4 to provide services in accordance with this sec-
5 tion.

6 “(B) AMOUNT OF GRANTS.—The amount
7 of such grants shall be the same as the amount
8 provided under paragraph (3)(A).

9 “(5) ADJUSTMENT.—For each fiscal year in
10 which the total amount appropriated under section
11 9(b)(3)(B) to carry out this section is \$8,000,000 or
12 more and such appropriated amount exceeds the
13 total amount appropriated to carry out this section
14 in the preceding fiscal year, the Secretary shall in-
15 crease each of the minimum grant amounts de-
16 scribed in subparagraphs (A) and (B) of paragraph
17 (3) by a percentage equal to the percentage increase
18 in the total amount appropriated under section 9 to
19 carry out this section for the preceding fiscal year
20 and such total amount for the fiscal year for which
21 the determination is being made.

22 “(c) DIRECT PAYMENT.—Notwithstanding any other
23 provision of law, the Secretary shall pay directly to any
24 protection and advocacy system that complies with this
25 section, the total amount of the grant made for such sys-

1 tem under this section, unless the system provides other-
2 wise for payment of the grant amount.

3 “(d) CARRYOVER; PROGRAM INCOME.—

4 “(1) CARRYOVER.—Any amount paid to an eli-
5 gible system for a fiscal year under this section that
6 remains unobligated at the end of such fiscal year
7 shall remain available to such system for obligation
8 during the subsequent fiscal year.

9 “(2) PROGRAM INCOME.—Program income gen-
10 erated from any amount paid to an eligible system
11 for a fiscal year shall—

12 “(A) remain available to the eligible system
13 until expended and be considered an addition to
14 the grant; and

15 “(B) only be used to improve the aware-
16 ness of individuals with disabilities about the
17 accessibility of assistive technology and assist
18 such individuals in the acquisition, utilization,
19 or maintenance of assistive technology devices
20 or assistive technology services.

21 “(e) REPORT TO SECRETARY.—An entity that re-
22 ceives a grant under this section shall annually prepare
23 and submit to the Secretary a report that contains such
24 information as the Secretary may require, including docu-
25 mentation of the progress of the entity in—

1 “(1) conducting consumer-responsive activities,
2 including activities that will lead to increased access,
3 for individuals with disabilities, to funding for assist-
4 ive technology devices and assistive technology serv-
5 ices;

6 “(2) engaging in informal advocacy to assist in
7 securing assistive technology devices and assistive
8 technology services for individuals with disabilities;

9 “(3) engaging in formal representation for indi-
10 viduals with disabilities to secure systems change,
11 and in advocacy activities to secure assistive tech-
12 nology devices and assistive technology services for
13 individuals with disabilities;

14 “(4) developing and implementing strategies to
15 enhance the long-term abilities of individuals with
16 disabilities and their family members, guardians, ad-
17 vocates, and authorized representatives to advocate
18 the provision of assistive technology devices and as-
19 sistive technology services to which the individuals
20 with disabilities are entitled under law other than
21 this Act;

22 “(5) coordinating activities with protection and
23 advocacy services funded through sources other than
24 this Act, and coordinating activities with the capac-

1 “(1) QUALIFIED DATA COLLECTION AND RE-
2 PORTING ENTITY.—The term ‘qualified data collec-
3 tion and reporting entity’ means an entity that—

4 “(A) has received a grant under section 4
5 for the fiscal year for which the entity is apply-
6 ing for support under this section; and

7 “(B) has (directly or through grant or con-
8 tract) personnel with—

9 “(i) documented experience and exper-
10 tise in administering State assistive tech-
11 nology programs;

12 “(ii) experience in collecting and ana-
13 lyzing data associated with implementing
14 activities described in section 4(e);

15 “(iii) expertise necessary to identify
16 additional data elements needed to provide
17 comprehensive reporting of State activities
18 and outcomes;

19 “(iv) expertise necessary to develop
20 and implement accessible data collection
21 and reporting systems, tools, and informa-
22 tion content that comply with the stand-
23 ards required under section 508 of the Re-
24 habilitation Act of 1973 (29 U.S.C. 794d)
25 and the Web Content Accessibility Guide-

1 lines 2.0 (commonly referred to as ‘WCAG
2 2.0’) for level AA developed by the Web
3 Accessibility Initiative (or other successor
4 standard as determined appropriate by the
5 Secretary); and

6 “(v) experience in utilizing data to
7 provide annual reports to State policy-
8 makers.

