H. R. 4278

To amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2004

Mr. McKeon (for himself and Mr. Boehner) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004”.
SEC. 2. AMENDMENT TO THE ASSISTIVE TECHNOLOGY ACT OF 1998.

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

"SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

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

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings and purposes.
"Sec. 3. Definitions.
"Sec. 4. Grants to States for purchase of assistive technology devices and assistive technology services.
"Sec. 5. Grants to States for protection and advocacy related to assistive technology.
"Sec. 6. Administrative provisions.
"Sec. 7. National activities.
"Sec. 8. Authorization of appropriations.

"SEC. 2. FINDINGS AND PURPOSES.

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

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

"(A) live independently;

"(B) enjoy self-determination and make choices;

"(C) benefit from an education;

"(D) pursue meaningful careers; and

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

“(2) Technology is one of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is one of the main factors underlying the strength and vibrancy of the economy of the United States.

“(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.

“(4) Over the last 15 years, the Federal Government has invested in the development of statewide comprehensive systems to help individuals with disabilities gain access to assistive technology devices
and services. This partnership with States provided an important service to individuals with disabilities by strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.

“(5) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. These devices and adaptations increase the involvement, and reduce expenditures associated with, programs and activities that facilitate communication, ensure independent living and functioning, enable early childhood development, support educational achievement, provide and enhance employment options, and enable full participation in community living for individuals with disabilities.

“(6) Despite the success of the Federal-State partnership in providing access to assistive technology and services, there is a continued need to provide information about the availability of assistive technology, advances in improving accessibility and functionality of assistive technology, and appropriate methods to secure and utilize assistive technology in
order to maximize their independence and participation of individuals with disabilities in society.

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

“(1) to ensure that States provide assistive technology to individuals with disabilities through comprehensive statewide programs of technology-related assistance, for individuals with disabilities of all ages, that are designed to—

“(A) increase the availability of, funding for, access to, provision of, and training about assistive technology devices and assistive technology services;

“(B) increase the ability of individuals with disabilities of all ages to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living (for example, between home and work);

“(C) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;
“(D) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

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

“(F) increase the awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

“(G) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals; and

“(2) to provide States with financial assistance that supports programs designed to maximize the
ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) ADVOCACY SERVICES.—The term ‘advocacy services’, except as used as part of the term ‘protection and advocacy services’, means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

“(2) ASSISTIVE TECHNOLOGY.—The term ‘assistive technology’ means technology designed to be utilized in an assistive technology device or assistive technology service.

“(3) ASSISTIVE TECHNOLOGY DEVICE.—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

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

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

“(B) services consisting of purchasing,
leasing, or otherwise providing for the acquisi-
tion of assistive technology devices by individ-
uals with disabilities;

“(C) services consisting of selecting, de-
signing, fitting, customizing, adapting, apply-
ing, maintaining, repairing, or replacing assist-
ive technology devices;

“(D) coordination and use of necessary
therapies, interventions, or services with assist-
ive technology devices, such as therapies, inter-
ventions, or services associated with education
and rehabilitation plans and programs;

“(E) training or technical assistance for an
individual with disabilities, or, where appro-
priate, the family members, guardians, advocates, or authorized representatives of such an individual; and

“(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

“(5) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term ‘capacity building and advocacy activities’ means efforts that—

“(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

“(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.
“(6) COMPREHENSIVE STATEWIDE PROGRAM OF
TECHNOLOGY-RELATED ASSISTANCE.—The term
‘comprehensive statewide program of technology-re-
lated assistance’ means a consumer-responsive pro-
gram of technology-related assistance for individuals
with disabilities, implemented by a State, and equal-
ly available to all individuals with disabilities resid-
ing in the State, regardless of their type of dis-
ability, age, income level, or location of residence in
the State, or the type of assistive technology device
or assistive technology service required.

“(7) CONSUMER-RESPONSIVE.—The term ‘con-
sumer-responsive’—

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

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

“(ii) respect for the privacy, rights,
and equal access (including the use of ac-
cessible formats) of such individuals;
“(iii) inclusion, integration, and full participation of such individuals in society;

“(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

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

“(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

“(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

“(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

“(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrep-
resented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

“(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

“(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.

“(8) DISABILITY.—The term ‘disability’ means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

“(9) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

“(A) INDIVIDUAL WITH A DISABILITY.—

The term ‘individual with a disability’ means any individual of any age, race, or ethnicity—
“(i) who has a disability; and

“(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

“(B) INDIVIDUALS WITH DISABILITIES.—
The term ‘individuals with disabilities’ means more than one individual with a disability.

