

116TH CONGRESS  
1ST SESSION

# S. 1835

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

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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

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## 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, advo-  
7           cates, 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 advo-  
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 disabil-  
17 ities (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; INDIVIDUALS 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

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

“(C) HIGHER APPROPRIATION YEARS.—

For a fiscal year for which the amount of funds made available to carry out this section is greater than the base year amount described in subparagraph (A), the Secretary shall—

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

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

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

“(I) from 80 percent of the remainder allot to each State an 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 ate 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-

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

“(A) in cases determined to be appropriate by the State, a description of the nature and extent of resources that will be committed by public and private collaborators to assist in accomplishing identified goals; and

“(B) a description of the mechanisms established to ensure coordination of activities and collaboration between the implementing entity, if any, and the State.

“(5) ASSURANCES.—The application shall include assurances that—

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

“(B) funds received through the grant—

“(i) will be expended in accordance 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-

ply with the standards established by the Architectural and Transportation Barriers Compliance Board under section 508 of the Rehabilitation Act of 1973 (20 U.S.C. 794d); and

“(H) the State will—

“(i) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary’s functions under this Act; and

“(ii) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this subparagraph.

“(e) USE OF FUNDS.—

“(1) REQUIRED ACTIVITIES.—

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

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

tion shall be available for activities described in paragraph (3)(A)(iii); and

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

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

“(i) financial support is provided from State or other non-Federal resources or entities for that category of activities; and

“(ii) the amount of the financial support is comparable to, or greater than, the amount of the portion of the funds made available through the grant that the State would have expended for that category of activities, in the absence of this subparagraph.

“(2) STATE-LEVEL ACTIVITIES.—

“(A) STATE FINANCING ACTIVITIES.—The State shall support State financing activities to 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       ity building and advocacy activities carried out by  
2       the lead agency; and

3               “(6) effectively allocating funds made available  
4       under this section to improve the awareness of indi-  
5       viduals with disabilities about the accessibility of as-  
6       sistive technology and assist such individuals in the  
7       acquisition, utilization, or maintenance of assistive  
8       technology devices or assistive technology services.

9       “(f) REPORTS AND UPDATES TO STATE AGENCIES.—  
10   An entity that receives a grant under this section shall  
11   prepare and submit to the lead agency of the State des-  
12   ignated under section 4(c)(1) the report described in sub-  
13   section (e) and quarterly updates concerning the activities  
14   described in such subsection.

15       “(g) COORDINATION.—On making a grant under this  
16   section to an entity in a State, the Secretary shall solicit  
17   and consider the opinions of the lead agency of the State  
18   with respect to efforts at coordination of activities, collabo-  
19   ration, and promoting outcomes between the lead agency  
20   and the entity that receives the grant under this section.

21   **“SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION**  
22               **SUPPORT.**

23       “(a) DEFINITIONS.—In this section:

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.

○