9 “(2) QUALIFIED PROTECTION AND ADVOCACY
10 SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The
11 term ‘qualified protection and advocacy system tech-
12 nical assistance provider’ means an entity that has
13 experience in—

14 “(A) working with State protection and ad-
15 vocacy systems established in accordance with
16 section 143 of the Developmental Disabilities
17 Assistance and Bill of Rights Act of 2000 (42
18 U.S.C. 15043); and

19 “(B) providing technical assistance.

20 “(3) QUALIFIED TRAINING AND TECHNICAL AS-
21 SISTANCE PROVIDER.—The term ‘qualified training
22 and technical assistance provider’ means an entity
23 that—

1 “(A) has received a grant under section 4
2 for the fiscal year for which the entity is apply-
3 ing for support under this section; and

4 “(B) has (directly or through grant or con-
5 tract)—

6 “(i) experience and expertise in ad-
7 ministering programs, including devel-
8 oping, implementing, and administering all
9 of the activities described in section 4(e);
10 and

11 “(ii) documented experience in and
12 knowledge about—

13 “(I) assistive technology device
14 loan and demonstration;

15 “(II) assistive technology device
16 reuse;

17 “(III) State financing, including
18 financial loans and microlending; and

19 “(IV) State leadership activities.

20 “(b) TECHNICAL ASSISTANCE AND DATA COLLEC-
21 TION SUPPORT AUTHORIZED.—

22 “(1) SUPPORT FOR ASSISTIVE TECHNOLOGY
23 TRAINING AND TECHNICAL ASSISTANCE.—From
24 amounts made available under section 9(b)(1), the
25 Secretary shall award, on a competitive basis—

1 “(A) 1 grant, contract, or cooperative
2 agreement to a qualified training and technical
3 assistance provider to support activities de-
4 scribed in subsection (d)(1) for States receiving
5 grants under section 4; and

6 “(B) 1 grant, contract, or cooperative
7 agreement to a qualified protection and advo-
8 cacy system technical assistance provider to
9 support activities described in subsection (d)(1)
10 for protection and advocacy systems receiving
11 grants under section 5.

12 “(2) SUPPORT FOR DATA COLLECTION AND RE-
13 PORTING ASSISTANCE.—From amounts made avail-
14 able under section 9(b)(2), the Secretary shall
15 award, on a competitive basis—

16 “(A) 1 grant, contract, or cooperative
17 agreement to a qualified data collection and re-
18 porting entity, to enable the qualified data col-
19 lection and reporting entity to carry out the ac-
20 tivities described in subsection (d)(2) for States
21 receiving grants under section 4; and

22 “(B) 1 grant, contract, or cooperative
23 agreement to a qualified protection and advo-
24 cacy system technical assistance provider, to en-
25 able the eligible protection and advocacy system

1 to carry out the activities described in sub-
2 section (d)(2) for protection and advocacy sys-
3 tems receiving grants under section 5.

4 “(c) APPLICATION.—

5 “(1) IN GENERAL.—To be eligible to receive a
6 grant, contract, or cooperative agreement under this
7 section, an entity shall submit an application to the
8 Secretary at such time, in such manner, and con-
9 taining such information as the Secretary may re-
10 quire.

11 “(2) INPUT.—In awarding grants, contracts, or
12 cooperative agreements under this section and in re-
13 viewing the activities proposed under the applica-
14 tions described in paragraph (1), the Secretary shall
15 consider the input of the recipients of grants under
16 sections 4 and 5 and other individuals the Secretary
17 determines to be appropriate, especially—

18 “(A) individuals with disabilities who use
19 assistive technology and understand the bar-
20 riers to the acquisition of such technology and
21 assistive technology services;

22 “(B) family members, guardians, advo-
23 cates, and authorized representatives of such
24 individuals;

1 “(C) relevant employees from Federal de-
2 partments and agencies, other than the Depart-
3 ment of Health and Human Services;

4 “(D) representatives of businesses; and

5 “(E) venders and public and private re-
6 searchers and developers.