“(10) INSTITUTION OF HIGHER EDUCATION.—
The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

“(11) PROTECTION AND ADVOCACY SERVICES.—The term ‘protection and advocacy services’ means services that—

“(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or
section 509 of the Rehabilitation Act of 1973;

and

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

“(12) SECRETARY.—The term ‘Secretary’
means the Secretary of Education.

“(13) STATE.—

“(A) IN GENERAL.—Except as provided in
subparagraph (B), the term ‘State’ means each
of the several States of the United States, the
District of Columbia, the Commonwealth of
Puerto Rico, the United States Virgin Islands,
Guam, American Samoa, and the Common-
wealth of the Northern Mariana Islands.

“(B) OUTLYING AREAS.—In sections 4(c)
and 5(b):

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

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

“(14) TARGETED INDIVIDUALS.—The term ‘targeted individuals’ means—

“(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

“(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

“(C) educators and related services personnel;

“(D) technology experts (including engineers);

“(E) health and allied health professionals;

“(F) employers; and

“(G) other appropriate individuals and entities.

“(15) TECHNOLOGY-RELATED ASSISTANCE.—The term ‘technology-related assistance’ means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (G) of section 2(b)(1).
“(16) UNDERREPRESENTED POPULATION.—

The term ‘underrepresented population’ means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

“(17) UNIVERSAL DESIGN.—The term ‘universal design’ means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

“SEC. 4. GRANTS TO STATES FOR PURCHASE OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.

“(a) GRANTS TO STATES.—The Secretary shall award grants, in accordance with this section, to States to support programs that are designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized represent-
atives to obtain assistive technology devices and assistive technology services.

“(b) Use of Funds.—

“(1) In general.—

“(A) Required activity.—Any State that receives a grant under this section shall use the funds made available through the grant to carry out the activities described in paragraph (2)(A).

“(B) Discretionary activities.—Any State that receives a grant under this section may use the funds made available through the grant to carry out the activities described in subparagraphs (B), (C), or (D) of paragraph (2).

“(2) State-level activities.—

“(A) State finance systems.—The State shall support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including the development of systems to provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—
“(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision of assistive technology devices and assistive technology services; or

“(ii) the establishment of alternative State or privately funded systems of subsidies for the provision of assistive technology devices or assistive technology services, such as—

“(I) a low-interest loan fund;

“(II) an interest buy-down program;

“(III) a revolving loan fund;

“(IV) a loan guarantee or insurance program;

“(V) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

“(VI) another mechanism approved by the Secretary.

“(B) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with
public or private entities, carry out device loan
programs that support the short-term loan of
assistive technology devices to individuals, em-
ployers, public agencies, public accommodations,
or others seeking to meet the needs of targeted
individuals, in order to comply with the Individ-
uals with Disabilities Education Act, the Ameri-
cans with Disabilities Act of 1990, and section

“(C) Device reutilization pro-
grams.—The State shall directly, or in collabo-
ration with public or private entities, carry out
assistive technology device reutilization pro-
grams that provide for the exchange, recycling,
or other reutilization of assistive technology de-
vices, which may include redistribution through
device and equipment loans, rentals, or gifts.

“(D) Device demonstration pro-
gram.—The State shall directly, or in collabo-
ration with public or private entities, carry out
assistive technology device demonstration pro-
grams that provide for the ability of targeted
individuals to learn about the use and operation
of assistive technology devices.

“(3) State leadership activities.—
“(A) IN GENERAL.—Any State that receives a grant under this section may use up to 25 percent of the funds made available through the grant to carry out the activities described in subparagraph (B).

“(B) REQUIRED ACTIVITIES.—The State shall support, including—

“(i) public awareness activities designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services, including—

“(I) the development and dissemination of information relating to—

“(aa) the nature of assistive technology devices and assistive technology services;

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

“(cc) the benefits of assistive technology devices and assist-
ive technology services with re-
spect to enhancing the capacity
of individuals with disabilities of
all ages to perform activities of
daily living;

“(II) the development of proce-
dures for providing direct communica-
tion between providers of assistive
technology and targeted individuals,
which may include partnerships with
the State and local workforce invest-
ment system established under the
Workforce Investment Act of 1998,
State vocational rehabilitation centers,
public and private employers, or ele-
mentary and secondary public schools;
and

“(III) the development and dis-
semination, to targeted individuals, of
information about State efforts re-
lated to assistive technology; and

“(IV) the distribution of mate-
rials to appropriate public and private
agencies that provide social, medical,
educational, employment, and trans-
portation services to individuals with disabilities.

