

Calendar No. 121

117TH CONGRESS
1ST SESSION**S. 2401**

To reauthorize the Assistive Technology Act of 1998, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2021

Mr. CASEY (for himself, Ms. COLLINS, Ms. HASSAN, Mr. CRAMER, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

AUGUST 7, 2021

Reported by Mrs. MURRAY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]**A BILL**

To reauthorize the Assistive Technology Act of 1998, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “21st Century Assistive
5 Technology Act”.

1 **SEC. 2. REAUTHORIZATION.**

2 The Assistive Technology Act of 1998 (29 U.S.C.
3 3001 et seq.) is amended to read as follows:

4 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

5 **“(a) SHORT TITLE.**—This Act may be cited as the
6 ‘Assistive Technology Act of 1998’.

7 **“(b) TABLE OF CONTENTS.**—The table of contents
8 of this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Findings and purposes.

“Sec. 3. Definitions.

“Sec. 4. Grants for State assistive technology programs.

“Sec. 5. State grants for protection and advocacy services related to assistive
technology.

“Sec. 6. Technical assistance and data collection support.

“Sec. 7. Projects of national significance.

“Sec. 8. Administrative provisions.

“Sec. 9. Authorization of appropriations; reservations and distribution of funds.

9 **“SEC. 2. FINDINGS AND PURPOSES.**

10 **“(a) FINDINGS.**—Congress finds the following:

11 **“(1)** Over 54,000,000 individuals in the United
12 States have disabilities, with almost half experi-
13 encing severe disabilities that affect their ability to
14 see, hear, communicate, reason, walk, or perform
15 other basic life functions.

16 **“(2)** Disability is a natural part of the human
17 experience and in no way diminishes the right of in-
18 dividuals to—

19 **“(A)** live independently;

20 **“(B)** enjoy self-determination and make
21 choices;

1 “(C) benefit from an education;

2 “(D) pursue competitive, integrated em-
3 ployment; and

4 “(E) enjoy full inclusion and integration in
5 the economic, political, social, cultural, and edu-
6 cational mainstream of society in the United
7 States.

8 “(3) Technology is one of the primary engines
9 for economic activity, education, and innovation in
10 the Nation, and throughout the world. The commit-
11 ment of the United States to the development and
12 utilization of technology is one of the main factors
13 underlying the strength and vibrancy of the economy
14 of the United States.

15 “(4) As technology has come to play an increas-
16 ingly important role in the lives of all persons in the
17 United States, in the conduct of business, in the
18 functioning of government, in the fostering of com-
19 munication, in the conduct of commerce, and in the
20 provision of education, its impact upon the lives of
21 individuals with disabilities in the United States has
22 been comparable to its impact upon the remainder
23 of the citizens of the United States. Any develop-
24 ment in mainstream technology will have profound

1 implications for individuals with disabilities in the
2 United States.

3 “(5) Substantial progress has been made in the
4 development of assistive technology devices, includ-
5 ing adaptations to existing devices that facilitate ac-
6 tivities of daily living that significantly benefit indi-
7 viduals with disabilities of all ages. These devices,
8 including adaptations, increase involvement in, and
9 reduce expenditures associated with, programs and
10 activities that facilitate communication, ensure inde-
11 pendent functioning, enable early childhood develop-
12 ment, support educational achievement, provide and
13 enhance employment options, and enable full partici-
14 pation in community living for individuals with dis-
15 abilities. Access to such devices can also reduce ex-
16 penditures associated with early childhood interven-
17 tion, education, rehabilitation and training, health
18 care, employment, residential living, independent liv-
19 ing, recreation opportunities, and other aspects of
20 daily living.

21 “(6) Over the last 15 years, the Federal Gov-
22 ernment has invested in the development of com-
23 prehensive statewide programs of technology-related
24 assistance, which have proven effective in assisting
25 individuals with disabilities in accessing assistive

1 technology devices and assistive technology services.
2 This partnership between the Federal Government
3 and the States provided an important service to indi-
4 viduals with disabilities by strengthening the capac-
5 ity of each State to assist individuals with disabili-
6 ties of all ages meet their assistive technology
7 needs.

8 “(7) Despite the success of the Federal-State
9 partnership in providing access to assistive tech-
10 nology devices and assistive technology services,
11 there is a continued need to provide information and
12 legally based advocacy about the availability of as-
13 sistive technology, advances in improving accessi-
14 bility and functionality of assistive technology, and
15 appropriate methods to secure and utilize assistive
16 technology in order to maximize the independence
17 and participation of individuals with disabilities in
18 society.

19 “(8) The combination of significant recent
20 changes in Federal policy (including changes to sec-
21 tion 508 of the Rehabilitation Act of 1973 (29
22 U.S.C. 794d)), accessibility provisions of the Help
23 America Vote Act of 2002 (42 U.S.C. 15301 et
24 seq.), and the amendments made to the Elementary
25 and Secondary Education Act of 1965 (20 U.S.C.

1 6301 et seq.) by the No Child Left Behind Act of
2 2001 (Public Law 107–110; 115 Stat. 1425) and
3 the rapid and unending evolution of technology re-
4 quire a Federal-State investment in State assistive
5 technology programs, as well as an investment in
6 protection and advocacy systems, to continue to en-
7 sure that individuals with disabilities reap the bene-
8 fits of the technological revolution and participate
9 fully in life in their communities.

10 “(b) PURPOSES.—The purposes of this Act are—

11 “(1) to support State efforts to improve the
12 provision of assistive technology to individuals with
13 disabilities through a comprehensive statewide con-
14 tinuum of integrated activities, for individuals with
15 disabilities of all ages, that are designed to—

16 “(A) increase the availability of, funding
17 for, access to, provision of, and training about
18 assistive technology devices and assistive tech-
19 nology services;

20 “(B) increase the ability of individuals
21 with disabilities of all ages to secure and main-
22 tain possession of assistive technology devices
23 as such individuals make the transition between
24 services offered by educational or human service

1 agencies or between settings of daily living (for
2 example, between home and work);

3 “(C) increase the capacity of public agen-
4 cies and private entities to provide and pay for
5 assistive technology devices and assistive tech-
6 nology services on a statewide basis for individ-
7 uals with disabilities of all ages;

8 “(D) increase the involvement of individ-
9 uals with disabilities and, if appropriate, their
10 family members, guardians, advocates, and au-
11 thorized representatives, in decisions related to
12 the provision of assistive technology devices and
13 assistive technology services;

14 “(E) increase and promote coordination
15 among State agencies, between State and local
16 agencies, among local agencies, and between
17 State and local agencies and private entities
18 (such as managed care providers), that are in-
19 volved or are eligible to be involved in carrying
20 out activities under this Act;

21 “(F) increase the awareness and facilitate
22 the change of laws, regulations, policies, prac-
23 tices, procedures, and organizational structures,
24 that facilitate the availability or provision of as-

1 sistive technology devices and assistive tech-
2 nology services; and

3 “(G) increase awareness and knowledge of
4 the benefits of assistive technology devices and
5 assistive technology services among individuals
6 with disabilities and their families; older indi-
7 viduals and their families; and the general pop-
8 ulation; and

9 “(2) to provide States and protection and advo-
10 cacy systems with financial assistance that supports
11 programs designed to maximize the ability of indi-
12 viduals with disabilities and their family members,
13 guardians, advocates, and authorized representatives
14 to obtain assistive technology devices and assistive
15 technology services.

16 **“SEC. 3. DEFINITIONS.**

17 “**In this Act:**

18 “(1) **ADULT SERVICE PROGRAM.**—The term
19 ‘adult service program’ means a program that pro-
20 vides services to, or is otherwise substantially in-
21 volved with the major life functions of, individuals
22 with disabilities. Such term includes—

23 “(A) a program providing residential, sup-
24 portive, or employment services, or employment-
25 related services, to individuals with disabilities;

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

5 “(C) a program carried out by an employ-
6 ment support agency connected to adult voca-
7 tional rehabilitation, such as a one-stop partner,
8 as defined in section 3 of the Workforce Inno-
9 vation and Opportunity Act (29 U.S.C. 3102);
10 and

11 “(D) a program carried out by another or-
12 ganization or vendor licensed or registered by
13 the designated State agency, as defined in sec-
14 tion 7 of the Rehabilitation Act of 1973 (29
15 U.S.C. 705).

16 “(2) AMERICAN INDIAN CONSORTIUM.—The
17 term ‘American Indian consortium’ means an entity
18 that is an American Indian Consortium (as defined
19 in section 102 of the Developmental Disabilities As-
20 sistance and Bill of Rights Act of 2000 (42 U.S.C.
21 15002)), and that is established to provide protec-
22 tion and advocacy services for purposes of receiving
23 funding under subtitle C of title I of such Act (42
24 U.S.C. 15041 et seq.).

1 “(3) ASSISTIVE TECHNOLOGY.—The term ‘as-
2 sistive technology’ means technology designed to be
3 utilized in an assistive technology device or assistive
4 technology service.

5 “(4) ASSISTIVE TECHNOLOGY DEVICE.—The
6 term ‘assistive technology device’ means any item,
7 piece of equipment, or product system, whether ac-
8 quired commercially, modified, or customized, that is
9 used to increase, maintain, or improve functional ca-
10 pabilities of individuals with disabilities.

11 “(5) ASSISTIVE TECHNOLOGY SERVICE.—The
12 term ‘assistive technology service’ means any service
13 that directly assists an individual with a disability in
14 the selection, acquisition, or use of an assistive tech-
15 nology device. Such term includes—

16 “(A) the evaluation of the assistive tech-
17 nology needs of an individual with a disability,
18 including a functional evaluation of the impact
19 of the provision of appropriate assistive tech-
20 nology and appropriate services to the indi-
21 vidual in the customary environment of the in-
22 dividual;

23 “(B) a service consisting of purchasing,
24 leasing, or otherwise providing for the acquisi-

1 tion of assistive technology devices by individ-
2 uals with disabilities;

3 “(C) a service consisting of selecting, de-
4 signing, fitting, customizing, adapting, apply-
5 ing, maintaining, repairing, replacing, or donat-
6 ing assistive technology devices;

7 “(D) coordination and use of necessary
8 therapies, interventions, or services with assist-
9 ive technology devices, such as therapies, inter-
10 ventions, or services associated with education
11 and rehabilitation plans and programs;

12 “(E) training or technical assistance for an
13 individual with a disability or, where appro-
14 priate, the family members, guardians, advo-
15 cates, or authorized representatives of such an
16 individual;

17 “(F) training or technical assistance for
18 professionals (including individuals providing
19 education and rehabilitation services and enti-
20 ties that manufacture or sell assistive tech-
21 nology devices), employers, providers of employ-
22 ment and training services, or other individuals
23 who provide services to, employ, or are other-
24 wise substantially involved in the major life
25 functions of individuals with disabilities; and

1 “(G) a service consisting of expanding the
2 availability of access to technology, including
3 electronic and information technology, to indi-
4 viduals with disabilities.

5 “(6) CAPACITY BUILDING AND ADVOCACY AC-
6 TIVITIES.—The term ‘capacity building and advo-
7 cacy activities’ means efforts that—

8 “(A) result in laws, regulations, policies,
9 practices, procedures, or organizational struc-
10 tures that promote consumer-responsive pro-
11 grams or entities; and

12 “(B) facilitate and increase access to, pro-
13 vision of, and funding for, assistive technology
14 devices and assistive technology services, in
15 order to empower individuals with disabilities to
16 achieve greater independence, productivity, and
17 integration and inclusion within the community
18 and the workforce.

19 “(7) COMPREHENSIVE STATEWIDE PROGRAM OF
20 TECHNOLOGY-RELATED ASSISTANCE.—The term
21 ‘comprehensive statewide program of technology-re-
22 lated assistance’ means a consumer-responsive pro-
23 gram of technology-related assistance for individuals
24 with disabilities—

25 “(A) implemented by a State;

1 “(B) equally available to all individuals
2 with disabilities residing in the State, regardless
3 of their type of disability, age, income level, or
4 location of residence in the State, or the type
5 of assistive technology device or assistive tech-
6 nology service required; and

7 “(C) that incorporates all of the activities
8 described in section 4(e) (unless excluded pur-
9 suant to section 4(e)(6)).