7 “(d) AUTHORIZED ACTIVITIES.—

8 “(1) USE OF FUNDS FOR ASSISTIVE TECH-
9 NOLOGY TRAINING AND TECHNICAL ASSISTANCE.—

10 “(A) TRAINING AND TECHNICAL ASSIST-
11 ANCE EFFORTS.—A qualified training and tech-
12 nical assistance provider or qualified protection
13 and advocacy system technical assistance pro-
14 vider receiving a grant, contract, or cooperative
15 agreement under subsection (b)(1) shall support
16 a training and technical assistance program for
17 States or protection and advocacy systems re-
18 ceiving a grant under section 4 or 5, respec-
19 tively, that—

20 “(i) addresses State-specific informa-
21 tion requests concerning assistive tech-
22 nology from entities funded under this Act
23 and public entities not funded under this
24 Act, including—

1 “(I) requests for information on
2 effective approaches to Federal-State
3 coordination of programs for individ-
4 uals with disabilities, related to im-
5 proving funding for or access to as-
6 sistive technology devices and assistive
7 technology services for individuals
8 with disabilities of all ages;

9 “(II) requests for state-of-the-
10 art, or model, Federal, State, and
11 local laws, regulations, policies, prac-
12 tices, procedures, and organizational
13 structures, that facilitate, and over-
14 come barriers to, funding for, and ac-
15 cess to, assistive technology devices
16 and assistive technology services;

17 “(III) requests for information
18 on effective approaches to developing,
19 implementing, evaluating, and sus-
20 taining activities described in section
21 4 or 5, as the case may be, and re-
22 lated to improving acquisition and ac-
23 cess to assistive technology devices
24 and assistive technology services for
25 individuals with disabilities of all ages,

1 and requests for assistance in devel-
2 oping corrective action plans;

3 “(IV) requests for examples of
4 policies, practices, procedures, regula-
5 tions, or judicial decisions that have
6 enhanced or may enhance access to
7 and acquisition of assistive technology
8 devices and assistive technology serv-
9 ices for individuals with disabilities;

10 “(V) requests for information on
11 effective approaches to the develop-
12 ment of consumer-controlled systems
13 that increase access to, funding for,
14 and awareness of, assistive technology
15 devices and assistive technology serv-
16 ices; and

17 “(VI) other requests for training
18 and technical assistance from entities
19 funded under this Act;

20 “(ii) in the case of a program that
21 will serve States receiving grants under
22 section 4—

23 “(I) assists targeted individuals
24 and entities by disseminating informa-
25 tion and responding to requests relat-

1 ing to assistive technology by pro-
2 viding referrals to recipients of grants
3 under section 4 or other public or pri-
4 vate resources; and

5 “(II) provides State-specific, re-
6 gional, and national training and tech-
7 nical assistance concerning assistive
8 technology to entities funded under
9 this Act, other entities funded under
10 this Act, and public and private enti-
11 ties not funded under this Act, includ-
12 ing—

13 “(aa) annually providing a
14 forum for exchanging information
15 concerning, and promoting pro-
16 gram and policy improvements
17 in, required activities of the State
18 assistive technology programs;

19 “(bb) facilitating onsite and
20 electronic information sharing
21 using state-of-the-art Internet
22 technologies such as real-time on-
23 line discussions, multipoint video
24 conferencing, and web-based
25 audio/video broadcasts, on emerg-

1 ing topics that affect State as-
2 sistive technology programs;

3 “(cc) convening experts from
4 State assistive technology pro-
5 grams to discuss and make rec-
6 ommendations with regard to na-
7 tional emerging issues of impor-
8 tance to individuals with assistive
9 technology needs;

10 “(dd) sharing best practice
11 and evidence-based practices
12 among State assistive technology
13 programs;

14 “(ee) maintaining an acces-
15 sible website that includes links
16 to State assistive technology pro-
17 grams, appropriate Federal de-
18 partments and agencies, and pri-
19 vate associations;

20 “(ff) developing a resource
21 that connects individuals from a
22 State with the State assistive
23 technology program in their
24 State;

1 “(gg) providing access to ex-
2 perts in the areas of assistive
3 technology device loan and dem-
4 onstration, assistive technology
5 device reuse, State financing,
6 banking, microlending, and fi-
7 nance, for entities funded under
8 this Act, through site visits, tele-
9 conferences, and other means, to
10 ensure access to information for
11 entities that are carrying out new
12 programs or programs that are
13 not making progress in achieving
14 the objectives of the programs;
15 and

16 “(hh) supporting and coordi-
17 nating activities designed to re-
18 duce the financial costs of pur-
19 chasing assistive technology for
20 the activities described in section
21 4(e), and reducing duplication of
22 activities among State assistive
23 technology programs; and

24 “(iii) includes such other activities as
25 the Secretary may require.

