

The Social Security Act, referred to in subsecs. (c)(2)(B)(i)(VIII)(aa) and (e)(4)(B)(iii), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XIX of the Act is classified generally to subchapter XIX (§ 1396 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Older Americans Act of 1965, referred to in subsecs. (c)(2)(B)(i)(VIII)(cc) and (e)(4)(B)(iv), is Pub. L. 89-73, July 14, 1965, 79 Stat. 218, which is classified generally to chapter 35 (§ 3001 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

Section 9817(a)(2) of the American Rescue Plan Act of 2021, referred to in subsec. (c)(2)(B)(iii), is section 9817(a)(2) of Pub. L. 117-2, which is set out in a note under section 1396d of Title 42, The Public Health and Welfare.

The Individuals with Disabilities Education Act, referred to in subsecs. (c)(2)(B)(iii), (d)(3)(C)(i), and (e)(2)(C), (3)(A)(iii)(I), (4)(B)(i), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§ 1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Americans with Disabilities Act of 1990, referred to in subsecs. (d)(5)(E) and (e)(2)(C), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§ 12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Workforce Innovation and Opportunity Act, referred to in subsec. (e)(3)(B)(i)(I), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§ 3101 et seq.) of this title, repealed chapter 30 (§ 2801 et seq.) of this title and chapter 73 (§ 9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

#### AMENDMENTS

2022—Pub. L. 117-263 amended section generally. Prior to amendment, section related to State grants to help individuals with disabilities to obtain assistive technology.

2015—Subsec. (c)(2)(B)(i)(V). Pub. L. 114-95 made technical amendment to reference in original act which appears in text as reference to section 7801 of title 20.

2014—Subsec. (c)(2)(B)(i)(IV). Pub. L. 113-128, § 512(b)(2)(A), substituted “a representative of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act” for “a representative of the State workforce investment board established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821)”.

Subsec. (e)(2)(D)(i). Pub. L. 113-128, § 512(b)(2)(B)(i), substituted “such as one-stop partners, as defined in section 3 of the Workforce Innovation and Opportunity Act,” for “such as one-stop partners, as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801).”.

Subsec. (e)(3)(B)(ii)(I)(aa). Pub. L. 113-128, § 512(b)(2)(B)(ii), substituted “with entities in the statewide and local workforce development systems established under the Workforce Innovation and Opportunity Act,” for “with entities in the statewide and local workforce investment systems established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-263 effective on the day that is 6 months after Dec. 23, 2022, see section 5403 of Pub. L. 117-263, set out as a note under section 3001 of this title.

##### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

##### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 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.

### § 3004. Grants for protection and advocacy services related to assistive technology

#### (a) Grants

##### (1) In general

The Secretary shall make grants under subsection (b) to protection and advocacy systems in each State for the purpose of enabling such systems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

##### (2) General authorities

In providing the assistance described under paragraph (1), protection and advocacy systems shall have the same general authorities as the systems are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

#### (b) Reservation; distribution

##### (1) Reservation

For each fiscal year, the Secretary shall reserve, from the amounts made available to carry out this section under section 3008(b)(2)(B) of this title, such sums as may be necessary to carry out paragraph (4).

##### (2) Population basis

From the amounts appropriated to carry out this section for a fiscal year that remain after the reservation required under paragraph (1) has been made, the Secretary shall make a grant to a protection and advocacy system within each State in an amount bearing the same ratio to the remaining amounts as the population of the State bears to the population of all States.

##### (3) Minimums

Subject to the availability of appropriations and paragraph (5), the amount of a grant to a protection and advocacy system under paragraph (2) for a fiscal year shall—

(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, not be less than \$30,000; and

(B) in the case of a protection and advocacy system located in a State not described in subparagraph (A), not be less than \$50,000.

#### (4) Payment to the system serving the American Indian consortium

##### (A) In general

The Secretary shall make grants to the protection and advocacy system serving the

American Indian consortium to provide services in accordance with this section.

**(B) Amount of grants**

The amount of a grant under subparagraph (A) shall be the same as the amount provided under paragraph (3)(A).

**(5) Adjustments**

For each fiscal year for which the total amount appropriated under section 3008(b)(2)(B) of this title to carry out this section is \$8,000,000 or more and such appropriated amount exceeds the total amount appropriated to carry out this section for the preceding fiscal year, the Secretary shall increase each of the minimum grant amounts described in subparagraphs (A) and (B) of paragraph (3) and paragraph (4)(B) by a percentage equal to the percentage increase in the total amount appropriated under section 3008 of this title to carry out this section for the preceding fiscal year and such total amount for the fiscal year for which the determination is being made.

**(c) Direct payment**

Notwithstanding any other provision of law, the Secretary shall pay directly to any protection and advocacy system that complies with this section, the total amount of the grant made for such system under this section, unless the system provides otherwise for payment of the grant amount.

**(d) Carryover; program income**

**(1) Carryover**

Any amount paid to a protection and advocacy system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year.