10 “(8) CONSUMER-RESPONSIVE.—The term ‘con-
11 sumer-responsive’—

12 “(A) with regard to policies, means that
13 the policies are consistent with the principles
14 of—

15 “(i) respect for individual dignity, per-
16 sonal responsibility, self-determination, and
17 pursuit of meaningful careers, based on in-
18 formed choice, of individuals with disabil-
19 ities;

20 “(ii) respect for the privacy, rights,
21 and equal access (including the use of ac-
22 cessible formats) of such individuals;

23 “(iii) inclusion, integration, and full
24 participation of such individuals in society;

1 “(iv) support for the involvement in
2 decisions of a family member, a guardian,
3 an advocate, or an authorized representa-
4 tive, if an individual with a disability re-
5 quests, desires, or needs such involvement;
6 and

7 “(v) support for individual and sys-
8 tems advocacy and community involve-
9 ment; and

10 “(B) with respect to an entity, program, or
11 activity, means that the entity, program, or ac-
12 tivity—

13 “(i) is easily accessible to, and usable
14 by, individuals with disabilities and, when
15 appropriate, their family members, guard-
16 ians, advocates, or authorized representa-
17 tives;

18 “(ii) responds to the needs of individ-
19 uals with disabilities in a timely and appro-
20 priate manner; and

21 “(iii) facilitates the full and meaning-
22 ful participation of individuals with disabil-
23 ities (including individuals from underrep-
24 resented populations and rural popu-
25 lations) and their family members, guard-

1 ians, advocates, and authorized representa-
2 tives, in—

3 “(I) decisions relating to the pro-
4 vision of assistive technology devices
5 and assistive technology services to
6 such individuals; and

7 “(II) decisions related to the
8 maintenance, improvement, and eval-
9 uation of the comprehensive statewide
10 program of technology-related assist-
11 ance, including decisions that affect
12 capacity building and advocacy activi-
13 ties.

14 “(9) DISABILITY.—The term ‘disability’ has the
15 meaning given the term under section 3 of the
16 Americans with Disabilities Act of 1990 (42 U.S.C.
17 12102).

18 “(10) INDIVIDUAL WITH A DISABILITY; INDI-
19 VIDUALS WITH DISABILITIES.—

20 “(A) INDIVIDUAL WITH A DISABILITY.—

21 The term ‘individual with a disability’ means
22 any individual of any age, race, or ethnicity—

23 “(i) who has a disability; and

24 “(ii) who is or would be enabled by an
25 assistive technology device or an assistive

1 technology service to minimize deteriora-
2 tion in functioning; to maintain a level of
3 functioning; or to achieve a greater level of
4 functioning in any major life activity.

5 “(B) INDIVIDUALS WITH DISABILITIES.—

6 The term ‘individuals with disabilities’ means
7 more than 1 individual with a disability.

8 “(11) INSTITUTION OF HIGHER EDUCATION.—

9 The term ‘institution of higher education’ has the
10 meaning given such term in section 101(a) of the
11 Higher Education Act of 1965 (20 U.S.C. 1001(a));
12 and includes a community college receiving funding
13 under the Tribally Controlled Colleges and Univer-
14 sities Assistance Act of 1978 (25 U.S.C. 1801 et
15 seq.).

16 “(12) PROTECTION AND ADVOCACY SERV-
17 ICES.—The term ‘protection and advocacy services’

18 means services that—

19 “(A) are described in subtitle C of title I
20 of the Developmental Disabilities Assistance
21 and Bill of Rights Act of 2000 (42 U.S.C.
22 15041 et seq.); the Protection and Advocacy for
23 Individuals with Mental Illness Act (42 U.S.C.
24 10801 et seq.); or section 509 of the Rehabilita-
25 tion Act of 1973 (29 U.S.C. 794e); and

1 “(B) assist individuals with disabilities
2 with respect to assistive technology devices and
3 assistive technology services.

4 “(13) SECRETARY.—The term ‘Secretary’
5 means the Secretary of Health and Human Services,
6 acting through the Administrator for Community
7 Living.

8 “(14) STATE.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), the term ‘State’ means each
11 of the 50 States of the United States, the Dis-
12 trict of Columbia, the Commonwealth of Puerto
13 Rico, the United States Virgin Islands, Guam,
14 American Samoa, and the Commonwealth of
15 the Northern Mariana Islands.

16 “(B) OUTLYING AREAS.—In section 4(b):

17 “(i) OUTLYING AREA.—The term ‘out-
18 lying area’ means the United States Virgin
19 Islands, Guam, American Samoa, and the
20 Commonwealth of the Northern Mariana
21 Islands.

22 “(ii) STATE.—The term ‘State’ does
23 not include the United States Virgin Is-
24 lands, Guam, American Samoa, and the

1 Commonwealth of the Northern Mariana
2 Islands:

3 “(15) STATE ASSISTIVE TECHNOLOGY PRO-
4 GRAM.—The term ‘State assistive technology pro-
5 gram’ means a program authorized under section 4-

6 “(16) TARGETED INDIVIDUALS AND ENTI-
7 TIES.—The term ‘targeted individuals and entities’
8 means—

9 “(A) individuals with disabilities of all ages
10 and their family members, guardians, advo-
11 cates, and authorized representatives;

12 “(B) underrepresented populations, includ-
13 ing the aging workforce;

14 “(C) individuals who work for public or
15 private entities (including centers for inde-
16 pendent living described in part C of title VII
17 of the Rehabilitation Act of 1973 (29 U.S.C.
18 796f et seq.); insurers; or managed care pro-
19 viders) that have contact, or provide services to,
20 with individuals with disabilities;

21 “(D) educators at all levels (including pro-
22 viders of early intervention services, elementary
23 schools, secondary schools, community colleges,
24 and vocational and other institutions of higher
25 education) and related services personnel;

1 “(E) technology experts (including web de-
2 signers and procurement officials);

3 “(F) health, allied health, and rehabilita-
4 tion professionals and hospital employees (in-
5 cluding discharge planners);

6 “(G) employers, especially small business
7 employers, and providers of employment and
8 training services;

9 “(H) entities that manufacture or sell as-
10 sistive technology devices;

11 “(I) entities that carry out community pro-
12 grams designed to develop essential community
13 services in rural and urban areas; and

14 “(J) other appropriate individuals and en-
15 tities, as determined for a State by the State.

16 “(17) UNDERREPRESENTED POPULATION.—

17 The term ‘underrepresented population’ means a
18 population that is typically underrepresented in serv-
19 ice provision, and includes populations such as indi-
20 viduals who have low-incidence disabilities, individ-
21 uals who are minorities, individuals with a total fam-
22 ily income that is below the poverty line (as defined
23 in section 3 of the Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3102)), individuals with lim-

1 ited English proficiency, older individuals, or individ-
 2 uals from rural areas.

3 “(18) **UNIVERSAL DESIGN.**—The term ‘uni-
 4 versal design’ means a concept or philosophy for de-
 5 signing and delivering products and services that are
 6 usable by people with the widest possible range of
 7 functional capabilities, which include products and
 8 services that are directly accessible (without requir-
 9 ing assistive technologies) and products and services
 10 that are interoperable with assistive technologies.

11 **“SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PRO-**
 12 **GRAMS.**

13 “(a) **GRANTS TO STATES.**—The Secretary shall
 14 award grants under subsection (b) to States to maintain
 15 a comprehensive statewide continuum of integrated assist-
 16 ive technology activities described in subsection (c)
 17 through State assistive technology programs that are de-
 18 signed to—

19 “(1) maximize the ability of individuals with
 20 disabilities across the human lifespan and across the
 21 wide array of disabilities, and their family members,
 22 guardians, advocates, and authorized representa-
 23 tives, to obtain assistive technology; and

24 “(2) to increase access to assistive technology.

25 “(b) **AMOUNT OF FINANCIAL ASSISTANCE.**—

1 “(1) IN GENERAL.—From funds made available
2 to carry out this section, the Secretary shall award
3 a grant to each eligible State and eligible outlying
4 area from an allotment determined in accordance
5 with paragraph (2).

6 “(2) CALCULATION OF STATE GRANTS.—

7 “(A) BASE YEAR.—Except as provided in
8 subparagraphs (B) and (C), the Secretary shall
9 allot to each State and outlying area for a fiscal
10 year an amount that is not less than the
11 amount the State or outlying area received
12 under the grants provided under section 4 of
13 this Act (as in effect on the day before the ef-
14 fective date of the 21st Century Assistive Tech-
15 nology Act) for fiscal year 2021.

16 “(B) RATABLE REDUCTION.—

17 “(i) IN GENERAL.—If funds made
18 available to carry out this section for any
19 fiscal year are insufficient to make the al-
20 lotments required for each State and out-
21 lying area under subparagraph (A) for
22 such fiscal year, the Secretary shall ratably
23 reduce the allotments for such fiscal year.

24 “(ii) ADDITIONAL FUNDS.—If, after
25 the Secretary makes the reductions de-

1 scribed in clause (i), additional funds be-
2 come available to carry out this section for
3 the fiscal year, the Secretary shall ratably
4 increase the allotments, until the Secretary
5 has allotted the entire base year amount
6 under this paragraph.

7 “(C) HIGHER APPROPRIATION YEARS.—

8 For a fiscal year for which the amount of funds
9 made available to carry out this section is
10 greater than the base year amount described in
11 subparagraph (A), the Secretary shall—

12 “(i) make the allotments described in
13 subparagraph (A);

14 “(ii) from the funds remaining after
15 the allotments described in clause (i), allot
16 to each State or outlying area an equal
17 amount of such funds, until each State has
18 received an allotment under clause (i) and
19 this clause of not less than \$550,000, and
20 each outlying area has received an allot-
21 ment of \$167,500; and

22 “(iii) from the remainder of the funds
23 after the Secretary makes the allotments
24 described in clause (ii)—

1 “(I) from 50 percent of the re-
 2 mainder allot to each State an
 3 amount that bears the same relation-
 4 ship to such 50 percent as the popu-
 5 lation of the State bears to the popu-
 6 lation of all States; and

7 “(II) from 50 percent of the re-
 8 mainder, allot to each State an equal
 9 amount.

10 ~~“(3) AVAILABILITY OF FUNDS.—~~Amounts made
 11 available for an award year under this section shall
 12 be available for the award year and the year fol-
 13 lowing the award year.

14 ~~“(e) LEAD AGENCY, IMPLEMENTING ENTITY, AND~~
 15 ~~ADVISORY COUNCIL.—~~

16 ~~“(1) LEAD AGENCY AND IMPLEMENTING ENTI-~~
 17 ~~TY.—~~

18 ~~“(A) LEAD AGENCY.—~~

19 ~~“(i) IN GENERAL.—~~The Governor of a
 20 State shall designate a public agency as a
 21 lead agency—

22 ~~“(I) to control and administer~~
 23 the funds made available through the
 24 grant awarded to the State under this
 25 section; and

1 “(H) to submit the application
2 described in subsection (d) on behalf
3 of the State; to ensure conformance
4 with Federal and State accounting re-
5 quirements.

6 “(ii) DUTIES.—The duties of the lead
7 agency shall include—

8 “(I) preparing the application de-
9 scribed in subsection (d) and carrying
10 out State activities described in that
11 application; including making pro-
12 grammatic and resource allocation de-
13 cisions necessary to implement the
14 comprehensive statewide program of
15 technology-related assistance;

16 “(II) coordinating the activities
17 of the comprehensive statewide pro-
18 gram of technology-related assistance
19 among public and private entities; in-
20 cluding coordinating efforts related to
21 entering into interagency agreements;
22 and maintaining and evaluating the
23 program; and

24 “(III) coordinating culturally
25 competent efforts related to the ac-

1 tive, timely, and meaningful participa-
 2 tion by individuals with disabilities
 3 and their family members, guardians,
 4 advocates, or authorized representa-
 5 tives, and other appropriate individ-
 6 uals, with respect to activities carried
 7 out through the grant.

8 “(B) IMPLEMENTING ENTITY.—The Gov-
 9 ernor or lead agency may designate an agency,
 10 office, or other entity to carry out all State ac-
 11 tivities under this section (referred to in this
 12 section as the ‘implementing entity’), if such
 13 implementing entity is different from the lead
 14 agency. The implementing entity shall carry out
 15 responsibilities under this Act through a sub-
 16 contract or another administrative agreement
 17 with the lead agency.

18 “(C) CHANGE IN AGENCY OR ENTITY.—

19 “(i) IN GENERAL.—On obtaining the
 20 approval of the Secretary—

21 “(I) the Governor may redesign-
 22 nate the lead agency of a State, if the
 23 Governor shows to the Secretary good
 24 cause why the entity designated as the

1 lead agency should not serve as that
2 agency; and

3 “(H) the Governor or the lead
4 agency may redesignate the imple-
5 menting entity of a State, if the Gov-
6 ernor or lead agency shows to the Sec-
7 retary, in accordance with subsection
8 (d)(2)(B), good cause why the entity
9 designated as the implementing entity
10 should not serve as that entity.

11 “(ii) CONSTRUCTION.—Nothing in
12 this paragraph shall be construed to re-
13 quire the Governor of a State to change
14 the lead agency or implementing entity of
15 the State to an agency other than the lead
16 agency or implementing entity of such
17 State as of the date of enactment of the
18 Assistive Technology Act of 2004 (Public
19 Law 108–364; 118 Stat. 1707).

20 “(2) ADVISORY COUNCIL.—

21 “(A) IN GENERAL.—There shall be estab-
22 lished an advisory council to provide consumer-
23 responsive, consumer-driven advice to the State
24 for, planning of, implementation of, and evalua-
25 tion of the activities carried out through the

1 grant, including setting the measurable goals
2 described in subsection (d)(3)(C).