1 “(B) COLLABORATION.—In developing and
2 providing training and technical assistance
3 under this paragraph, a qualified training and
4 technical assistance provider or qualified protec-
5 tion and advocacy system technical assistance
6 provider shall—

7 “(i) collaborate with—

8 “(I) organizations representing
9 individuals with disabilities;

10 “(II) national organizations rep-
11 resenting State assistive technology
12 programs;

13 “(III) organizations representing
14 State officials and agencies engaged
15 in the delivery of assistive technology;

16 “(IV) other qualified data collec-
17 tion and reporting entities and tech-
18 nical assistance providers;

19 “(V) providers of State financing
20 activities, including alternative financ-
21 ing programs, and providers of device
22 loans, device demonstrations, and de-
23 vice reutilization; and

1 “(VI) any other organizations de-
2 termined appropriate by the provider
3 or the Secretary; and

4 “(ii) in the case of a qualified training
5 and technical assistance provider, include
6 activities identified as priorities by State
7 advisory councils and lead agencies and
8 implementing entities for grants under sec-
9 tion 4.

10 “(2) USE OF FUNDS FOR ASSISTIVE TECH-
11 NOLOGY DATA COLLECTION AND REPORTING ASSIST-
12 ANCE.—A qualified data collection and reporting en-
13 tity or a qualified protection and advocacy system
14 technical assistance provider receiving a grant, con-
15 tract, or cooperative agreement under subsection
16 (b)(2) shall assist States or protection and advocacy
17 systems receiving a grant under section 4 or 5, re-
18 spectively, to develop and implement effective and
19 accessible data collection and reporting systems
20 that—

21 “(A) focus on quantitative and qualitative
22 data elements;

23 “(B) help measure the accrued benefits of
24 the activities to individuals who need assistive
25 technology; and

1 “(C) in the case of systems that will serve
2 States receiving grants under section 4—

3 “(i) measure the outcomes of all ac-
4 tivities described in section 4(e) and the
5 progress of the States toward achieving the
6 measurable goals described in section
7 4(d)(3)(C); and

8 “(ii) provide States with the necessary
9 information required under this Act or by
10 the Secretary for reports described in sec-
11 tion 4(f)(2).

12 **“SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE.**

13 “(a) DEFINITION OF PROJECT OF NATIONAL SIG-
14 NIFICANCE.—In this section, the term ‘project of national
15 significance’ —

16 “(1) means a project that—

17 “(A) increases access to, and acquisition of
18 assistive technology; and

19 “(B) creates opportunities for individuals
20 with a spectrum of ability to directly and fully
21 contribute to, and participate in, all facets of
22 education, employment, community living, and
23 recreational activities; and

24 “(2) may—

1 “(A) build partnerships between State
2 Medicaid agencies and recipients of grants
3 under section 4 to reutilize durable medical
4 equipment;

5 “(B) increase collaboration between the re-
6 cipients of grants under section 4 and States
7 receiving grants under the Money Follows the
8 Person Rebalancing Demonstration under sec-
9 tion 6071 of the Deficit Reduction Act of 2005
10 (42 U.S.C. 1396a note);

11 “(C) increase collaboration between recipi-
12 ents of grants under section 4 and area agen-
13 cies on aging, as such term is defined in section
14 102 of the Older Americans Act of 1965 (42
15 U.S.C. 3002), which may include collaboration
16 on emergency preparedness, safety equipment,
17 or assistive technology toolkits;

18 “(D) provide aid to transition youth who
19 are individuals with disabilities from school to
20 adult life, including youth with intellectual and
21 developmental disabilities, especially in—

22 “(i) finding employment and postsec-
23 ondary education opportunities; and

1 “(ii) upgrading and changing any as-
2 sistive technology devices that may be
3 needed as a youth matures;

4 “(E) increase access to and acquisition of
5 assistive technology addressing the needs of
6 aging individuals and aging caregivers in the
7 community;

8 “(F) increase effective and efficient use of
9 assistive technology as part of early intervention
10 for infants and toddlers with disabilities from
11 birth to age 3;

12 “(G) increase awareness of and access to
13 the Disability Funds-Financial Assistance fund-
14 ing provided by the Community Development
15 Financial Institutions Fund that supports ac-
16 quisition of assistive technology; and

17 “(H) increase awareness of and access to
18 other federally funded disability programs, as
19 determined appropriate by the Secretary.