“(ii) technical assistance and training on—

“(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services;

“(II) providing technical assistance, including technical assistance concerning how—

“(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law; and

“(bb) to increase consumer participation regarding assistive technology devices and assistive technology services; and

“(III) the enhancement of the assistive technology skills and competencies of—
“(aa) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

“(bb) educators and related services personnel;

“(cc) technology experts (including engineers);

“(dd) health and allied health professionals;

“(ee) employers; and

“(ff) other appropriate personnel; and

“(iii) outreach and support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented populations and rural populations, and further including support such as out-
reach to consumer organizations and
groups in the State to coordinate efforts to
assist individuals with disabilities of all
ages and their family members, guardians,
advocates, or authorized representatives, to
obtain funding for, access to, and informa-
tion on evaluation of assistive technology
devices and assistive technology services.

“(C) AUTHORIZED ACTIVITIES.—The State
may support the operation and administration
of the activities in paragraph (2), through inter-
agency coordination to develop and promote the
adoption of policies that improve access to as-
sistive technology devices and assistive tech-
nology services for individuals with disabilities
of all ages in the State and that result in im-
proved coordination among public and private
entities that are responsible or have the author-
ity to be responsible, for policies, procedures, or
funding for, or the provision of assistive tech-
nology devices and assistive technology services
to, such individuals.

“(c) AMOUNT OF FINANCIAL ASSISTANCE.—
“(1) GRANTS TO OUTLYING AREAS.—From the
funds appropriated under section 8(a) and available
under section 8(b)(3) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than $105,000 to each eligible outlying area.

“(2) Grants to States.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

“(3) Calculation of State Grants.—

“(A) In general.—Except as provided in subparagraph (B), the Secretary shall allocate funds to each State for a fiscal year in an amount that bears the same ratio as the population of the State bears to the population of all States.

“(B) Minimum Allotment.—A State shall receive an amount under a grant for a fiscal year that is not less than the amount the State received under the grant provided under title I of this Act (as in effect on the day before the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004) for fiscal year 2004.
“(d) Lead Agency.—

“(1) Designation.—To be eligible to receive a grant under this section, the Governor of the State shall designate in accordance with paragraph (2) a lead agency to administer the grant under this section.

“(2) Eligible Entities.—For purposes of paragraph (1), the Governor of the State may designate one of the following:

“(A) the State agency responsible for the administration of vocational rehabilitation in the State;

“(B) a commission, council, or other official body appointed by the Governor;

“(C) a public-private partnership or consortium;

“(D) a public agency (including the office of the Governor, a State oversight office, a State agency, a public institution of higher education, or other public entity);

“(E) a council established under Federal or State law;

“(F) an organization described in section 501(c)(3) of Internal Revenue Code of 1986
and exempt from tax under section 501(a) of that Act; or

“(G) another appropriate office, agency, entity, or organization.

“(3) DUTIES OF THE LEAD AGENCY.—The duties of the lead agency shall include—

“(A) submitting the application described in subsection (e) on behalf of the State;

“(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

“(C)(i) coordinating efforts related to, and supervising the preparation of, the application described in subsection (e);

“(ii) coordinating, maintaining, and evaluating the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

“(iii) coordinating efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 5, related to the active, timely, and meaningful par-
participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant;

“(D) delegating, in whole or in part, any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals; and

“(E) establishing a partnership or partnerships with private providers of social, medical, educational, employment, and transportation services to individuals with disabilities.

“(e) STATE APPLICATION.—

“(1) SUBMISSION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application at such time and in such manner as the Secretary may specify.

“(2) CONTENT.—Each application shall contain, at a minimum, the following information:

“(A) PLANNED ACTIVITIES.—A description of those activities described in subsection (b)(2) that the State will carry out under the grant.

“(B) MEASURABLE GOALS.—A description of—
“(i) the measurable goals the State
has set for addressing the assistive tech-
nology needs of individuals with disabilities
in the State, including any measurable
goals related to—

“(I) education, including goals
involving the provision of assistive
technology to individuals with disabil-
ities that receive services under the
Individuals with Disabilities Edu-
cation Act;

“(II) employment, including
goals involving the State vocational
rehabilitation program carried out
under title I of the Rehabilitation Act
of 1973;

“(III) telecommunication and in-
formation technology; and

“(IV) community living; and

“(ii) how the State will quantifiably
measure the goals to determine whether
the goals have been achieved.