3 “(B) COMPOSITION AND REPRESENTA-
4 TION.—

5 “(i) COMPOSITION.—The advisory
6 council shall be composed of—

7 “(I) individuals with disabilities
8 that use assistive technology, includ-
9 ing individuals over 50 years of age,
10 or the family members or guardians of
11 the individuals;

12 “(II) a representative of the des-
13 ignated State agency, as defined in
14 section 7 of the Rehabilitation Act of
15 1973 (29 U.S.C. 705) and the State
16 agency for individuals who are blind
17 (within the meaning of section 101 of
18 that Act (29 U.S.C. 721)), if such
19 agency is separate;

20 “(III) a representative of a State
21 center for independent living described
22 in part C of title VII of the Rehabili-
23 tation Act of 1973 (29 U.S.C. 796f et
24 seq.) or the Statewide Independent
25 Living Council established under sec-

1 tion 705 of such Act (29 U.S.C.
2 796d);

3 “(IV) a representative of the
4 State workforce development board es-
5 tablished under section 101 of the
6 Workforce Innovation and Oppor-
7 tunity Act (29 U.S.C. 3111);

8 “(V) a representative of 1 or
9 more of the following:

10 “(aa) the agency responsible
11 for administering the State Med-
12 icaid program under title XIX of
13 the Social Security Act (42
14 U.S.C. 1396 et seq.);

15 “(bb) the designated State
16 agency for purposes of section
17 124 of the Developmental Dis-
18 abilities Assistance and Bill of
19 Rights Act of 2000 (42 U.S.C.
20 15024);

21 “(cc) the State agency des-
22 ignated under section 305(a)(1)
23 of the Older Americans Act of
24 1965 (42 U.S.C. 3025(a)(1)) or
25 an organization that receives as-

1 sistant under such Act (42
2 U.S.C. 3001 et seq.);

3 “(dd) an organization rep-
4 resenting injured veterans;

5 “(ee) A University Center
6 for Excellence in Developmental
7 Disabilities Education, Research,
8 and Service designated under
9 section 151(a) of the Develop-
10 mental Disabilities Assistance
11 and Bill of Rights Act of 2000
12 (42 U.S.C. 15061(a));

13 “(ff) the State protection
14 and advocacy system established
15 in accordance with section 143 of
16 the Developmental Disabilities
17 Assistance and Bill of Rights Act
18 of 2000 (42 U.S.C. 15043); or

19 “(gg) the State Council on
20 Developmental Disabilities estab-
21 lished under section 125 of the
22 Developmental Disabilities As-
23 sistance and Bill of Rights Act of
24 2000 (42 U.S.C. 15025);

1 “(VI) a representative of the
2 State educational agency, as defined
3 in section 8101 of the Elementary and
4 Secondary Education Act of 1965 (20
5 U.S.C. 7801);

6 “(VII) a representative of an al-
7 ternative financing program for assist-
8 ive technology, if—

9 “(aa) there is an alternative
10 financing program for assistive
11 technology in the State;

12 “(bb) such program is sepa-
13 rate from the State assistive
14 technology program supported
15 under subsection (c)(2); and

16 “(cc) the program described
17 in item (aa) is operated by a non-
18 profit entity; and

19 “(VIII) representatives of other
20 State agencies, public agencies, or pri-
21 vate organizations, as determined by
22 the State.

23 “(ii) MAJORITY.—

24 “(I) IN GENERAL.—Not less than
25 51 percent of the members of the ad-

1 visory council shall be members ap-
2 pointed under clause (i)(I), in a man-
3 ner that ensures—

4 “(aa) not less than 31 per-
5 cent of the members of the advi-
6 sory council are individuals with
7 disabilities described in such
8 clause; and

9 “(bb) not more than 20 per-
10 cent of the members of the advi-
11 sory council are family members
12 or guardians of individuals with
13 disabilities described in such
14 clause.

15 “(II) REPRESENTATIVES OF
16 AGENCIES.—Members appointed
17 under subclauses (II) through (VIII)
18 of clause (i) shall not count toward
19 the majority membership requirement
20 established in subclause (I).

21 “(iii) REPRESENTATION.—The advi-
22 sory council shall be geographically rep-
23 resentative of the State and reflect the di-
24 versity of the State with respect to race,
25 ethnicity, types of disabilities across the

1 age span, and users of types of services
2 that an individual with a disability may re-
3 ceive.

4 “(C) EXPENSES.—The members of the ad-
5 visory council shall receive no compensation for
6 their service on the advisory council, but shall
7 be reimbursed for reasonable and necessary ex-
8 penses actually incurred in the performance of
9 official duties for the advisory council.

10 “(D) IMPACT ON EXISTING STATUTES,
11 RULES, OR POLICIES.—Nothing in this para-
12 graph shall be construed to affect State stat-
13 utes, rules, or official policies relating to advi-
14 sory bodies for State assistive technology pro-
15 grams or require changes to governing bodies of
16 incorporated agencies who carry out State as-
17 sistive technology programs.

18 “(d) APPLICATION.—

19 “(1) IN GENERAL.—Any State that desires to
20 receive a grant under this section shall submit an
21 application to the Secretary, at such time, in such
22 manner, and containing such information as the Sec-
23 retary may require.

24 “(2) LEAD AGENCY AND IMPLEMENTING ENTI-
25 TY.—

1 “(A) IN GENERAL.—The application shall
2 contain—

3 “(i) information identifying and de-
4 scribing the lead agency referred to in sub-
5 section (e)(1)(A);

6 “(ii) information identifying and de-
7 scribing the implementing entity referred
8 to in subsection (e)(1)(B), if the Governor
9 or lead agency of the State designates such
10 an entity;

11 “(iii) a description of how individuals
12 with disabilities were involved in the devel-
13 opment of the application and will be in-
14 volved in the implementation of the activi-
15 ties to be carried out through the grant
16 and through the advisory council estab-
17 lished in accordance with subsection (e)(2);
18 and

19 “(iv) a description of how individuals
20 with disabilities were involved in the devel-
21 opment of the application and will be in-
22 volved in the implementation of the activi-
23 ties to be carried out through the grant
24 and through the advisory council.

1 “(B) CHANGE IN LEAD AGENCY OR IMPL-
2 MENTING AGENCY.—In any case where the Gov-
3 ernor or lead agency requests to redesignate a
4 lead agency or implementing entity, as the case
5 may be, the Governor or lead agency shall in-
6 clude in, or amend, the application to request
7 the redesignation and provide a written descrip-
8 tion of the rationale for why the entity des-
9 ignated as the lead agency or implementing en-
10 tity, as the case may be, should not serve as
11 that agency or entity.

12 “(3) STATE PLAN.—The application under this
13 subsection shall include a State plan for assistive
14 technology, consisting of—

15 “(A) a description of how the State will
16 carry out a statewide continuum of integrated
17 assistive technology activities and implement all
18 activities described in subsection (e) (unless ex-
19 cluded by the State pursuant to subsection
20 (e)(6));

21 “(B) a description of how the State will al-
22 locate and utilize grant funds to implement the
23 activities, including describing proposed budget
24 allocations and planned procedures for tracking
25 expenditures for the activities;

1 “(C) measurable goals, and a timeline for
2 meeting the goals, that the State has set for ad-
3 dressing the assistive technology needs of indi-
4 viduals with disabilities in the State related
5 to—

6 “(i) education, including goals involv-
7 ing the provision of assistive technology to
8 individuals with disabilities who receive
9 services under the Individuals with Disabil-
10 ities Education Act (20 U.S.C. 1400 et
11 seq.);

12 “(ii) employment, including goals in-
13 volving the State vocational rehabilitation
14 program carried out under title I of the
15 Rehabilitation Act of 1973 (29 U.S.C. 720
16 et seq.);

17 “(iii) access to tele-assistive tech-
18 nology to aid in the access of health care
19 services;

20 “(iv) accessible information and com-
21 munication technology training; and

22 “(v) community living;

23 “(D) information describing how the State
24 will quantifiably measure the goals to determine
25 whether the goals have been achieved; in a

1 manner consistent with the data submitted
2 through the progress reports under subsection
3 (f); and

4 “(E) a description of any activities de-
5 scribed in subsection (e) that the State will sup-
6 port with State or non-Federal funds.

7 “(4) INVOLVEMENT OF PUBLIC AND PRIVATE
8 ENTITIES.—The application shall describe how var-
9 ious public and private entities were involved in the
10 development of the application and will be involved
11 in the implementation of the activities to be carried
12 out through the grant, including—

13 “(A) in cases determined to be appropriate
14 by the State, a description of the nature and
15 extent of resources that will be committed by
16 public and private collaborators to assist in ac-
17 complishing identified goals; and

18 “(B) a description of the mechanisms es-
19 tablished to ensure coordination of activities
20 and collaboration between the implementing en-
21 tity, if any, and the State.

22 “(5) ASSURANCES.—The application shall in-
23 clude assurances that—

24 “(A) the State will annually collect data
25 related to all activities described in paragraph

1 ~~(3)(A)~~, including activities funded by State or
2 non-Federal sources under subsection ~~(e)(1)(B)~~;
3 in order to prepare the progress reports re-
4 quired under subsection ~~(f)~~;

5 “~~(B)~~ funds received through the grant—

6 “~~(i)~~ will be expended in accordance
7 with this section; and

8 “~~(ii)~~ will be used to supplement, and
9 not supplant, funds available from other
10 sources for technology-related assistance,
11 including the provision of assistive tech-
12 nology devices and assistive technology
13 services;

14 “~~(C)~~ the lead agency will control and ad-
15 minister the funds received through the grant;

16 “~~(D)~~ the State will adopt such fiscal con-
17 trol and accounting procedures as may be nec-
18 essary to ensure proper disbursement of and ac-
19 counting for the funds received through the
20 grant;

21 “~~(E)~~ the physical facility of the lead agen-
22 cy and implementing entity, if any, meets the
23 requirements of the Americans with Disabilities
24 Act of 1990 (42 U.S.C. 12101 et seq.) regard-
25 ing accessibility for individuals with disabilities;

1 “(F) a public agency or an individual with
2 a disability holds title to any property pur-
3 chased with funds received under the grant and
4 administers that property;

5 “(G) activities carried out in the State that
6 are authorized under this Act, and supported by
7 Federal funds received under this Act, will com-
8 ply with the standards established by the Archi-
9 tectural and Transportation Barriers Compli-
10 ance Board under section 508 of the Rehabilita-
11 tion Act of 1973 (20 U.S.C. 794d); and

12 “(H) the State will—

13 “(i) prepare reports to the Secretary
14 in such form and containing such informa-
15 tion as the Secretary may require to carry
16 out the Secretary’s functions under this
17 Act; and

18 “(ii) keep such records and allow ac-
19 cess to such records as the Secretary may
20 require to ensure the correctness and
21 verification of information provided to the
22 Secretary under this subparagraph.

23 “(e) USE OF FUNDS.—

24 “(1) REQUIRED ACTIVITIES.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraph (B) and paragraph (6), any State
3 that receives a grant under this section shall—

4 “(i) use a portion of not more than 40
5 percent of the funds made available
6 through the grant to carry out all of the
7 activities described in paragraph (3), of
8 which not less than 5 percent of such por-
9 tion shall be available for activities de-
10 scribed in paragraph (3)(A)(iii); and

11 “(ii) use a portion of the funds made
12 available through the grant to carry out all
13 of the activities described in paragraph (2).

14 “(B) STATE OR NON-FEDERAL FINANCIAL
15 SUPPORT.—A State receiving a grant under this
16 section shall not be required to use grant funds
17 to carry out the category of activities described
18 in subparagraph (A), (B), (C), or (D) of para-
19 graph (2) if, in that State—

20 “(i) financial support is provided from
21 State or other non-Federal resources or en-
22 tities for that category of activities; and

23 “(ii) the amount of the financial sup-
24 port is comparable to, or greater than, the
25 amount of the portion of the funds made

1 available through the grant that the State
2 would have expended for that category of
3 activities, in the absence of this subpara-
4 graph.

5 ~~“(2) STATE-LEVEL ACTIVITIES.—~~

6 ~~“(A) STATE FINANCING ACTIVITIES.—~~The
7 State shall support State financing activities to
8 increase access to, and funding for, assistive
9 technology devices and assistive technology
10 services (which shall not include direct payment
11 for such a device or service for an individual
12 with a disability but may include support and
13 administration of a program to provide such
14 payment); including development of systems to
15 provide and pay for such devices and services,
16 for targeted individuals and entities described
17 in section 3(16)(A), including—

18 ~~“(i) support for the development of~~
19 ~~systems for the purchase, lease, or other~~
20 ~~acquisition of, or payment for, assistive~~
21 ~~technology devices and assistive technology~~
22 ~~services;~~

23 ~~“(ii) another mechanism that is ap-~~
24 ~~proved by the Secretary; or~~

1 “(iii) support for the development of a
2 State-financed or privately financed alter-
3 native financing program engaged in the
4 provision of assistive technology devices,
5 such as—

6 “(I) a low-interest loan fund;

7 “(II) an interest buy-down pro-
8 gram;

9 “(III) a revolving loan fund; or

10 “(IV) a loan guarantee or insur-
11 ance program.