20 “(b) PROJECTS AUTHORIZED.—If funds are available
21 pursuant to section 9(c) to carry out this section for a
22 fiscal year, the Secretary may award, on a competitive
23 basis, grants, contracts, and cooperative agreements to
24 public or private nonprofit entities to enable the entities
25 to carry out projects of national significance.

1 “(c) APPLICATION.—A public or private nonprofit en-
2 tity desiring a grant under this section shall submit an
3 application to the Secretary at such time, in such manner,
4 and containing such information as the Secretary may re-
5 quire.

6 “(d) AWARD BASIS.—

7 “(1) PRIORITY.—In awarding grants under this
8 section, the Secretary shall give priority to a public
9 or private nonprofit entity funded under section 4 or
10 5 for the most recent award period.

11 “(2) PREFERENCE.—For each grant award pe-
12 riod, the Secretary may give preference for 1 or
13 more categories of projects of national significance
14 described in subparagraphs (A) through (H) of sub-
15 section (a)(2) or another category identified by the
16 Secretary, if the Secretary determines that there is
17 reason to prioritize that category of project.

18 “(e) MINIMUM FUNDING LEVEL REQUIRED.—The
19 Secretary may only award grants, contracts, or coopera-
20 tive agreements under this section if the amount made
21 available under section 9 to carry out sections 4, 5, and
22 6 is equal to or greater than \$49,000,000.

23 **“SEC. 8. ADMINISTRATIVE PROVISIONS.**

24 “(a) GENERAL ADMINISTRATION.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, the Administrator of the Adminis-
3 tration for Community Living shall be responsible
4 for the administration of this Act.

5 “(2) COLLABORATION.—The Administrator of
6 the Administration for Community Living shall con-
7 sult with the Office of Special Education Programs
8 of the Department of Education, the Rehabilitation
9 Services Administration of the Department of Edu-
10 cation, the Office of Disability Employment Policy of
11 the Department of Labor, the National Institute on
12 Disability, Independent Living, and Rehabilitation
13 Research, and other appropriate Federal entities in
14 the administration of this Act.

15 “(3) ADMINISTRATION.—

16 “(A) IN GENERAL.—In administering this
17 Act, the Administrator of the Administration
18 for Community Living shall ensure that pro-
19 grams funded under this Act will equitably ad-
20 dress—

21 “(i) the needs of individuals with all
22 types of disabilities and across the age
23 span; and

24 “(ii) the use of assistive technology in
25 all potential environments, including em-

1 ployment, education, and community liv-
2 ing, or for other reasons.

3 “(B) FUNDING LIMITATION.—For each fis-
4 cal year, not more than one-half of one percent
5 of the total funding appropriated for this Act
6 shall be used by the Administrator of the Ad-
7 ministration for Community Living to support
8 the administration of this Act.

9 “(b) REVIEW OF PARTICIPATING ENTITIES.—

10 “(1) IN GENERAL.—The Secretary shall assess
11 the extent to which entities that receive grants under
12 this Act are complying with the applicable require-
13 ments of this Act and achieving measurable goals
14 that are consistent with the requirements of the
15 grant programs under which the entities received the
16 grants.

17 “(2) PROVISION OF INFORMATION.—To assist
18 the Secretary in carrying out the responsibilities of
19 the Secretary under this section, the Secretary may
20 require States to provide relevant information, in-
21 cluding the information required under subsection
22 (d).

23 “(c) CORRECTIVE ACTION AND SANCTIONS.—

24 “(1) CORRECTIVE ACTION.—If the Secretary
25 determines that an entity that receives a grant

1 under this Act fails to substantially comply with the
2 applicable requirements of this Act, or to make sub-
3 stantial progress toward achieving the measurable
4 goals described in subsection (b)(1) with respect to
5 the grant program, the Secretary shall assist the en-
6 tity, through technical assistance funded under sec-
7 tion 6 or other means, within 90 days after such de-
8 termination, to develop a corrective action plan.

9 “(2) SANCTIONS.—If the entity fails to develop
10 and comply with a corrective action plan described
11 in paragraph (1) during a fiscal year, the entity
12 shall be subject to 1 of the following corrective ac-
13 tions selected by the Secretary:

14 “(A) Partial or complete termination of
15 funding under the grant program, until the en-
16 tity develops and complies with such a plan.

17 “(B) Ineligibility to participate in the
18 grant program in the following year.

19 “(C) Reduction in the amount of funding
20 that may be used for indirect costs under sec-
21 tion 4 for the following year.

