

section 3003(e)(2)(A)(iii) of this title and other Federally funded disability programs.

**(b) Projects authorized**

If funds are available pursuant to section 3008(c) of this title to carry out this section for a fiscal year, the Secretary may award, on a competitive basis, grants, contracts, and cooperative agreements to public or private nonprofit entities to enable the entities to carry out projects of national significance.

**(c) Application**

A public or private nonprofit entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing a description of the project of national significance the entity proposes to carry out under this section.

**(d) Award preference**

For each grant award period, the Secretary may give preference for 1 or more categories of projects of national significance described in subparagraphs (A) through (H) of subsection (a)(2).

**(e) Minimum funding level required**

The Secretary may only award grants, contracts, or cooperative agreements under this section if the amount made available under section 3008 of this title to carry out sections 3003, 3004, and 3005 of this title is equal to or greater than \$49,000,000.

(Pub. L. 105-394, § 7, as added Pub. L. 108-364, § 2, Oct. 25, 2004, 118 Stat. 1734; amended Pub. L. 113-128, title IV, § 491(o)(3), July 22, 2014, 128 Stat. 1698; Pub. L. 117-263, div. E, title LIV, § 5402, Dec. 23, 2022, 136 Stat. 3286.)

**Editorial Notes**

REFERENCES IN TEXT

Section 6071 of the Deficit Reduction Act of 2005, referred to in subsec. (a)(2)(B), is section 6071 of Pub. L. 109-171, which is set out as a note under section 1396a of Title 42, The Public Health and Welfare.

AMENDMENTS

2022—Pub. L. 117-263 amended section generally. Prior to amendment, section contained provisions for the administration of this chapter.

2014—Subsec. (a)(1). Pub. L. 113-128, § 491(o)(3)(A)(i), substituted “the Administrator of the Administration for Community Living” for “the Assistant Secretary for Special Education and Rehabilitative Services of the Department of Education, acting through the Rehabilitation Services Administration.”

Subsec. (a)(2). Pub. L. 113-128, § 491(o)(3)(A)(ii), substituted “The Administrator of the Administration for Community Living shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the National Institute on Disability, Independent Living, and Rehabilitation Research, and other appropriate Federal entities in the administration of this chapter.” for “The Assistant Secretary for Special Education and Rehabilitative Services shall consult with the Office of Special Education Programs, the Rehabilitation Services Administration, and the National Institute on Disability and Rehabilitation Research in the Office of Special Education and Rehabilitative Services, and appropriate Federal entities in the administration of this chapter.”

Subsec. (a)(3). Pub. L. 113-128, § 491(o)(3)(A)(iii), substituted “the Administrator of the Administration for Community Living” for “the Rehabilitation Services Administration”.

Subsec. (c)(5). Pub. L. 113-128, § 491(o)(3)(B), substituted “Health and Human Services” for “Education”.

**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.

**§ 3007. Administrative provisions**

**(a) General administration**

**(1) In general**

Notwithstanding any other provision of law, the Administrator of the Administration for Community Living of the Department of Health and Human Services (referred to in this section as the “Administrator”) shall be responsible for the administration of this chapter.

**(2) Collaboration**

The Administrator shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, and other appropriate Federal entities in the administration of this chapter.

**(3) Administration**

**(A) In general**

In administering this chapter, the Administrator shall ensure that programs funded under this chapter will address—

- (i) the needs of individuals with all types of disabilities and across the lifespan; and
- (ii) the use of assistive technology in all potential environments, including employment, education, and community living.

**(B) Funding limitations**

For each fiscal year, not more than ½ of 1 percent of the total funding appropriated for this chapter shall be used by the Administrator to support the administration of this chapter.

**(b) Review of participating entities**

**(1) In general**

The Secretary shall assess the extent to which entities that receive grants under this chapter are complying with the applicable requirements of this chapter and achieving measurable goals that are consistent with the requirements of the grant programs under which the entities received the grants.

**(2) Provision of information**

To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).

**(c) Corrective action and sanctions**

**(1) Corrective action**

If the Secretary determines that an entity that receives a grant under this chapter fails

to substantially comply with the applicable requirements of this chapter, or to make substantial progress toward achieving the measurable goals described in subsection (b)(1) with respect to the grant program, the Secretary shall assist the entity, through technical assistance funded under section 3005 of this title or other means, within 90 days after such determination, to develop a corrective action plan.

**(2) Sanctions**

If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Secretary:

(A) Partial or complete termination of funding under the grant program, until the entity develops and complies with such a plan.

(B) Ineligibility to participate in the grant program in the following fiscal year.

(C) Reduction in the amount of funding that may be used for indirect costs under section 3003 of this title for the following fiscal year.

(D) Required redesignation of the lead agency designated under section 3003(c)(1) of this title or an entity responsible for administering the grant program.

**(3) Appeals procedures**

The Secretary shall establish appeals procedures for entities that are determined to be in noncompliance with the applicable requirements of this chapter, or have not made substantial progress toward achieving the measurable goals described in subsection (b)(1).

**(4) Secretarial action**

As part of the annual report required under subsection (d), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

**(5) Public notification**

Not later than 30 days after taking an action under paragraph (1) or (2), the Secretary shall notify the public, by posting on an easily accessible portion of the internet website of the Department of Health and Human Services, notification of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

**(d) Annual report to Congress**

**(1) In general**

Not later than December 31 of each year, the Secretary shall prepare and submit to the President, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a report on the activities funded under this chapter to improve the access of assistive technology devices and assistive technology services to individuals with disabilities.

**(2) Contents**

Each report described in paragraph (1) shall include—

(A) a compilation and summary of the information provided by the States in annual progress reports submitted under section 3003(f) of this title; and

(B) a summary of the State applications described in section 3003(d) of this title and an analysis of the progress of the States in meeting the measurable goals established in State applications under section 3003(d)(3)(C) of this title.

**(e) Construction**

Nothing in this section shall be construed to affect the enforcement authority of the Secretary, another Federal officer, or a court under any other applicable law.

**(f) Effect on other assistance**

This chapter may not be construed as authorizing a Federal or State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

(Pub. L. 105–394, § 8, as added Pub. L. 108–364, § 2, Oct. 25, 2004, 118 Stat. 1736; amended Pub. L. 117–263, div. E, title LIV, § 5402, Dec. 23, 2022, 136 Stat. 3287.)

**Editorial Notes**

AMENDMENTS

2022—Pub. L. 117–263 amended section generally. Prior to amendment, section authorized appropriations to carry out sections 3003 to 3005 of this title for fiscal years 2005 through 2010.

**Statutory Notes and Related Subsidiaries**

CHANGE OF NAME

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

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.

**§ 3008. Authorization of appropriations; reservations and distribution of funds**

**(a) In general**

There are authorized to be appropriated to carry out this chapter—

(1) \$44,000,000 for fiscal year 2023;

(2) \$45,980,000 for fiscal year 2024;

(3) \$48,049,100 for fiscal year 2025;

(4) \$50,211,310 for fiscal year 2026; and

(5) \$52,470,819 for fiscal year 2027.

**(b) Reservations and distribution of funds**

Subject to subsection (c), for each fiscal year for which funds are made available under subsection (a) to carry out this chapter, the Secretary shall—

(1) reserve an amount equal to 3 percent of the funds made available for each such fiscal year to carry out paragraphs (1) and (2) of section 3005(b) of this title; and

(2) from the amounts remaining after making the reservation under paragraph (1)—