12 “(B) DEVICE REUTILIZATION PRO-
13 GRAMS.—The State shall directly, or in collabo-
14 ration with public or private entities, carry out
15 assistive technology device reutilization pro-
16 grams that provide for the exchange, repair, re-
17 cycling, or other reutilization of assistive tech-
18 nology devices, which may include redistribution
19 through device sales, loans, rentals, or dona-
20 tions.

21 “(C) DEVICE LOAN PROGRAMS.—The
22 State shall directly, or in collaboration with
23 public or private entities, carry out device loan
24 programs that provide short-term loans of as-
25 sistive technology devices to individuals, employ-

1 ers, public agencies, or others seeking to meet
2 the needs of targeted individuals and entities,
3 including others seeking to comply with the In-
4 dividuals with Disabilities Education Act (20
5 U.S.C. 1400 et seq.), the Americans with Dis-
6 abilities Act of 1990 (42 U.S.C. 12101 et seq.),
7 and section 504 of the Rehabilitation Act of
8 1973 (29 U.S.C. 794).

9 “(D) DEVICE DEMONSTRATIONS.—

10 “(i) IN GENERAL.—The State shall
11 directly, or in collaboration with public and
12 private entities, such as one-stop partners,
13 as defined in section 3 of the Workforce
14 Innovation and Opportunity Act (29
15 U.S.C. 3102), demonstrate a variety of as-
16 sistive technology devices and assistive
17 technology services (including assisting in-
18 dividuals in making informed choices re-
19 garding, and providing experiences with,
20 the devices and services), using personnel
21 who are familiar with such devices and
22 services and their applications.

23 “(ii) COMPREHENSIVE INFORMA-
24 TION.—The State shall directly, or through
25 referrals, provide to individuals, to the ex-

1 tent practicable, comprehensive informa-
2 tion about State and local assistive tech-
3 nology vendors, providers, and repair serv-
4 ices.

5 “(3) STATE LEADERSHIP ACTIVITIES.—

6 “(A) TRAINING AND TECHNICAL ASSIST-
7 ANCE.—

8 “(i) IN GENERAL.—The State shall
9 directly, or provide support to public or
10 private entities with demonstrated exper-
11 tise in collaborating with public or private
12 agencies that serve individuals with disabil-
13 ities to, develop and disseminate training
14 materials, conduct training, and provide
15 technical assistance, for individuals from
16 local settings statewide, including rep-
17 resentatives of State and local educational
18 agencies, other State and local agencies,
19 early intervention programs, adult service
20 programs, hospitals and other health care
21 facilities, institutions of higher education,
22 and businesses.

23 “(ii) AUTHORIZED ACTIVITIES.—In
24 carrying out activities under clause (i), the
25 State shall carry out activities that en-

1 hance the knowledge, skills, and com-
2 petencies of individuals from local settings
3 described in such clause, which may in-
4 clude—

5 “(I) general awareness training
6 on the benefits of assistive technology
7 and the Federal, State, and private
8 funding sources available to assist tar-
9 geted individuals, especially older indi-
10 viduals, and entities in acquiring as-
11 sistive technology;

12 “(II) skills-development training
13 in assessing the need for assistive
14 technology devices and assistive tech-
15 nology services;

16 “(III) training to ensure the ap-
17 propriate application and use of as-
18 sistive technology devices, assistive
19 technology services, and accessible in-
20 formation and communication tech-
21 nology for e-government functions;

22 “(IV) training in the importance
23 of multiple approaches to assessment
24 and implementation necessary to meet
25 the individualized needs of individuals

1 with disabilities and older individuals;
2 and

3 “(V) technical training on inte-
4 grating assistive technology into the
5 development and implementation of
6 service plans, including any education,
7 health, discharge, Olmstead, employ-
8 ment, or other plan required under
9 Federal or State law.

10 “(iii) TRANSITION ASSISTANCE TO IN-
11 DIVIDUALS WITH DISABILITIES.—The
12 State shall directly, or provide support to
13 public or private entities to, develop and
14 disseminate training materials, conduct
15 training, facilitate access to assistive tech-
16 nology, and provide technical assistance, to
17 assist—

18 “(I) students with disabilities,
19 within the meaning of the Individuals
20 with Disabilities Education Act (20
21 U.S.C. 1400 et seq.); that receive
22 transition services; or

23 “(II) adults who are individuals
24 with disabilities maintaining or
25 transitioning to community living.

1 “(B) PUBLIC-AWARENESS ACTIVITIES.—

2 “~~(i)~~ IN GENERAL.—The State shall
3 conduct public-awareness activities de-
4 signed to provide information to targeted
5 individuals, including older individuals, and
6 entities relating to the availability, bene-
7 fits, appropriateness, and costs of assistive
8 technology devices and assistive technology
9 services, including—

10 “~~(I)~~ the development of proce-
11 dures for providing direct communica-
12 tion between providers of assistive
13 technology and targeted individuals
14 and entities, which may include part-
15 nerships with entities in the statewide
16 and local workforce development sys-
17 tems established under the Workforce
18 Innovation and Opportunity Act (~~29~~
19 U.S.C. 3101 et seq.), State vocational
20 rehabilitation centers, public and pri-
21 vate employers, or elementary and
22 secondary public schools;

23 “~~(II)~~ the development and dis-
24 semination, to targeted individuals
25 and entities, of information about

1 State efforts related to assistive tech-
2 nology; and

3 “(III) the distribution of mate-
4 rials to appropriate public and private
5 agencies that provide social, medical,
6 educational, employment, and trans-
7 portation services to individuals with
8 disabilities.

9 “(ii) STATEWIDE INFORMATION AND
10 REFERRAL SYSTEM.—

11 “(I) IN GENERAL.—The State
12 shall directly, or in collaboration with
13 public or private (such as nonprofit)
14 entities, provide for the continuation
15 and enhancement of a statewide infor-
16 mation and referral system designed
17 to meet the needs of targeted individ-
18 uals and entities.

19 “(II) CONTENT.—The system
20 shall deliver information on assistive
21 technology devices, assistive tech-
22 nology services (with specific data re-
23 garding provider availability within
24 the State), and the availability of re-
25 sources, including funding through

1 public and private sources, to obtain
2 assistive technology devices and assist-
3 ive technology services. The system
4 shall also deliver information on the
5 benefits of assistive technology devices
6 and assistive technology services with
7 respect to enhancing the capacity of
8 individuals with disabilities of all ages
9 to perform activities of daily living.

10 “(C) COORDINATION AND COLLABORA-
11 TION.—The State shall coordinate activities de-
12 scribed in paragraph (2) and this paragraph,
13 among public and private entities that are re-
14 sponsible for policies, procedures, or funding for
15 the provision of assistive technology devices and
16 assistive technology services to individuals with
17 disabilities, service providers, and others to im-
18 prove access to assistive technology devices and
19 assistive technology services for individuals with
20 disabilities of all ages in the State.

21 “(4) INDIRECT COSTS.—Not more than 10 per-
22 cent of the funds made available through a grant to
23 a State under this section may be used for indirect
24 costs.

25 “(5) FUNDING RULES.—

1 “(A) PROHIBITION.—Funds made avail-
2 able through a grant to a State under this sec-
3 tion shall not be used for direct payment for an
4 assistive technology device for an individual
5 with a disability.

6 “(B) FEDERAL PARTNER COLLABORA-
7 TION.—In order to provide the maximum avail-
8 ability of funding to access and acquire assistive
9 technology through device demonstration, loan,
10 reuse, and State financing activities, a State re-
11 ceiving a grant under this section shall ensure
12 that the lead agency or implementing entity is
13 conducting outreach to and, as appropriate, col-
14 laborating with, other State agencies that re-
15 ceive Federal funding for assistive technology,
16 including—

17 “(i) the State educational agency re-
18 ceiving assistance under the Individuals
19 with Disabilities Education Act (20 U.S.C.
20 1400 et seq.);

21 “(ii) the State vocational rehabilita-
22 tion agency receiving assistance under title
23 I of the Rehabilitation Act of 1973 (29
24 U.S.C. 720 et seq.);

1 “(iii) the agency responsible for ad-
2 ministering the State Medicaid program
3 under title XIX of the Social Security Act
4 (42 U.S.C. 1396 et seq.);

5 “(iv) the State agency receiving as-
6 sistance under the Older Americans Act of
7 1965 (42 U.S.C. 3001 et seq.); and

8 “(v) any other agency in a State that
9 funds assistive technology.

10 “(6) STATE FLEXIBILITY.—

11 “(A) IN GENERAL.—Notwithstanding para-
12 graph (1)(A) and subject to subparagraph (B),
13 a State may use funds that the State receives
14 under a grant awarded under this section to
15 carry out any 2 or more of the activities de-
16 scribed in paragraph (2).

17 “(B) SPECIAL RULE.—Notwithstanding
18 paragraph (1)(A), any State that exercises its
19 authority under subparagraph (A)—

20 “(i) shall carry out each of the re-
21 quired activities described in paragraph
22 (3); and

23 “(ii) shall use not more than 30 per-
24 cent of the funds made available through
25 the grant to carry out such activities.

1 “(7) ASSISTIVE TECHNOLOGY DEVICE DISPOSI-
2 TION.—Notwithstanding other equipment disposition
3 policies under Federal law, an assistive technology
4 device purchased to be used in activities authorized
5 under this section may be reutilized to the maximum
6 extent possible and then donated to a public agency,
7 private non-profit agency, or individual with a dis-
8 ability in need of such device.

9 “(f) ANNUAL PROGRESS REPORTS.—

10 “(1) DATA COLLECTION.—Each State receiving
11 a grant under this section shall participate in data
12 collection as required by law, including data collec-
13 tion required for preparation of the reports de-
14 scribed in paragraph (2).

15 “(2) REPORTS.—

16 “(A) IN GENERAL.—Each State shall pre-
17 pare and submit to the Secretary an annual
18 progress report on the activities carried out by
19 the State in accordance with subsection (e), in-
20 cluding activities funded by State or non-Fed-
21 eral sources under subsection (e)(1)(B), at such
22 time, and in such manner, as the Secretary may
23 require.

24 “(B) CONTENTS.—The report shall include
25 data collected pursuant to this section. The re-

1 port shall document, with respect to activities
2 carried out under this section in the State—

3 “(i) the type of State financing activi-
4 ties described in subsection (e)(2)(A) used
5 by the State;

6 “(ii) the amount and type of assist-
7 ance given to consumers of the State fi-
8 nancing activities described in subsection
9 (e)(2)(A) (who shall be classified by type
10 of assistive technology device or assistive
11 technology service financed through the
12 State financing activities, and geographic
13 distribution within the State); including—

14 “(I) the number of applications
15 for assistance received;

16 “(II) the numbers of applica-
17 tions—

18 “(aa) approved;

19 “(bb) denied; or

20 “(cc) withdrawn;

21 “(III) the number, and dollar
22 amount, of defaults for the financing
23 activities;

24 “(IV) the range and average in-
25 terest rate for the financing activities;

1 “(V) the range and average in-
2 come of approved applicants for the
3 financing activities; and

4 “(VI) the types and dollar
5 amounts of assistive technology fi-
6 nanced;

7 “(iii) the number, type, and length of
8 time of loans of assistive technology de-
9 vices provided to individuals with disabil-
10 ities, employers, public agencies, or public
11 accommodations through the device loan
12 program described in subsection (c)(2)(C),
13 and an analysis of the individuals with dis-
14 abilities who have benefited from the de-
15 vice loan program;

16 “(iv) the number, type, estimated
17 value, and scope of assistive technology de-
18 vices exchanged, repaired, recycled, or re-
19 utilized (including redistributed through
20 device sales, loans, rentals, or donations)
21 through the device reutilization program
22 described in subsection (c)(2)(B); and an
23 analysis of the individuals with disabilities
24 that have benefited from the device reutili-
25 zation program;

1 “(v) the number and type of device
2 demonstrations and referrals provided
3 under subsection (e)(2)(D), and an anal-
4 ysis of individuals with disabilities who
5 have benefited from the demonstrations
6 and referrals;

7 “(vi)(I) the number and general char-
8 acteristics of individuals who participated
9 in training under subsection (e)(3)(A)
10 (such as individuals with disabilities, par-
11 ents, educators, employers, providers of
12 employment services, health care workers,
13 counselors, other service providers, or ven-
14 dors) and the topics of such training; and

15 “(II) to the extent practicable, the ge-
16 ographic distribution of individuals who
17 participated in the training;

18 “(vii) the frequency of provision and
19 nature of technical assistance provided to
20 State and local agencies and other entities;

21 “(viii) the number of individuals as-
22 sisted through the statewide information
23 and referral system described in subsection
24 (e)(3)(B)(ii) and descriptions of the public-

1 awareness activities under subsection
2 (e)(3)(B) with a high impact;

3 “(ix) the outcomes of any improve-
4 ment initiatives carried out by the State as
5 a result of activities funded under this sec-
6 tion, including a description of any written
7 policies, practices, and procedures that the
8 State has developed and implemented re-
9 garding access to, provision of, and fund-
10 ing for, assistive technology devices, and
11 assistive technology services, in the con-
12 texts of education, health care, employ-
13 ment, community living, and accessible in-
14 formation and communication technology,
15 including e-government;

16 “(x) the source of leveraged funding
17 or other contributed resources, including
18 resources provided through subcontracts or
19 other collaborative resource-sharing agree-
20 ments, from and with public and private
21 entities to carry out State activities de-
22 scribed in subsection (e)(3)(C), the number
23 of individuals served with the contributed
24 resources for which information is not re-
25 ported under clauses (i) through (ix) or

1 clause (xi), and other outcomes accom-
 2 plished as a result of such activities carried
 3 out with the contributed resources; and

4 “(xi) the level of customer satisfaction
 5 with the services provided.