**(2) Program income**

Program income generated from any amount paid to a protection and advocacy system for a fiscal year shall—

(A) remain available to the protection and advocacy system for 5 additional fiscal years after the year in which such amount was paid to the protection and advocacy system and be considered an addition to the grant; and

(B) only be used to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

**(e) Report to Secretary**

A protection and advocacy system that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains documentation of the progress of the protection and advocacy system in—

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

(2) engaging in informal advocacy to assist in securing assistive technology devices and

assistive technology services for individuals with disabilities;

(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology devices and assistive technology services for individuals with disabilities;

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

(5) coordinating activities with protection and advocacy services funded through sources other than this chapter, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency; and

(6) effectively allocating funds made available under this section to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

**(f) Reports and updates to State agencies**

A protection and advocacy system that receives a grant under this section shall prepare and submit to the lead agency of the State designated under section 3003(c)(1) of this title the report described in subsection (e) and quarterly updates concerning the activities described in such subsection.

**(g) Coordination**

On making a grant under this section to a protection and advocacy system in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State with respect to efforts at coordination of activities, collaboration, and promoting outcomes between the lead agency and the protection and advocacy system that receives the grant under this section.

(Pub. L. 105-394, § 5, as added Pub. L. 108-364, § 2, Oct. 25, 2004, 118 Stat. 1725; amended Pub. L. 117-263, div. E, title LIV, § 5402, Dec. 23, 2022, 136 Stat. 3279.)

**Editorial Notes**

REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in subsec. (a)(2), is Pub. L. 106-402, Oct. 30, 2000, 114 Stat. 1677. Subtitle C of title I of the Act is classified generally to part C (§15041 et seq.) of subchapter I of chapter 144 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 15001 of Title 42 and Tables.

AMENDMENTS

2022—Pub. L. 117-263 amended section generally. Prior to amendment, section related to State grants for protection and advocacy services related to assistive technology.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-263 effective on the day that is 6 months after Dec. 23, 2022, see section 5403 of Pub. L. 117-263, set out as a note under section 3001 of this title.

**§ 3005. Technical assistance and data collection support****(a) Definitions**

In this section:

**(1) Qualified data collection and reporting entity**

The term “qualified data collection and reporting entity” means an entity with demonstrated expertise in data collection and reporting as described in section 3003(f)(2)(B) of this title, in order to—

(A) provide recipients of grants under this chapter with instruction and technical assistance; and

(B) assist such recipients with data collection and data requirements.

**(2) Qualified protection and advocacy system technical assistance provider**

The term “qualified protection and advocacy system technical assistance provider” means an entity that has experience in—

(A) working with protection and advocacy systems established in accordance with section 15043 of title 42; and

(B) providing technical assistance to protection and advocacy agencies.

**(3) Qualified technical assistance provider**

The term “qualified technical assistance provider” means an entity with demonstrated expertise in assistive technology and that has (directly or through grant or contract)—

(A) experience and expertise in administering programs, including developing, implementing, and administering all of the activities described in section 3003(e) of this title; and

(B) documented experience in and knowledge about—

(i) assistive technology device loan and demonstration;

(ii) assistive technology device reuse;

(iii) financial loans and microlending, including the activities of alternative financing programs for assistive technology; and

(iv) State leadership activities.

**(b) Technical assistance and data collection support authorized****(1) Support for assistive technology educational activities and technical assistance**

From amounts made available under section 3008(b)(1) of this title, the Secretary shall award, on a competitive basis, grants, contracts, or cooperative agreements—

(A) to qualified technical assistance providers to support activities described in subsection (d)(1) for States receiving grants under section 3003 of this title; and

(B) to qualified protection and advocacy system technical assistance providers to

support activities described in subsection (d)(1) for protection and advocacy systems receiving grants under section 3004 of this title.

**(2) Support for data collection and reporting assistance**

From amounts made available under section 3008(b)(1) of this title, the Secretary shall award, on a competitive basis, grants, contracts, or cooperative agreements—

(A) to qualified data collection and reporting entities, to enable the qualified data collection and reporting entities to carry out the activities described in subsection (d)(2) for States receiving grants under section 3003 of this title; and

(B) to qualified protection and advocacy system technical assistance providers, to enable the providers to carry out the activities described in subsection (d)(2) for protection and advocacy systems receiving grants under section 3004 of this title.

**(c) Application****(1) In general**

To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing the following information:

(A) A description of the activities such entity will carry out with the grant, contract, or cooperative agreement under subsection (d).

(B) A description of the expertise such entity has to carry out such activities.

(C) In the case of an entity applying to receive a grant, contract, or cooperative agreement under subsection (b)(1), a description of such entity’s plan for complying with the requirements described in subsection (d)(1)(B).

(D) A description of such entity’s plan to comply with all relevant State and Federal laws, regulations, and policies with respect to data privacy and security.

(E) Such other information as the Secretary may require.

**(2) Input**

In developing grants, contracts, or cooperative agreements under this section, the Secretary shall consider the input of the recipients of grants under sections 3003 and 3004 of this title and other individuals the Secretary determines to be appropriate, especially—

(A) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

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

(C) relevant employees from Federal departments and agencies, other than the Department of Health and Human Services;

(D) representatives of businesses; and

(E) vendors and public and private researchers and developers.