“(C) INVOLVEMENT OF INDIVIDUALS WITH
DISABILITIES OF ALL AGES AND THEIR FAMI-
LIES.—A description of how individuals with disabilities of all ages and their families—

“(i) were involved in selecting—

“(I) the goals;

“(II) the activities to be undertaken in achieving the goals; and

“(III) the measures to be used in judging if the goals have been achieved; and

“(ii) will be involved in measuring whether the goals have been achieved.

“(D) STATE SUPPORT.—A description of those activities described in subsection (b)(2) that the State will support under the grant, including at a minimum the State’s plans to provide sufficient administrative support for such activities.

“(E) ASSURANCE.—An assurance that the physical location of the entity responsible for conducting the State activities under this Act meets the requirements of the Americans with Disabilities Act of 1990 regarding accessibility for individuals with disabilities.
“(F) Other information.—Such other information as the Secretary may reasonably require.

“SEC. 5. GRANTS TO STATES FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.

“(a) Grants to States.—The Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

“(b) Amount of Financial Assistance.—

“(1) Grants to outlying areas.—From the funds appropriated under section 8(a) and reserved under section 8(b)(1) for any fiscal year, the Secretary shall make a grant in an amount of not more than $30,000 to each eligible system within an outlying area.

“(2) Grants to states.—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds described in paragraph
(1) in accordance with paragraph (3) to eligible sys-
tems within States to support protection and advoca-
cy services as described in subsection (a). The
Secretary shall make grants to the eligible systems
from the allotments.

“(3) SYSTEMS WITHIN STATES.—

“(A) POPULATION BASIS.—Except as pro-
vided in subparagraphs (B) and (C), from such
remainder for each fiscal year, the Secretary
shall make an allotment to the eligible system
within a State of an amount bearing the same
ratio to such remainder as the population of the
State bears to the population of all States.

“(B) MINIMUMS.—Subject to the avail-
ability of appropriations to carry out this sec-
tion, the allotment to any system under sub-
paragraph (A) shall be not less than $50,000,
and the allotment to any system under this
paragraph for any fiscal year that is less than
$50,000 shall be increased to $50,000.

“(4) REALLOTMENT.—Whenever the Secretary
determines that any amount of an allotment under
paragraph (3) to a system within a State for any fis-
cal year will not be expended by such system in car-
rying out the provisions of this section, the Sec-
retary shall make such amount available for carrying out the provisions of this section to one or more of the systems that the Secretary determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

“(c) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

“(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

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

“(3) engaging in formal representation for individuals with disabilities to secure systems change,
and in advocacy activities to secure assistive tech-
nology and assistive technology services for individ-
uals with disabilities;

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

“(5) coordinating activities with protection and
advocacy services funded through sources other than
this Act, and coordinating activities with the capac-
ity building and advocacy activities carried out by
the lead agency.

“(d) REPORTS AND UPDATES TO STATE AGEN-
cIES.—An entity that receives a grant under this section
shall prepare and submit to the lead agency the report
described in subsection (c) and quarterly updates con-
cerning the activities described in subsection (c).

“(e) COORDINATION.—On making a grant under this
section to an entity in a State, the Secretary shall solicit
and consider the opinions of the lead agency of the State
designated under section 4(d) with respect to efforts at
coordination, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

“SEC. 6. ADMINISTRATIVE PROVISIONS.

“(a) Review of Participating Entities.—

“(1) In general.—The Secretary shall assess the extent to which entities that receive grants pursuant to this Act are complying with the applicable requirements of this Act and achieving the measurable goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

“(2) Provision of Information.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (c).

“(b) Corrective Action and Sanctions.—

“(1) Corrective action.—If the Secretary determines that an entity fails to substantially comply with the requirements of this Act with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section
7 or other means, within 90 days after such determination, to develop a corrective action plan.

“(2) SANCTIONS.—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to one of the following corrective actions selected by the Secretary:

“(A) Partial or complete withholding of funds under the grant program until such plan is developed and implemented.

“(B) Reduction in funding for the following year under the grant program.

“(C) Required redesignation of the lead agency designated under section 4(d) or an entity responsible for administering the grant program.

“(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this Act.