6 **“SEC. 5. STATE GRANTS FOR PROTECTION AND ADVOCACY**
 7 **SERVICES RELATED TO ASSISTIVE TECH-**
 8 **NOLOGY.**

9 “(a) GRANTS.—

10 “(1) IN GENERAL.—From amounts made avail-
 11 able to carry out this section, the Secretary shall
 12 make grants, through allotments under subsection
 13 (b), to protection and advocacy systems for the pur-
 14 pose of enabling such systems to assist in the acqui-
 15 sition, utilization, or maintenance of assistive tech-
 16 nology devices or assistive technology services for in-
 17 dividuals with disabilities.

18 “(2) GENERAL AUTHORITIES.—In providing
 19 such assistance, protection and advocacy systems
 20 shall have the same general authorities as the sys-
 21 tems are afforded under subtitle C of title I of the
 22 Developmental Disabilities Assistance and Bill of
 23 Rights Act of 2000 (42 U.S.C. 15041 et seq.), as
 24 determined by the Secretary.

25 “(b) RESERVATION; DISTRIBUTION.—

1 “(1) RESERVATION.—For each fiscal year, the
2 Secretary shall reserve, from amounts made avail-
3 able to carry out this section under section
4 9(b)(3)(B), such sums as may be necessary to carry
5 out paragraph (4).

6 “(2) POPULATION BASIS.—From the funds ap-
7 propriated for this section for a fiscal year and re-
8 maining after the reservation required by paragraph
9 (1) has been made, the Secretary shall make a grant
10 to a protection and advocacy system within each
11 State in an amount bearing the same ratio to the re-
12 maining funds as the population of the State bears
13 to the population of all States.

14 “(3) MINIMUMS.—Subject to the availability of
15 appropriations and paragraph (5), the amount of a
16 grant to a protection and advocacy system under
17 paragraph (2) for a fiscal year shall—

18 “(A) in the case of a protection and advo-
19 cacy system located in American Samoa, Guam,
20 the United States Virgin Islands, or the Com-
21 monwealth of the Northern Mariana Islands,
22 not be less than \$30,000; and

23 “(B) in the case of a protection and advo-
24 cacy system located in a State not described in
25 subparagraph (A), not be less than \$50,000.

1 ~~“(4) PAYMENT TO THE SYSTEM SERVING THE~~
2 ~~AMERICAN INDIAN CONSORTIUM.—~~

3 ~~“(A) IN GENERAL.—~~The Secretary shall
4 make grants to the protection and advocacy
5 system serving the American Indian Consortium
6 to provide services in accordance with this sec-
7 tion.

8 ~~“(B) AMOUNT OF GRANTS.—~~The amount
9 of such grants shall be the same as the amount
10 provided under paragraph ~~(3)~~(A).

11 ~~“(5) ADJUSTMENT.—~~For each fiscal year in
12 which the total amount appropriated under section
13 9(b)~~(3)~~(B) to carry out this section is \$8,000,000 or
14 more and such appropriated amount exceeds the
15 total amount appropriated to carry out this section
16 in the preceding fiscal year, the Secretary shall in-
17 crease each of the minimum grant amounts de-
18 scribed in subparagraphs (A) and (B) of paragraph
19 ~~(3)~~ by a percentage equal to the percentage increase
20 in the total amount appropriated under section 9 to
21 carry out this section for the preceding fiscal year
22 and such total amount for the fiscal year for which
23 the determination is being made.

24 ~~“(c) DIRECT PAYMENT.—~~Notwithstanding any other
25 provision of law, the Secretary shall pay directly to any

1 protection and advocacy system that complies with this
2 section, the total amount of the grant made for such sys-
3 tem under this section, unless the system provides other-
4 wise for payment of the grant amount.

5 “(d) CARRYOVER; PROGRAM INCOME.—

6 “(1) CARRYOVER.—Any amount paid to an eli-
7 gible system for a fiscal year under this section that
8 remains unobligated at the end of such fiscal year
9 shall remain available to such system for obligation
10 during the subsequent fiscal year.

11 “(2) PROGRAM INCOME.—Program income gen-
12 erated from any amount paid to an eligible system
13 for a fiscal year shall—

14 “(A) remain available to the eligible system
15 until expended and be considered an addition to
16 the grant; and

17 “(B) only be used to improve the aware-
18 ness of individuals with disabilities about the
19 accessibility of assistive technology and assist
20 such individuals in the acquisition, utilization,
21 or maintenance of assistive technology devices
22 or assistive technology services.

23 “(e) REPORT TO SECRETARY.—An entity that re-
24 ceives a grant under this section shall annually prepare
25 and submit to the Secretary a report that contains such

1 information as the Secretary may require, including docu-
2 mentation of the progress of the entity in—

3 “(1) conducting consumer-responsive activities,
4 including activities that will lead to increased access,
5 for individuals with disabilities; to funding for assist-
6 ive technology devices and assistive technology serv-
7 ices;

8 “(2) engaging in informal advocacy to assist in
9 securing assistive technology devices and assistive
10 technology services for individuals with disabilities;

11 “(3) engaging in formal representation for indi-
12 viduals with disabilities to secure systems change,
13 and in advocacy activities to secure assistive tech-
14 nology devices and assistive technology services for
15 individuals with disabilities;

16 “(4) developing and implementing strategies to
17 enhance the long-term abilities of individuals with
18 disabilities and their family members, guardians, ad-
19 vocates, and authorized representatives to advocate
20 the provision of assistive technology devices and as-
21 sistive technology services to which the individuals
22 with disabilities are entitled under law other than
23 this Act;

24 “(5) coordinating activities with protection and
25 advocacy services funded through sources other than

1 this Act, and coordinating activities with the capac-
 2 ity building and advocacy activities carried out by
 3 the lead agency; and

4 “(6) effectively allocating funds made available
 5 under this section to improve the awareness of indi-
 6 viduals with disabilities about the accessibility of as-
 7 sistive technology and assist such individuals in the
 8 acquisition, utilization, or maintenance of assistive
 9 technology devices or assistive technology services.

10 “(f) REPORTS AND UPDATES TO STATE AGENCIES.—

11 An entity that receives a grant under this section shall
 12 prepare and submit to the lead agency of the State des-
 13 ignated under section 4(c)(1) the report described in sub-
 14 section (e) and quarterly updates concerning the activities
 15 described in such subsection.

16 “(g) COORDINATION.—On making a grant under this
 17 section to an entity in a State, the Secretary shall solicit
 18 and consider the opinions of the lead agency of the State
 19 with respect to efforts at coordination of activities, collabo-
 20 ration, and promoting outcomes between the lead agency
 21 and the entity that receives the grant under this section.

22 **“SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION**
 23 **SUPPORT.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) QUALIFIED DATA COLLECTION AND RE-
2 PORTING ENTITY.—The term ‘qualified data collec-
3 tion and reporting entity’ means a national nonprofit
4 organization with demonstrated expertise in data
5 collection and reporting as described in section
6 4(f)(2)(B), in order to—

7 “(A) provide recipients of grants under
8 this Act with training and technical assistance;
9 and

10 “(B) assist such recipients with data col-
11 lection and data requirements.

12 “(2) QUALIFIED PROTECTION AND ADVOCACY
13 SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The
14 term ‘qualified protection and advocacy system tech-
15 nical assistance provider’ means an entity that has
16 experience in—

17 “(A) working with protection and advocacy
18 systems established in accordance with section
19 143 of the Developmental Disabilities Assist-
20 ance and Bill of Rights Act of 2000 (42 U.S.C.
21 15043); and

22 “(B) providing technical assistance to pro-
23 tection and advocacy agencies.

24 “(3) QUALIFIED TRAINING AND TECHNICAL AS-
25 SISTANCE PROVIDER.—The term ‘qualified training

1 and technical assistance provider' means a national
 2 nonprofit organization with demonstrated expertise
 3 in assistive technology and that has (directly or
 4 through grant or contract)—

5 “(A) experience and expertise in admin-
 6 istering programs, including developing, imple-
 7 menting, and administering all of the activities
 8 described in section 4(e); and

9 “(B) documented experience in and knowl-
 10 edge about—

11 “(i) assistive technology device loan
 12 and demonstration;

13 “(ii) assistive technology device reuse;

14 “(iii) financial loans and micro-
 15 lending, including the activities of alter-
 16 native financing programs for assistive
 17 technology; and

18 “(iv) State leadership activities.

19 “(b) TECHNICAL ASSISTANCE AND DATA COLLEC-
 20 TION SUPPORT AUTHORIZED.—

21 “(1) SUPPORT FOR ASSISTIVE TECHNOLOGY
 22 TRAINING AND TECHNICAL ASSISTANCE.—From
 23 amounts made available under section 9(b)(1), the
 24 Secretary shall award, on a competitive basis—

1 “(A) † grant, contract, or cooperative
2 agreement to a qualified training and technical
3 assistance provider to support activities de-
4 scribed in subsection (d)(1) for States receiving
5 grants under section 4; and

6 “(B) † grant, contract, or cooperative
7 agreement to a qualified protection and advo-
8 cacy system technical assistance provider to
9 support activities described in subsection (d)(1)
10 for protection and advocacy systems receiving
11 grants under section 5.

12 “(2) SUPPORT FOR DATA COLLECTION AND RE-
13 PORTING ASSISTANCE.—From amounts made avail-
14 able under section 9(b)(2), the Secretary shall
15 award, on a competitive basis—

16 “(A) † grant, contract, or cooperative
17 agreement to a qualified data collection and re-
18 porting entity, to enable the qualified data col-
19 lection and reporting entity to carry out the ac-
20 tivities described in subsection (d)(2) for States
21 receiving grants under section 4; and

22 “(B) † grant, contract, or cooperative
23 agreement to a qualified protection and advo-
24 cacy system technical assistance provider, to en-
25 able the eligible protection and advocacy system

1 to carry out the activities described in sub-
2 section (d)(2) for protection and advocacy sys-
3 tems receiving grants under section 5.

4 “(e) APPLICATION.—

5 “(1) IN GENERAL.—To be eligible to receive a
6 grant, contract, or cooperative agreement under this
7 section, an entity shall submit an application to the
8 Secretary at such time, in such manner, and con-
9 taining such information as the Secretary may re-
10 quire.

11 “(2) INPUT.—In awarding grants, contracts, or
12 cooperative agreements under this section and in re-
13 viewing the activities proposed under the applica-
14 tions described in paragraph (1), the Secretary shall
15 consider the input of the recipients of grants under
16 sections 4 and 5 and other individuals the Secretary
17 determines to be appropriate, especially—

18 “(A) individuals with disabilities who use
19 assistive technology and understand the bar-
20 riers to the acquisition of such technology and
21 assistive technology services;

22 “(B) family members, guardians, advo-
23 cates, and authorized representatives of such
24 individuals;

1 “(C) relevant employees from Federal de-
2 partments and agencies, other than the Depart-
3 ment of Health and Human Services;

4 “(D) representatives of businesses; and

5 “(E) vendors and public and private re-
6 searchers and developers.

