

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.

(d) Authorized activities**(1) Use of funds for assistive technology technical assistance****(A) Technical assistance efforts**

A qualified technical assistance provider or qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(1) shall support a technical assistance program for States or protection and advocacy systems receiving a grant under section 3003 or 3004 of this title, respectively, that—

(i) addresses State-specific information requests concerning assistive technology from entities funded under this chapter and public entities not funded under this chapter, including—

(I) effective approaches to Federal-State coordination of programs for individuals with disabilities related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities;

(II) model State and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

(III) effective approaches to developing, implementing, evaluating, and sustaining activities described in section 3003 or 3004 of this title, as the case may be, and related to improving acquisition and access to assistive technology devices and assistive technology services for individuals with disabilities, and requests for assistance in developing corrective action plans;

(IV) policies, practices, procedures, regulations, or judicial decisions related to access to and acquisition of assistive technology devices and assistive technology services for individuals with disabilities;

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

(VI) other requests for information and technical assistance from entities funded under this chapter; and

(ii) in the case of a program that will serve States receiving grants under section 3003 of this title—

(I) assists targeted individuals and entities by disseminating information and responding to requests relating to assistive technology by providing referrals to recipients of grants under section 3003 of this title or other public or private resources; and

(II) provides State-specific, regional, and national technical assistance concerning assistive technology to entities

funded under this chapter, and public and private entities not funded under this chapter, including—

(aa) annually providing a forum for exchanging information concerning, and promoting program and policy improvements in, required activities of the State assistive technology programs;

(bb) facilitating onsite and electronic information sharing using state-of-the-art internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio or video broadcasts, on emerging topics that affect State assistive technology programs;

(cc) convening experts from State assistive technology programs to discuss and make recommendations with regard to national emerging issues of importance to individuals with assistive technology needs;

(dd) sharing best practice and evidence-based practices among State assistive technology programs;

(ee) developing or maintaining an accessible, national, and public website that includes information, tools, and resources on assistive technology devices and assistive technology services and links to State assistive technology programs, appropriate Federal departments and agencies, and private resources;

(ff) developing a resource that connects individuals from a State with the State assistive technology program in their State;

(gg) providing access to experts in the State-level activities described in section 3003(e)(2) of this title through site visits, teleconferences, and other means, to ensure access to information for entities that are carrying out new programs or programs that are not making progress in achieving the objectives of the programs; and

(hh) supporting and coordinating activities designed to reduce the financial costs of purchasing assistive technology for the activities described in section 3003(e) of this title, and reducing duplication of activities among State assistive technology programs.

(B) Collaboration

In developing and providing technical assistance under this paragraph, a qualified technical assistance provider or qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(1) shall—

(i) collaborate with—

(I) organizations representing individuals with disabilities;

(II) national organizations representing State assistive technology programs;

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

(IV) other qualified protection and advocacy system technical assistance providers and qualified technical assistance providers;

(V) providers of State financing activities, including alternative financing programs for assistive technology;

(VI) providers of device loans, device demonstrations, and device reutilization; and

(VII) any other organizations determined appropriate by the provider or the Secretary; and

(ii) in the case of a qualified technical assistance provider, include activities identified as priorities by State advisory councils and lead agencies and implementing entities for grants under section 3003 of this title.

(2) Use of funds for assistive technology data collection and reporting assistance

A qualified data collection and reporting entity or a qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(2) shall assist States or protection and advocacy systems receiving a grant under section 3003 or 3004 of this title, respectively, to develop and implement effective and accessible data collection and reporting systems that—

(A) focus on quantitative and qualitative data elements;

(B) help measure the impact of the activities to individuals who need assistive technology;

(C) in the case of systems that will serve States receiving grants under section 3003 of this title—

(i) measure the outcomes of all activities described in section 3003(e) of this title and the progress of the States toward achieving the measurable goals described in section 3003(d)(3)(C) of this title; and

(ii) provide States with the necessary information required under this chapter or by the Secretary for reports described in section 3003(f)(2) of this title; and

(D) are in full compliance with all relevant State and Federal laws, regulations, and policies with respect to data privacy and security.

(Pub. L. 105-394, § 6, as added Pub. L. 108-364, § 2, Oct. 25, 2004, 118 Stat. 1727; amended Pub. L. 110-69, title III, § 3002(c)(7), Aug. 9, 2007, 121 Stat. 587; Pub. L. 113-128, title IV, § 491(o)(2), July 22, 2014, 128 Stat. 1698; Pub. L. 117-263, div. E, title LIV, § 5402, Dec. 23, 2022, 136 Stat. 3281.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-263 amended section generally. Prior to amendment, section related to awarding of grants, contracts, and cooperative agreements for various national activities designed to improve the administration of this chapter.

2014—Subsec. (d)(4). Pub. L. 113-128 substituted “Health and Human Services” for “Education”.

2007—Subsec. (b)(4)(B)(v). Pub. L. 110-69 substituted “the National Institute of Standards and Technology,” for “the Technology Administration of the Department of Commerce.”

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.

§ 3006. Projects of national significance

(a) Definition of project of national significance

In this section, the term “project of national significance”—

(1) means a project that—

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

(B) creates opportunities for individuals with disabilities to directly and fully contribute to, and participate in, all facets of education, employment, community living, and recreational activities; and

(2) may—

(A) develop and expand partnerships between State Medicaid agencies and recipients of grants under section 3003 of this title to reutilize durable medical equipment;

(B) increase collaboration between the recipients of grants under section 3003 of this title and States receiving grants under the Money Follows the Person Rebalancing Demonstration under section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note);

(C) increase collaboration between recipients of grants under section 3003 of this title and area agencies on aging, as such term is defined in section 3002 of title 42, which may include collaboration on emergency preparedness, safety equipment, or assistive technology toolkits;

(D) provide aid to assist youth with disabilities to transition from school to adult life, especially in—

(i) finding employment and postsecondary education opportunities; and

(ii) upgrading and changing any assistive technology devices that may be needed as a youth matures;

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

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

(G) increase awareness of and access to the Disability Funds-Financial Assistance funding provided by the Community Development Financial Institutions Fund that supports acquisition of assistive technology; and

(H) increase awareness of and access to assistive technology, such as through models described in subclauses (I) through (IV) of