“(4) SECRETARIAL ACTIONS.—The Secretary shall notify the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives of each action taken by
the Secretary under paragraph (1) or (2). As part of the annual report required under subsection (e), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

“(5) PUBLIC NOTIFICATION.—The Secretary shall notify the public, through publication in the Federal Register and by posting on the Internet website of the Department of Education, of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

“(c) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities funded under this Act to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.
“(2) CONTENTS.—Such report shall include in-
formation on—

“(A) the type of alternative financing
mechanisms used by each State and the com-
munity-based organization with which each
State entered into a contract, under the pro-
gram;

“(B) the amount and type of assistance
given to consumers (who shall be classified by
age, type of disability, type of assistive tech-
nology device or assistive technology service fi-
nanced through the program, geographic dis-
tribution within the State, gender, and whether
the consumers are part of an underrepresented
population or rural population), including—

“(i) the number of applications for as-
sistance received;

“(ii) the number of applications ap-
proved and rejected;

“(iii) the default rate;

“(iv) the range and average interest
rate;

“(v) the range and average income of
approved loan applicants; and
“(vi) the types and dollar amounts of assistive technology financed;

“(C) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabilities, employers, public agencies, or public accommodations, including an analysis of the individuals with disabilities who have benefited from the device loan program;

“(D) the number, type, estimated value, and scope of device reutilization programs, including an analysis of the individuals with disabilities that have benefited from the device loan program;

“(E) the number and type of equipment demonstrations provided, including an analysis of individuals with disabilities who have benefited from the program;

“(F) a summary of the State plans and annual reports submitted by the States, including an analysis of the progress of the States in meeting their goals established in the State application;

“(G) the number of individuals who received training and the topics of such training; and
“(H) the frequency and nature of technical assistance provided to State and local governmental agencies and other entities.

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

“SEC. 7. NATIONAL ACTIVITIES.

“(a) IN GENERAL.—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to provide technical assistance to entities, principally entities funded under section 4 or 5.

“(b) INPUT.—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

“(1) individuals with disabilities who use assistive technology and understand the barriers to the ac-
quisition of such technology and assistive technology services;

“(2) family members, guardians, advocates, and authorized representatives of such individuals; and

“(3) individuals employed by protection and advocacy systems funded under section 5.

“(c) AUTHORIZED ACTIVITIES.—The Secretary shall support activities designed to maximize the impact and benefit of assistive technology devices and assistive technology services for individuals with disabilities, including the following activities:

“(1) NATIONAL PUBLIC INTERNET SITE.—

“(A) Establishment of Internet site.—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

“(B) Eligible entity.—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity
shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

“(i) working with assistive technology and intelligent agent interactive information dissemination systems;

“(ii) managing libraries of assistive technology and disability-related resources;

“(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

“(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

“(v) developing and designing advanced Internet sites.

“(C) FEATURES OF INTERNET SITE.—The National Public Internet Site described in subparagraph (A) shall contain the following features:
“(i) Availability of information at any time.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

“(ii) Innovative automated intelligent agent.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

“(iii) Resources.—

“(I) Library on assistive technology.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

“(II) Resources for a number of disabilities.—The site shall include resources relating to the largest possible number of disabilities, includ-
ing resources relating to low-level reading skills.

“(iv) LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

“(D) MINIMUM LIBRARY COMPONENTS.—At a minimum, the Internet site shall maintain updated information on—

“(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

“(I) providing information and referral services;

“(II) promoting interagency coordination of training and service delivery among public and private entities;
“(III) conducting outreach to underrepresented populations and rural populations;

“(IV) mounting successful public awareness activities;

“(V) improving capacity building in service delivery;

“(VI) training personnel from a variety of disciplines; and

“(VII) improving evaluation strategies, research, and data collection;

“(ii) effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

“(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

“(iv) demonstration sites where individuals may try out assistive technology.
“(2) TECHNICAL ASSISTANCE EFFORTS.—The Secretary shall, on a competitive basis, make grants to, or enter into cooperative agreements with, eligible entities—

“(A) to address State-specific information requests concerning assistive technology from other entities funded under this Act and public entities not funded under this Act, including—

“(i) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

“(ii) requests for examples of policies, practices, procedures, regulations, or judical decisions that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

“(iii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities;
disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

“(iv) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

“(v) other requests for technical assistance from other entities funded under this Act and public entities not funded under this Act; and

“(vi) other assignments specified by the Secretary, including assisting entities described in section 6(b) to develop corrective action plans; and

“(B) to assist targeted individuals by disseminating information about—

“(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices
and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

“(ii) technical assistance activities undertaken under subparagraph (A).

“(d) ELIGIBLE ENTITIES.—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

“(e) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act such sums as may be necessary for each of fiscal years 2005 through 2010.

“(b) ALLOCATION OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a) for a fiscal year—
“(1) up to $4,419,000 shall be reserved to provide grants under section 5;

“(2) up to $1,235,000 shall be reserved to provide grants under section 7; and

“(3) the remainder shall be used to provide grants under section (4).”