7 “(d) AUTHORIZED ACTIVITIES.—

8 “(1) USE OF FUNDS FOR ASSISTIVE TECH-
9 NOLOGY TRAINING AND TECHNICAL ASSISTANCE.—

10 “(A) TRAINING AND TECHNICAL ASSIST-
11 ANCE EFFORTS.—A qualified training and tech-
12 nical assistance provider or qualified protection
13 and advocacy system technical assistance pro-
14 vider receiving a grant, contract, or cooperative
15 agreement under subsection (b)(1) shall support
16 a training and technical assistance program for
17 States or protection and advocacy systems re-
18 ceiving a grant under section 4 or 5, respec-
19 tively, that—

20 “(i) addresses State-specific informa-
21 tion requests concerning assistive tech-
22 nology from entities funded under this Act
23 and public entities not funded under this
24 Act, including—

1 “(I) requests for information on
2 effective approaches to Federal-State
3 coordination of programs for individ-
4 uals with disabilities, related to im-
5 proving funding for or access to as-
6 sistive technology devices and assistive
7 technology services for individuals
8 with disabilities of all ages;

9 “(II) requests for state-of-the-
10 art, or model, Federal, State, and
11 local laws, regulations, policies, prac-
12 tices, procedures, and organizational
13 structures, that facilitate, and over-
14 come barriers to, funding for, and ac-
15 cess to, assistive technology devices
16 and assistive technology services;

17 “(III) requests for information
18 on effective approaches to developing,
19 implementing, evaluating, and sus-
20 taining activities described in section
21 4 or 5, as the case may be, and re-
22 lated to improving acquisition and ac-
23 cess to assistive technology devices
24 and assistive technology services for
25 individuals with disabilities of all ages;

1 and requests for assistance in devel-
2 oping corrective action plans;

3 “(IV) requests for examples of
4 policies, practices, procedures, regula-
5 tions, or judicial decisions that have
6 enhanced or may enhance access to
7 and acquisition of assistive technology
8 devices and assistive technology serv-
9 ices for individuals with disabilities;

10 “(V) requests for information on
11 effective approaches to the develop-
12 ment of consumer-controlled systems
13 that increase access to, funding for,
14 and awareness of, assistive technology
15 devices and assistive technology serv-
16 ices; and

17 “(VI) other requests for training
18 and technical assistance from entities
19 funded under this Act;

20 “(ii) in the case of a program that
21 will serve States receiving grants under
22 section 4—

23 “(I) assists targeted individuals
24 and entities by disseminating informa-
25 tion and responding to requests relat-

1 ing to assistive technology by pro-
2 viding referrals to recipients of grants
3 under section 4 or other public or pri-
4 vate resources; and

5 “(II) provides State-specific, re-
6 gional, and national training and tech-
7 nical assistance concerning assistive
8 technology to entities funded under
9 this Act, other entities funded under
10 this Act, and public and private enti-
11 ties not funded under this Act, includ-
12 ing—

13 “(aa) annually providing a
14 forum for exchanging information
15 concerning, and promoting pro-
16 gram and policy improvements
17 in, required activities of the State
18 assistive technology programs;

19 “(bb) facilitating onsite and
20 electronic information sharing
21 using state-of-the-art internet
22 technologies such as real-time on-
23 line discussions, multipoint video
24 conferencing, and web-based
25 audio/video broadcasts; on emerg-

1 ing topics that affect State as-
2 sistive technology programs;

3 “(cc) convening experts from
4 State assistive technology pro-
5 grams to discuss and make rec-
6 ommendations with regard to na-
7 tional emerging issues of impor-
8 tance to individuals with assistive
9 technology needs;

10 “(dd) sharing best practice
11 and evidence-based practices
12 among State assistive technology
13 programs;

14 “(ee) maintaining an acces-
15 sible website that includes links
16 to State assistive technology pro-
17 grams; appropriate Federal de-
18 partments and agencies; and pri-
19 vate associations;

20 “(ff) developing a resource
21 that connects individuals from a
22 State with the State assistive
23 technology program in their
24 State;

1 “(gg) providing access to ex-
2 perts in the areas of assistive
3 technology device loan and dem-
4 onstration; assistive technology
5 device reuse; State financing;
6 banking; microlending; and fi-
7 nance; for entities funded under
8 this Act, through site visits, tele-
9 conferences, and other means; to
10 ensure access to information for
11 entities that are carrying out new
12 programs or programs that are
13 not making progress in achieving
14 the objectives of the programs;
15 and

16 “(hh) supporting and coordi-
17 nating activities designed to re-
18 duce the financial costs of pur-
19 chasing assistive technology for
20 the activities described in section
21 4(e); and reducing duplication of
22 activities among State assistive
23 technology programs; and

24 “(iii) includes such other activities as
25 the Secretary may require.

1 “(B) COLLABORATION.—In developing and
2 providing training and technical assistance
3 under this paragraph, a qualified training and
4 technical assistance provider or qualified protec-
5 tion and advocacy system technical assistance
6 provider shall—

7 “(i) collaborate with—

8 “(I) organizations representing
9 individuals with disabilities;

10 “(II) national organizations rep-
11 resenting State assistive technology
12 programs;

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

16 “(IV) other qualified data collec-
17 tion and reporting entities and tech-
18 nical assistance providers;

19 “(V) providers of State financing
20 activities, including alternative financ-
21 ing programs for assistive technology;

22 “(VI) providers of device loans,
23 device demonstrations, and device re-
24 utilization; and

1 “(VII) any other organizations
2 determined appropriate by the pro-
3 vider or the Secretary; and

4 “(ii) in the case of a qualified training
5 and technical assistance provider, include
6 activities identified as priorities by State
7 advisory councils and lead agencies and
8 implementing entities for grants under sec-
9 tion 4.

10 “(2) USE OF FUNDS FOR ASSISTIVE TECH-
11 NOLOGY DATA COLLECTION AND REPORTING ASSIST-
12 ANCE.—A qualified data collection and reporting en-
13 tity or a qualified protection and advocacy system
14 technical assistance provider receiving a grant, con-
15 tract, or cooperative agreement under subsection
16 (b)(2) shall assist States or protection and advocacy
17 systems receiving a grant under section 4 or 5, re-
18 spectively, to develop and implement effective and
19 accessible data collection and reporting systems
20 that—

21 “(A) focus on quantitative and qualitative
22 data elements;

23 “(B) help measure the accrued benefits of
24 the activities to individuals who need assistive
25 technology; and

1 “(C) in the case of systems that will serve
2 States receiving grants under section 4—

3 “(i) measure the outcomes of all ac-
4 tivities described in section 4(e) and the
5 progress of the States toward achieving the
6 measurable goals described in section
7 4(d)(3)(C); and

8 “(ii) provide States with the necessary
9 information required under this Act or by
10 the Secretary for reports described in sec-
11 tion 4(f)(2).

12 **“SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE.**

13 “(a) DEFINITION OF PROJECT OF NATIONAL SIG-
14 NIFICANCE.—In this section, the term ‘project of national
15 significance’—

16 “(1) means a project that—

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

19 “(B) creates opportunities for individuals
20 with a spectrum of ability to directly and fully
21 contribute to, and participate in, all facets of
22 education, employment, community living, and
23 recreational activities; and

24 “(2) may—

1 “(A) build partnerships between State
2 Medicaid agencies and recipients of grants
3 under section 4 to reuse durable medical
4 equipment;

5 “(B) increase collaboration between the re-
6 cipients of grants under section 4 and States
7 receiving grants under the Money Follows the
8 Person Rebalancing Demonstration under sec-
9 tion 6071 of the Deficit Reduction Act of 2005
10 (42 U.S.C. 1396a note);

11 “(C) increase collaboration between recipi-
12 ents of grants under section 4 and area agen-
13 cies on aging, as such term is defined in section
14 102 of the Older Americans Act of 1965 (42
15 U.S.C. 3002), which may include collaboration
16 on emergency preparedness, safety equipment,
17 or assistive technology toolkits;

18 “(D) provide aid to transition youth who
19 are individuals with disabilities from school to
20 adult life, including youth with intellectual and
21 developmental disabilities, especially in—

22 “(i) finding employment and postsec-
23 ondary education opportunities; and

1 “(ii) upgrading and changing any as-
2 sistive technology devices that may be
3 needed as a youth matures;

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

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

12 “(G) increase awareness of and access to
13 the Disability Funds Financial Assistance fund-
14 ing provided by the Community Development
15 Financial Institutions Fund that supports ac-
16 quisition of assistive technology; and

17 “(H) increase awareness of and access to
18 other federally funded disability programs; or
19 increase knowledge of assistive technology, as
20 determined appropriate by the Secretary.

21 “(b) PROJECTS AUTHORIZED.—If funds are available
22 pursuant to section 9(c) to carry out this section for a
23 fiscal year, the Secretary may award, on a competitive
24 basis, grants, contracts, and cooperative agreements to

1 public or private nonprofit entities to enable the entities
2 to carry out projects of national significance.

3 “(c) APPLICATION.—A public or private nonprofit en-
4 tity desiring a grant under this section shall submit an
5 application to the Secretary at such time, in such manner,
6 and containing such information as the Secretary may re-
7 quire.

8 “(d) AWARD BASIS.—

9 “(1) PRIORITY.—In awarding grants under this
10 section, the Secretary shall give priority to a public
11 or private nonprofit entity funded under section 4 or
12 5 for the most recent award period.

13 “(2) PREFERENCE.—For each grant award pe-
14 riod, the Secretary may give preference for 1 or
15 more categories of projects of national significance
16 described in subparagraphs (A) through (H) of sub-
17 section (a)(2) or another category identified by the
18 Secretary, if the Secretary determines that there is
19 reason to prioritize that category of project.

20 “(e) MINIMUM FUNDING LEVEL REQUIRED.—The
21 Secretary may only award grants, contracts, or coopera-
22 tive agreements under this section if the amount made
23 available under section 9 to carry out sections 4, 5, and
24 6 is equal to or greater than \$49,000,000.

1 **“SEC. 8. ADMINISTRATIVE PROVISIONS.**

2 “(a) GENERAL ADMINISTRATION.—

3 “(1) IN GENERAL.—Notwithstanding any other
4 provision of law, the Administrator of the Adminis-
5 tration for Community Living shall be responsible
6 for the administration of this Act.

7 “(2) COLLABORATION.—The Administrator of
8 the Administration for Community Living shall con-
9 sult with the Office of Special Education Programs
10 of the Department of Education, the Rehabilitation
11 Services Administration of the Department of Edu-
12 cation, the Office of Disability Employment Policy of
13 the Department of Labor, the National Institute on
14 Disability, Independent Living, and Rehabilitation
15 Research, and other appropriate Federal entities in
16 the administration of this Act.

17 “(3) ADMINISTRATION.—

18 “(A) IN GENERAL.—In administering this
19 Act, the Administrator of the Administration
20 for Community Living shall ensure that pro-
21 grams funded under this Act will equitably ad-
22 dress—

23 “(i) the needs of individuals with all
24 types of disabilities and across the age
25 span; and

1 “(ii) the use of assistive technology in
2 all potential environments, including em-
3 ployment, education, and community liv-
4 ing, or for other reasons.

5 “(B) FUNDING LIMITATION.—For each fis-
6 cal year, not more than one-half of one percent
7 of the total funding appropriated for this Act
8 shall be used by the Administrator of the Ad-
9 ministration for Community Living to support
10 the administration of this Act.

11 “(b) REVIEW OF PARTICIPATING ENTITIES.—

12 “(1) IN GENERAL.—The Secretary shall assess
13 the extent to which entities that receive grants under
14 this Act are complying with the applicable require-
15 ments of this Act and achieving measurable goals
16 that are consistent with the requirements of the
17 grant programs under which the entities received the
18 grants.

19 “(2) PROVISION OF INFORMATION.—To assist
20 the Secretary in carrying out the responsibilities of
21 the Secretary under this section, the Secretary may
22 require States to provide relevant information, in-
23 cluding the information required under subsection
24 (d).

25 “(c) CORRECTIVE ACTION AND SANCTIONS.—

1 “(1) CORRECTIVE ACTION.—If the Secretary
2 determines that an entity that receives a grant
3 under this Act fails to substantially comply with the
4 applicable requirements of this Act, or to make sub-
5 stantial progress toward achieving the measurable
6 goals described in subsection (b)(1) with respect to
7 the grant program, the Secretary shall assist the en-
8 tity, through technical assistance funded under sec-
9 tion 6 or other means, within 90 days after such de-
10 termination, to develop a corrective action plan.

11 “(2) SANCTIONS.—If the entity fails to develop
12 and comply with a corrective action plan described
13 in paragraph (1) during a fiscal year, the entity
14 shall be subject to one of the following corrective ac-
15 tions selected by the Secretary:

16 “(A) Partial or complete termination of
17 funding under the grant program, until the en-
18 tity develops and complies with such a plan.

19 “(B) Ineligibility to participate in the
20 grant program in the following year.

21 “(C) Reduction in the amount of funding
22 that may be used for indirect costs under sec-
23 tion 4 for the following year.

24 “(D) Required redesignation of the lead
25 agency designated under section 4(e)(1) or an

1 entity responsible for administering the grant
2 program.

3 “(3) APPEALS PROCEDURES.—The Secretary
4 shall establish appeals procedures for entities that
5 are determined to be in noncompliance with the ap-
6 plicable requirements of this Act, or have not made
7 substantial progress toward achieving the measur-
8 able goals described in subsection (b)(1).

