

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)—

(A) use 85.5 percent of such amounts to carry out section 3003 of this title; and

(B) use 14.5 percent of such amounts to carry out section 3004 of this title.

**(c) Limit for projects of national significance**

For any fiscal year for which the amount made available under subsection (a) exceeds \$49,000,000 the Secretary may—

(1) reserve for section 3006 of this title, an amount of such available funds that does not exceed the lesser of—

(A) the excess amount made available; or  
(B) \$2,000,000; and

(2) make the reservation under paragraph (1) before carrying out subsection (b).

(Pub. L. 105-394, §9, as added Pub. L. 117-263, div. E, title LIV, §5402, Dec. 23, 2022, 136 Stat. 3289.)

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

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

**§§ 3011 to 3015. Omitted**

**Editorial Notes**

**CODIFICATION**

Sections, comprising subchapter I of this chapter “State Grant Programs”, were omitted in the general amendment of this chapter by Pub. L. 108-364, §2, Oct. 25, 2004, 118 Stat. 1707.

Section 3011, Pub. L. 105-394, title I, §101, Nov. 13, 1998, 112 Stat. 3635, provided for continuity grants for States that received funding for a limited period for technology-related assistance.

Section 3012, Pub. L. 105-394, title I, §102, Nov. 13, 1998, 112 Stat. 3644; Pub. L. 106-402, title IV, §401(b)(4)(B), Oct. 30, 2000, 114 Stat. 1738, provided for State grants for protection and advocacy related to assistive technology.

Section 3013, Pub. L. 105-394, title I, §103, Nov. 13, 1998, 112 Stat. 3646, related to administrative provisions.

Section 3014, Pub. L. 105-394, title I, §104, Nov. 13, 1998, 112 Stat. 3648, related to a technical assistance program.

Section 3015, Pub. L. 105-394, title I, §105, Nov. 13, 1998, 112 Stat. 3651, authorized appropriations.

**§§ 3031 to 3037. Omitted**

**Editorial Notes**

**CODIFICATION**

Sections, comprising subchapter II of this chapter, “National Activities”, were omitted in the general amendment of this chapter by Pub. L. 108-364, §2, Oct. 25, 2004, 118 Stat. 1707.

Section 3031, Pub. L. 105-394, title II, §211, Nov. 13, 1998, 112 Stat. 3654, related to small business incentives.

Section 3032, Pub. L. 105-394, title II, §212, Nov. 13, 1998, 112 Stat. 3654, related to technology transfer and universal design.

Section 3033, Pub. L. 105-394, title II, §213, Nov. 13, 1998, 112 Stat. 3655, related to universal design in products and the built environment.

Section 3034, Pub. L. 105-394, title II, §214, Nov. 13, 1998, 112 Stat. 3655, related to assistive technology outreach programs.

Section 3035, Pub. L. 105-394, title II, §215, Nov. 13, 1998, 112 Stat. 3656, related to training pertaining to rehabilitation engineers and technicians.

Section 3036, Pub. L. 105-394, title II, §216, Nov. 13, 1998, 112 Stat. 3656, related to the President’s Committee on Employment of People With Disabilities.

Section 3037, Pub. L. 105-394, title II, §217, Nov. 13, 1998, 112 Stat. 3657, authorized appropriations.

**§§ 3051 to 3058. Omitted**

**Editorial Notes**

**CODIFICATION**

Sections, comprising subchapter III of this chapter, “Alternative Financing Mechanisms”, were omitted in the general amendment of this chapter by Pub. L. 108-364, §2, Oct. 25, 2004, 118 Stat. 1707.

Section 3051, Pub. L. 105-394, title III, §301, Nov. 13, 1998, 112 Stat. 3657, related to the general authority of the Secretary.

Section 3052, Pub. L. 105-394, title III, §302, Nov. 13, 1998, 112 Stat. 3657, related to the amount of grants.

Section 3053, Pub. L. 105-394, title III, §303, Nov. 13, 1998, 112 Stat. 3658, related to grant applications and procedures.

Section 3054, Pub. L. 105-394, title III, §304, Nov. 13, 1998, 112 Stat. 3659, related to contracts with community-based organizations.

Section 3055, Pub. L. 105-394, title III, §305, Nov. 13, 1998, 112 Stat. 3660, related to grant administration requirements.

Section 3056, Pub. L. 105-394, title III, §306, Nov. 13, 1998, 112 Stat. 3660, related to grant information and technical assistance.

Section 3057, Pub. L. 105-394, title III, §307, Nov. 13, 1998, 112 Stat. 3660, related to annual reports.

Section 3058, Pub. L. 105-394, title III, §308, Nov. 13, 1998, 112 Stat. 3661, authorized appropriations.

**CHAPTER 32—WORKFORCE INNOVATION AND OPPORTUNITY**

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