

§ 401(13)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–411; Pub. L. 109–281, § 2(c), Sept. 22, 2006, 120 Stat. 1181, contained administrative provisions. See section 3249 of this title.

Provisions similar to those formerly contained in section 2939 were contained in sections 1504, 1571, and 1579 to 1581 of this title prior to repeal by Pub. L. 105–220.

Section 2940, Pub. L. 105–220, title I, § 190, Aug. 7, 1998, 112 Stat. 1054; Pub. L. 105–277, div. A, § 101(f) [title VIII, § 405(h)(1)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–435, related to references to prior acts.

Section 2941, Pub. L. 105–220, title I, § 191, Aug. 7, 1998, 112 Stat. 1054, related to State legislative authority. See section 3251 of this title.

Provisions similar to those formerly contained in section 2941 were contained in sections 1536 and 1537 of this title prior to repeal by Pub. L. 105–220.

Section 2942, Pub. L. 105–220, title I, § 192, Aug. 7, 1998, 112 Stat. 1054; Pub. L. 105–277, div. A, § 101(f) [title VIII, § 401(14)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–411, related to workforce flexibility plans. See section 3250 of this title.

Section 2943, Pub. L. 105–220, title I, § 193, Aug. 7, 1998, 112 Stat. 1055; Pub. L. 109–289, div. B, title II, § 20610, as added Pub. L. 110–5, § 2, Feb. 15, 2007, 121 Stat. 30, related to transfer of Federal equity in State employment security real property to the States. See section 3252 of this title.

Section 2944, Pub. L. 105–220, title I, § 194, Aug. 7, 1998, 112 Stat. 1056, related to continuation of State activities and policies. See section 3253 of this title.

Section 2945, Pub. L. 105–220, title I, § 195, Aug. 7, 1998, 112 Stat. 1057, contained general program requirements. See section 3254(1) to (13) of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Repeal effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as an Effective Date note under section 3101 of this title.

#### CHAPTER 31—ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES

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#### § 3001. Purposes

The purposes of this chapter are to—

(1) to<sup>1</sup> support State efforts to improve the provision of assistive technology to individuals with disabilities of all ages, including underrepresented populations, through comprehensive statewide programs of technology-related assistance that are designed to—

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

(B) increase the ability of individuals with disabilities to secure and maintain posses-

sion of assistive technology devices as such individuals make the transition between services offered by educational or human service agencies or between settings of daily living (for example, between home and work);

(C) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities;

(D) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

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

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

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

(2) to<sup>1</sup> provide States and protection and advocacy systems with financial assistance that supports programs designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

(Pub. L. 105–394, § 2, Nov. 13, 1998, 112 Stat. 3628; Pub. L. 108–364, § 2, Oct. 25, 2004, 118 Stat. 1707; Pub. L. 117–263, div. E, title LIV, § 5402, Dec. 23, 2022, 136 Stat. 3260.)

#### Editorial Notes

##### AMENDMENTS

2022—Pub. L. 117–263 amended section catchline and text generally. Prior to amendment, text consisted of subsecs. (a) and (b) relating to findings and purposes.

2004—Pub. L. 108–364 amended section catchline and text generally. Prior to amendment, text consisted of subsecs. (a) and (b) relating to findings and purposes.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–263, div. E, title LIV, § 5403, Dec. 23, 2022, 136 Stat. 3289, provided that: “This title [see Short Title of 2022 Amendment note set out below], and the amendments made by this title, shall take effect on the day that is 6 months after the date of enactment of this Act [Dec. 23, 2022].”

##### SHORT TITLE OF 2022 AMENDMENT

Pub. L. 117–263, div. E, title LIV, § 5401, Dec. 23, 2022, 136 Stat. 3260, provided that: “This title [enacting section 3008 of this title, amending this section and sections 3002 to 3007 of this title, and enacting and amend-

<sup>1</sup> So in original. The word “to” probably should not appear.

ing provisions set out as notes under this section] may be cited as the ‘21st Century Assistive Technology Act.’”

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-364, §1, Oct. 25, 2004, 118 Stat. 1707, provided that: “This Act [enacting sections 3003 to 3007 of this title, amending this section, sections 763, 781, 792, and 3002 of this title, and sections 15024, 15025, 15043, and 15064 of Title 42, The Public Health and Welfare, omitting sections 3011 to 3015, 3031 to 3037, and 3051 to 3058 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Assistive Technology Act of 2004.’”

SHORT TITLE

Pub. L. 105-394, §1(a), Nov. 13, 1998, 112 Stat. 3627, as amended by Pub. L. 108-364, §2, Oct. 25, 2004, 118 Stat. 1707; Pub. L. 117-263, div. E, title LIV, §5402, Dec. 23, 2022, 136 Stat. 3260, provided that: “This Act [enacting this chapter] may be cited as the ‘Assistive Technology Act of 1998.’”

**§ 3002. Definitions**

In this chapter:

**(1) Adult service program**

The term “adult service program” means a program that provides services to, or is otherwise substantially involved with the major life functions of, individuals with disabilities. Such term includes—

(A) a program providing residential, supportive, or employment-related services, to individuals with disabilities;

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

(C) a program carried out by an employment support agency connected to adult vocational rehabilitation, such as a one-stop partner, as defined in section 3102 of this title; and

(D) a program carried out by another organization or vender licensed or registered by the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705).

**(2) American Indian consortium**

The term “American Indian consortium” means an entity that is an American Indian Consortium (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), and that is established to provide protection and advocacy services for purposes of receiving funding under subtitle C of title I of such Act (42 U.S.C. 15041 et seq.).

**(3) Assistive technology**

The term “assistive technology” means technology designed to be utilized in an assistive technology device or assistive technology service.

**(4) Assistive technology device**

The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

**(5) Assistive technology service**

The term “assistive technology service” means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology devices and services to the individual in the customary environment of the individual;

(B) a service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;

(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) instruction or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;

(F) instruction or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and

(G) a service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

**(6) Capacity building and advocacy activities**

The term “capacity building and advocacy activities” means efforts that—

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

(B) facilitate and increase access to, provision of, and funding for assistive technology devices and assistive technology services, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

**(7) Comprehensive statewide program of technology-related assistance**

The term “comprehensive statewide program of technology-related assistance” means a consumer-responsive program of technology-related assistance for individuals with disabilities that—

(A) is implemented by a State;

(B) is equally available to all individuals with disabilities residing in the State, re-