22 “(D) Required redesignation of the lead
23 agency designated under section 4(c)(1) or an
24 entity responsible for administering the grant
25 program.

1 “(3) APPEALS PROCEDURES.—The Secretary
2 shall establish appeals procedures for entities that
3 are determined to be in noncompliance with the ap-
4 plicable requirements of this Act, or have not made
5 substantial progress toward achieving the measur-
6 able goals described in subsection (b)(1).

7 “(4) SECRETARIAL ACTION.—As part of the an-
8 nual report required under subsection (d), the Sec-
9 retary shall describe each such action taken under
10 paragraph (1) or (2) and the outcomes of each such
11 action.

12 “(5) PUBLIC NOTIFICATION.—The Secretary
13 shall notify the public, by posting on the Internet
14 website of the Department of Health and Human
15 Services, of each action taken by the Secretary
16 under paragraph (1) or (2). As a part of such notifi-
17 cation, the Secretary shall describe each such action
18 taken under paragraph (1) or (2) and the outcomes
19 of each such action.

20 “(d) ANNUAL REPORT TO CONGRESS.—

21 “(1) IN GENERAL.—Not later than December
22 31 of each year, the Secretary shall prepare, and
23 submit to the President and to the Committee on
24 Education and Labor of the House of Representa-
25 tives and the Committee on Health, Education,

1 Labor, and Pensions of the Senate, a report on the
2 activities funded under this Act to improve the ac-
3 cess of individuals with disabilities to assistive tech-
4 nology devices and assistive technology services.

5 “(2) CONTENTS.—Such report shall include—

6 “(A) a compilation and summary of the in-
7 formation provided by the States in annual
8 progress reports submitted under section 4(f);
9 and

10 “(B) a summary of the State applications
11 described in section 4(d) and an analysis of the
12 progress of the States in meeting the measur-
13 able goals established in State applications
14 under section 4(d)(3)(C).

15 “(e) CONSTRUCTION.—Nothing in this section shall
16 be construed to affect the enforcement authority of the
17 Secretary, another Federal officer, or a court under part
18 D of the General Education Provisions Act (20 U.S.C.
19 1234 et seq.) or other applicable law.

20 “(f) EFFECT ON OTHER ASSISTANCE.—This Act may
21 not be construed as authorizing a Federal or State agency
22 to reduce medical or other assistance available, or to alter
23 eligibility for a benefit or service, under any other Federal
24 law.

1 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
2 **TIONS AND DISTRIBUTION OF FUNDS.**

3 “(a) IN GENERAL.—There are authorized to be ap-
4 propriated to carry out this Act—

5 “(1) \$50,000,000 for fiscal year 2020; and

6 “(2) such sums as may be necessary for each
7 of fiscal years 2021 through 2024.

8 “(b) RESERVATIONS AND DISTRIBUTION OF
9 FUNDS.—Of the funds made available under subsection
10 (a) to carry out this Act and subject to subsection (c),
11 the Secretary shall—

12 “(1) reserve an amount equal to 2 percent of
13 such available funds to carry out section 6(b)(1), of
14 which—

15 “(A) an amount equal to 88.5 percent of
16 the reservation shall be used for a grant, con-
17 tract, or cooperative agreement described in
18 section 6(b)(1)(A); and

19 “(B) an amount equal to 14.5 percent of
20 the reservation shall be used for a grant, con-
21 tract, or cooperative agreement described in
22 section 6(b)(1)(B);

23 “(2) reserve an amount equal to 1 percent of
24 such available funds appropriated to carry out sec-
25 tion 6(b)(2); and

1 “(3) of the amounts remaining after the res-
2 ervations under paragraphs (1) and (2)—

3 “(A) use 85.5 percent of such amounts to
4 carry out section 4; and

5 “(B) use 14.5 percent of such amounts to
6 carry out section 5.

7 “(c) **LIMIT FOR PROJECTS OF NATIONAL SIGNIFI-**
8 **CANCE.**—In any fiscal year for which the amount made
9 available under subsection (a) exceeds \$49,000,000, the
10 Secretary may reserve an amount, which shall not exceed
11 the lesser of the excess amount made available or
12 \$2,000,000, for section 7 before carrying out subsection
13 (b).”.

14 **SEC. 3. EFFECTIVE DATE.**

15 This Act, and the amendments made by this Act,
16 shall take effect on the day that is six months after the
17 date of enactment of this Act.

○