9 “(4) SECRETARIAL ACTION.—As part of the an-
10 nual report required under subsection (d), the Sec-
11 retary shall describe each such action taken under
12 paragraph (1) or (2) and the outcomes of each such
13 action.

14 “(5) PUBLIC NOTIFICATION.—The Secretary
15 shall notify the public, by posting on the internet
16 website of the Department of Health and Human
17 Services, of each action taken by the Secretary
18 under paragraph (1) or (2). As a part of such notifi-
19 cation, the Secretary shall describe each such action
20 taken under paragraph (1) or (2) and the outcomes
21 of each such action.

22 “(d) ANNUAL REPORT TO CONGRESS.—

23 “(1) IN GENERAL.—Not later than December
24 31 of each year, the Secretary shall prepare, and
25 submit to the President and to the Committee on

1 Education and Labor of the House of Representa-
2 tives and the Committee on Health, Education,
3 Labor, and Pensions of the Senate, a report on the
4 activities funded under this Act to improve the ac-
5 cess of individuals with disabilities to assistive tech-
6 nology devices and assistive technology services.

7 ~~“(2) CONTENTS.—Such report shall include—~~

8 ~~“(A) a compilation and summary of the in-~~
9 ~~formation provided by the States in annual~~
10 ~~progress reports submitted under section 4(f);~~
11 ~~and~~

12 ~~“(B) a summary of the State applications~~
13 ~~described in section 4(d) and an analysis of the~~
14 ~~progress of the States in meeting the measur-~~
15 ~~able goals established in State applications~~
16 ~~under section 4(d)(3)(C).~~

17 ~~“(e) CONSTRUCTION.—Nothing in this section shall~~
18 ~~be construed to affect the enforcement authority of the~~
19 ~~Secretary, another Federal officer, or a court under part~~
20 ~~D of the General Education Provisions Act (20 U.S.C.~~
21 ~~1234 et seq.) or other applicable law.~~

22 ~~“(f) EFFECT ON OTHER ASSISTANCE.—This Act may~~
23 ~~not be construed as authorizing a Federal or State agency~~
24 ~~to reduce medical or other assistance available, or to alter~~

1 eligibility for a benefit or service, under any other Federal
2 law.

3 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
4 **TIONS AND DISTRIBUTION OF FUNDS.**

5 “(a) IN GENERAL.—There are authorized to be ap-
6 propriated to carry out this Act—

7 “(1) \$60,000,000 for fiscal year 2022; and

8 “(2) such sums as may be necessary for each
9 of fiscal years 2023 through 2026.

10 “(b) RESERVATIONS AND DISTRIBUTION OF
11 FUNDS.—Of the funds made available under subsection
12 (a) to carry out this Act and subject to subsection (c),
13 the Secretary shall—

14 “(1) reserve an amount equal to 2 percent of
15 such available funds to carry out section 6(b)(1), of
16 which—

17 “(A) an amount equal to 88.5 percent of
18 the reservation shall be used for a grant, con-
19 tract, or cooperative agreement described in
20 section 6(b)(1)(A); and

21 “(B) an amount equal to 14.5 percent of
22 the reservation shall be used for a grant, con-
23 tract, or cooperative agreement described in
24 section 6(b)(1)(B);

1 ~~“(2)~~ reserve an amount equal to 1 percent of
2 such available funds appropriated to carry out sec-
3 tion ~~6(b)(2)~~; and

4 ~~“(3)~~ of the amounts remaining after the res-
5 ervations under paragraphs (1) and (2)—

6 ~~“(A)~~ use 85.5 percent of such amounts to
7 carry out section 4; and

8 ~~“(B)~~ use 14.5 percent of such amounts to
9 carry out section 5.

10 ~~“(c) LIMIT FOR PROJECTS OF NATIONAL SIGNIFI-~~
11 ~~CANCE.—In any fiscal year for which the amount made~~
12 ~~available under subsection (a) exceeds \$49,000,000, the~~
13 ~~Secretary may reserve an amount, which shall not exceed~~
14 ~~the lesser of the excess amount made available or~~
15 ~~\$2,000,000, for section 7 before carrying out subsection~~
16 ~~(b).”.~~

17 **SEC. 3. EFFECTIVE DATE.**

18 This Act, and the amendments made by this Act,
19 shall take effect on the day that is six months after the
20 date of enactment of this Act.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “21st Century Assistive*
23 *Technology Act”.*

1 **SEC. 2. REAUTHORIZATION.**

2 *The Assistive Technology Act of 1998 (29 U.S.C. 3001*
 3 *et seq.) is amended to read as follows:*

4 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

5 *“(a) SHORT TITLE.—This Act may be cited as the ‘As-*
 6 *sistive Technology Act of 1998’.*

7 *“(b) TABLE OF CONTENTS.—The table of contents of*
 8 *this Act is as follows:*

“Sec. 1. Short title; table of contents.

“Sec. 2. Purposes.

“Sec. 3. Definitions.

“Sec. 4. Grants for State assistive technology programs.

“Sec. 5. Grants for protection and advocacy services related to assistive tech-
nology.

“Sec. 6. Technical assistance and data collection support.

“Sec. 7. Projects of national significance.

“Sec. 8. Administrative provisions.

“Sec. 9. Authorization of appropriations; reservations and distribution of funds.

9 **“SEC. 2. PURPOSES.**

10 *“The purposes of this Act are—*

11 *“(1) to support State efforts to improve the pro-*
 12 *vision of assistive technology to individuals with dis-*
 13 *abilities through comprehensive statewide programs of*
 14 *technology-related assistance, for individuals with dis-*
 15 *abilities of all ages, that are designed to—*

16 *“(A) increase the availability of, funding*
 17 *for, access to, provision of, and training about*
 18 *assistive technology devices and assistive tech-*
 19 *nology services;*

20 *“(B) increase the ability of individuals with*
 21 *disabilities of all ages to secure and maintain*

1 *possession of assistive technology devices as such*
2 *individuals make the transition between services*
3 *offered by educational or human service agencies*
4 *or between settings of daily living (for example,*
5 *between home and work);*

6 “(C) *increase the capacity of public agen-*
7 *cies and private entities to provide and pay for*
8 *assistive technology devices and assistive tech-*
9 *nology services on a statewide basis for individ-*
10 *uals with disabilities of all ages;*

11 “(D) *increase the involvement of individ-*
12 *uals with disabilities and, if appropriate, their*
13 *family members, guardians, advocates, and au-*
14 *thorized representatives, in decisions related to*
15 *the provision of assistive technology devices and*
16 *assistive technology services;*

17 “(E) *increase and promote coordination*
18 *among State agencies, between State and local*
19 *agencies, among local agencies, and between*
20 *State and local agencies and private entities*
21 *(such as managed care providers), that are in-*
22 *involved or are eligible to be involved in carrying*
23 *out activities under this Act;*

24 “(F) *increase the awareness and facilitate*
25 *the change of laws, regulations, policies, prac-*

1 *tices, procedures, and organizational structures*
2 *that facilitate the availability or provision of as-*
3 *istive technology devices and assistive technology*
4 *services; and*

5 “(G) *increase awareness and knowledge of*
6 *the benefits of assistive technology devices and*
7 *assistive technology services among targeted indi-*
8 *viduals and entities and the general population;*
9 *and*

10 “(2) *to provide States and protection and advo-*
11 *cacy systems with financial assistance that supports*
12 *programs designed to maximize the ability of individ-*
13 *uals with disabilities and their family members,*
14 *guardians, advocates, and authorized representatives*
15 *to obtain assistive technology devices and assistive*
16 *technology services.*

17 **“SEC. 3. DEFINITIONS.**

18 *“In this Act:*

19 “(1) *ADULT SERVICE PROGRAM.—The term*
20 *‘adult service program’ means a program that pro-*
21 *vides services to, or is otherwise substantially involved*
22 *with the major life functions of, individuals with dis-*
23 *abilities. Such term includes—*

1 “(A) a program providing residential, sup-
2 portive, or employment services, or employment-
3 related services, to individuals with disabilities;

4 “(B) a program carried out by a center for
5 independent living, such as a center described in
6 part C of title VII of the Rehabilitation Act of
7 1973 (29 U.S.C. 796f et seq.);

8 “(C) a program carried out by an employ-
9 ment support agency connected to adult voca-
10 tional rehabilitation, such as a one-stop partner,
11 as defined in section 3 of the Workforce Innova-
12 tion and Opportunity Act (29 U.S.C. 3102); and

13 “(D) a program carried out by another or-
14 ganization or vender licensed or registered by the
15 designated State agency, as defined in section 7
16 of the Rehabilitation Act of 1973 (29 U.S.C.
17 705).

18 “(2) *AMERICAN INDIAN CONSORTIUM.*—The term
19 ‘American Indian consortium’ means an entity that
20 is an American Indian Consortium (as defined in
21 section 102 of the Developmental Disabilities Assist-
22 ance and Bill of Rights Act of 2000 (42 U.S.C.
23 15002)), and that is established to provide protection
24 and advocacy services for purposes of receiving fund-

1 *ing under subtitle C of title I of such Act (42 U.S.C.*
2 *15041 et seq.).*

3 “(3) *ASSISTIVE TECHNOLOGY.*—*The term ‘assist-*
4 *ive technology’ means technology designed to be uti-*
5 *lized in an assistive technology device or assistive*
6 *technology service.*

7 “(4) *ASSISTIVE TECHNOLOGY DEVICE.*—*The term*
8 *‘assistive technology device’ means any item, piece of*
9 *equipment, or product system, whether acquired com-*
10 *mercially, modified, or customized, that is used to in-*
11 *crease, maintain, or improve functional capabilities*
12 *of individuals with disabilities.*

13 “(5) *ASSISTIVE TECHNOLOGY SERVICE.*—*The*
14 *term ‘assistive technology service’ means any service*
15 *that directly assists an individual with a disability*
16 *in the selection, acquisition, or use of an assistive*
17 *technology device. Such term includes—*

18 “(A) *the evaluation of the assistive tech-*
19 *nology needs of an individual with a disability,*
20 *including a functional evaluation of the impact*
21 *of the provision of appropriate assistive tech-*
22 *nology and appropriate services to the indi-*
23 *vidual in the customary environment of the indi-*
24 *vidual;*

1 “(B) a service consisting of purchasing,
2 leasing, or otherwise providing for the acquisi-
3 tion of assistive technology devices by individ-
4 uals with disabilities;

5 “(C) a service consisting of selecting, de-
6 signing, fitting, customizing, adapting, apply-
7 ing, maintaining, repairing, replacing, or donat-
8 ing assistive technology devices;

9 “(D) coordination and use of necessary
10 therapies, interventions, or services with assistive
11 technology devices, such as therapies, interven-
12 tions, or services associated with education and
13 rehabilitation plans and programs;

14 “(E) training or technical assistance for an
15 individual with a disability or, where appro-
16 priate, the family members, guardians, advo-
17 cates, or authorized representatives of such an
18 individual;

19 “(F) training or technical assistance for
20 professionals (including individuals providing
21 education and rehabilitation services and entities
22 that manufacture or sell assistive technology de-
23 vices), employers, providers of employment and
24 training services, or other individuals who pro-
25 vide services to, employ, or are otherwise sub-

1 *stantially involved in the major life functions of*
2 *individuals with disabilities; and*

3 “(G) a service consisting of expanding the
4 *availability of access to technology, including*
5 *electronic and information technology, to indi-*
6 *viduals with disabilities.*

7 “(6) *CAPACITY BUILDING AND ADVOCACY ACTIVI-*
8 *TIES.—The term ‘capacity building and advocacy ac-*
9 *tivities’ means efforts that—*

10 “(A) *result in laws, regulations, policies,*
11 *practices, procedures, or organizational struc-*
12 *tures that promote consumer-responsive pro-*
13 *grams or entities; and*

14 “(B) *facilitate and increase access to, provi-*
15 *sion of, and funding for, assistive technology de-*
16 *vices and assistive technology services, in order*
17 *to empower individuals with disabilities to*
18 *achieve greater independence, productivity, and*
19 *integration and inclusion within the community*
20 *and the workforce.*

21 “(7) *COMPREHENSIVE STATEWIDE PROGRAM OF*
22 *TECHNOLOGY-RELATED ASSISTANCE.—The term ‘com-*
23 *prehensive statewide program of technology-related as-*
24 *sistance’ means a consumer-responsive program of*

1 *technology-related assistance for individuals with dis-*
2 *abilities that—*

3 *“(A) is implemented by a State;*

4 *“(B) is equally available to all individuals*
5 *with disabilities residing in the State, regardless*
6 *of their type of disability, age, income level, or*
7 *location of residence in the State, or the type of*
8 *assistive technology device or assistive technology*
9 *service required; and*

10 *“(C) incorporates all the activities described*
11 *in section 4(e) (unless excluded pursuant to sec-*
12 *tion 4(e)(6)).*

13 *“(8) CONSUMER-RESPONSIVE.—The term ‘con-*
14 *sumer-responsive’—*

15 *“(A) with regard to policies, means that the*
16 *policies are consistent with the principles of—*

17 *“(i) respect for individual dignity, per-*
18 *sonal responsibility, self-determination, and*
19 *pursuit of meaningful careers, based on in-*
20 *formed choice, of individuals with disabil-*
21 *ities;*

22 *“(ii) respect for the privacy, rights,*
23 *and equal access (including the use of acces-*
24 *sible formats) of such individuals;*

1 “(iii) inclusion, integration, and full
2 participation of such individuals in society;

3 “(iv) support for the involvement in
4 decisions of a family member, a guardian,
5 an advocate, or an authorized representa-
6 tive, if an individual with a disability re-
7 quests, desires, or needs such involvement;
8 and

9 “(v) support for individual and sys-
10 tems advocacy and community involvement;
11 and

12 “(B) with respect to an entity, program, or
13 activity, means that the entity, program, or ac-
14 tivity—

15 “(i) is easily accessible to, and usable
16 by, individuals with disabilities and, when
17 appropriate, their family members, guard-
18 ians, advocates, or authorized representa-
19 tives;

20 “(ii) responds to the needs of individ-
21 uals with disabilities in a timely and ap-
22 propriate manner; and

23 “(iii) facilitates the full and meaning-
24 ful participation of individuals with dis-
25 abilities (including individuals from under-

1 *represented populations and rural popu-*
2 *lations) and their family members, guard-*
3 *ians, advocates, and authorized representa-*
4 *tives, in—*

5 *“(I) decisions relating to the pro-*
6 *vision of assistive technology devices*
7 *and assistive technology services to*
8 *such individuals; and*

9 *“(II) decisions related to the*
10 *maintenance, improvement, and eval-*
11 *uation of the comprehensive statewide*
12 *program of technology-related assist-*
13 *ance, including decisions that affect ca-*
14 *capacity building and advocacy activi-*
15 *ties.*

16 *“(9) DISABILITY.—The term ‘disability’ has the*
17 *meaning given the term under section 3 of the Ameri-*
18 *cans with Disabilities Act of 1990 (42 U.S.C. 12102).*

19 *“(10) INDIVIDUAL WITH A DISABILITY.—The*
20 *term ‘individual with a disability’ means any indi-*
21 *vidual of any age, race, or ethnicity—*

22 *“(A) who has a disability; and*

23 *“(B) who is or would be enabled by an as-*
24 *istive technology device or an assistive tech-*
25 *nology service to minimize deterioration in func-*

1 *tioning, to maintain a level of functioning, or to*
2 *achieve a greater level of functioning in any*
3 *major life activity.*

4 “(11) *INSTITUTION OF HIGHER EDUCATION.*—
5 *The term ‘institution of higher education’ has the*
6 *meaning given such term in section 101(a) of the*
7 *Higher Education Act of 1965 (20 U.S.C. 1001(a)),*
8 *and includes a community college receiving funding*
9 *under the Tribally Controlled Colleges and Univer-*
10 *sities Assistance Act of 1978 (25 U.S.C. 1801 et seq.).*

11 “(12) *PROTECTION AND ADVOCACY SERVICES.*—
12 *The term ‘protection and advocacy services’ means*
13 *services that—*

14 “(A) *are described in subtitle C of title I of*
15 *the Developmental Disabilities Assistance and*
16 *Bill of Rights Act of 2000 (42 U.S.C. 15041 et*
17 *seq.), the Protection and Advocacy for Individ-*
18 *uals with Mental Illness Act (42 U.S.C. 10801 et*
19 *seq.), or section 509 of the Rehabilitation Act of*
20 *1973 (29 U.S.C. 794e); and*

21 “(B) *assist individuals with disabilities*
22 *with respect to assistive technology devices and*
23 *assistive technology services.*

24 “(13) *SECRETARY.*—*The term ‘Secretary’ means*
25 *the Secretary of Health and Human Services, acting*

1 *through the Administrator of the Administration for*
2 *Community Living.*

3 “(14) STATE.—

4 “(A) IN GENERAL.—*Except as provided in*
5 *subparagraph (B), the term ‘State’ means each*
6 *of the 50 States of the United States, the District*
7 *of Columbia, the Commonwealth of Puerto Rico,*
8 *the United States Virgin Islands, Guam, Amer-*
9 *ican Samoa, and the Commonwealth of the*
10 *Northern Mariana Islands.*

11 “(B) OUTLYING AREAS.—*In section 4(b):*

12 “(i) OUTLYING AREA.—*The term ‘out-*
13 *lying area’ means the United States Virgin*
14 *Islands, Guam, American Samoa, and the*
15 *Commonwealth of the Northern Mariana Is-*
16 *lands.*

17 “(ii) STATE.—*The term ‘State’ does*
18 *not include the United States Virgin Is-*
19 *lands, Guam, American Samoa, and the*
20 *Commonwealth of the Northern Mariana Is-*
21 *lands.*

22 “(15) STATE ASSISTIVE TECHNOLOGY PRO-
23 *GRAM.—The term ‘State assistive technology program’*
24 *means a program authorized under section 4.*

1 “(16) *TARGETED INDIVIDUALS AND ENTITIES.*—

2 *The term ‘targeted individuals and entities’ means—*

3 “(A) *individuals with disabilities of all ages*
4 *and their family members, guardians, advocates,*
5 *and authorized representatives;*

6 “(B) *underrepresented populations, includ-*
7 *ing the aging workforce;*

8 “(C) *individuals who work for public or*
9 *private entities (including centers for inde-*
10 *pendent living described in part C of title VII of*
11 *the Rehabilitation Act of 1973 (29 U.S.C. 796f*
12 *et seq.), insurers, or managed care providers)*
13 *that have contact with, or provide services to, in-*
14 *dividuals with disabilities;*

15 “(D) *educators at all levels (including pro-*
16 *viders of early intervention services, elementary*
17 *schools, secondary schools, community colleges,*
18 *and vocational and other institutions of higher*
19 *education) and related services personnel;*

20 “(E) *technology experts (including web de-*
21 *signers and procurement officials);*

22 “(F) *health, allied health, and rehabilita-*
23 *tion professionals and hospital employees (in-*
24 *cluding discharge planners);*

1 “(G) employers, especially small business
2 employers, and providers of employment and
3 training services;

4 “(H) entities that manufacture or sell as-
5 sistive technology devices;

6 “(I) entities that carry out community pro-
7 grams designed to develop essential community
8 services in rural and urban areas; and

9 “(J) other appropriate individuals and en-
10 tities, as determined for a State by the State.

11 “(17) UNDERREPRESENTED POPULATION.—The
12 term ‘underrepresented population’ means a popu-
13 lation that is typically underrepresented in service
14 provision, and includes populations such as individ-
15 uals who have low-incidence disabilities, racial and
16 ethnic minorities, low income individuals, homeless
17 individuals (including children and youth), children
18 in foster care, individuals with limited English pro-
19 ficiency, older individuals, or individuals living in
20 rural areas.

21 “(18) UNIVERSAL DESIGN.—The term ‘universal
22 design’ means a concept or philosophy for designing
23 and delivering products and services that are usable
24 by people with the widest possible range of functional
25 capabilities, which include products and services that

1 *allot to each State and outlying area for a fiscal*
2 *year an amount that is not less than the amount*
3 *the State or outlying area received under the*
4 *grants provided under section 4 of this Act (as*
5 *in effect on the day before the effective date of the*
6 *21st Century Assistive Technology Act) for fiscal*
7 *year 2021.*

8 “(B) *RATABLE REDUCTION.*—

9 “(i) *IN GENERAL.*—*If funds made*
10 *available to carry out this section for any*
11 *fiscal year are insufficient to make the al-*
12 *lotments required for each State and out-*
13 *lying area under subparagraph (A) for such*
14 *fiscal year, the Secretary shall ratably re-*
15 *duce the allotments for such fiscal year.*

16 “(ii) *ADDITIONAL FUNDS.*—*If, after the*
17 *Secretary makes the reductions described in*
18 *clause (i), additional funds become avail-*
19 *able to carry out this section for the fiscal*
20 *year, the Secretary shall ratably increase*
21 *the allotments, until the Secretary has allot-*
22 *ted the entire base year amount under sub-*
23 *paragraph (A).*

24 “(C) *APPROPRIATION HIGHER THAN BASE*
25 *YEAR AMOUNT.*—*For a fiscal year for which the*

1 *amount of funds made available to carry out this*
2 *section is greater than the base year amount*
3 *under subparagraph (A) and no greater than*
4 *\$40,000,000, the Secretary shall—*

5 *“(i) make the allotments described in*
6 *subparagraph (A);*

7 *“(ii) from a portion of the remainder*
8 *of the funds after the Secretary makes the*
9 *allotments described in clause (i), the Sec-*
10 *retary shall—*

11 *“(I) from 50 percent of the por-*
12 *tion, allot to each State an equal*
13 *amount; and*

14 *“(II) from 50 percent of the por-*
15 *tion, allot to each State an amount*
16 *that bears the same relationship to*
17 *such 50 percent as the population of*
18 *the State bears to the population of all*
19 *States;*

20 *until each State has received an allotment*
21 *of not less than \$410,000 under clause (i)*
22 *and this clause; and*

23 *“(iii) from the remainder of the funds*
24 *after the Secretary makes the allotments de-*
25 *scribed in clause (ii), the Secretary shall—*

1 “(I) from 80 percent of the re-
2 mainder, allot to each State an
3 amount that bears the same relation-
4 ship to such 80 percent as the popu-
5 lation of the State bears to the popu-
6 lation of all States; and

7 “(II) from 20 percent of the re-
8 mainder, allot to each State an equal
9 amount.

10 “(D) *APPROPRIATION HIGHER THAN*
11 *THRESHOLD AMOUNT.—For a fiscal year for*
12 *which the amount of funds made available to*
13 *carry out this section is \$40,000,000 or greater,*
14 *the Secretary shall—*

15 “(i) make the allotments described in
16 subparagraph (A);

17 “(ii) from the funds remaining after
18 the allotment described in clause (i), allot to
19 each outlying area an amount of such funds
20 until each outlying area has received an al-
21 lotment of exactly \$150,000 under clause (i)
22 and this clause;

23 “(iii) from a portion of the remainder
24 of the funds after the Secretary makes the

1 *allotments described in clauses (i) and (ii),*
2 *the Secretary shall—*

3 *“(I) from 50 percent of the por-*
4 *tion, allot to each State an equal*
5 *amount; and*

6 *“(II) from 50 percent of the por-*
7 *tion, allot to each State an amount*
8 *that bears the same relationship to*
9 *such 50 percent as the population of*
10 *the State bears to the population of all*
11 *States;*

12 *until each State has received an allotment*
13 *of not less than \$450,000 under clause (i)*
14 *and this clause; and*

15 *“(iv) from the remainder of the funds*
16 *after the Secretary makes the allotments de-*
17 *scribed in clause (iii), the Secretary shall—*

18 *“(I) from 80 percent of the re-*
19 *mainder, allot to each State an*
20 *amount that bears the same relation-*
21 *ship to such 80 percent as the popu-*
22 *lation of the State bears to the popu-*
23 *lation of all States; and*

1 “(II) from 20 percent of the re-
2 mainder, allot to each State an equal
3 amount.

4 “(3) AVAILABILITY OF FUNDS.—Amounts made
5 available for a fiscal year under this section shall be
6 available for the fiscal year and the year following the
7 fiscal year.

8 “(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND AD-
9 VISORY COUNCIL.—

10 “(1) LEAD AGENCY AND IMPLEMENTING ENTI-
11 TY.—

12 “(A) LEAD AGENCY.—

13 “(i) IN GENERAL.—The Governor of a
14 State shall designate a public agency as a
15 lead agency—

16 “(I) to control and administer the
17 funds made available through the grant
18 awarded to the State under this sec-
19 tion; and

20 “(II) to submit the application
21 described in subsection (d) on behalf of
22 the State, to ensure conformance with
23 Federal and State accounting require-
24 ments.

1 “(ii) *DUTIES.—The duties of the lead*
2 *agency shall include—*

3 “(I) *preparing the application de-*
4 *scribed in subsection (d) and carrying*
5 *out State activities described in that*
6 *application, including making pro-*
7 *grammatic and resource allocation de-*
8 *isions necessary to implement the*
9 *comprehensive statewide program of*
10 *technology-related assistance;*

11 “(II) *coordinating the activities of*
12 *the comprehensive statewide program*
13 *of technology-related assistance among*
14 *public and private entities, including*
15 *coordinating efforts related to entering*
16 *into interagency agreements, and*
17 *maintaining and evaluating the pro-*
18 *gram; and*

19 “(III) *coordinating culturally*
20 *competent efforts related to the active,*
21 *timely, and meaningful participation*
22 *by individuals with disabilities and*
23 *their family members, guardians, ad-*
24 *vocates, or authorized representatives,*
25 *and other appropriate individuals,*

1 *with respect to activities carried out*
2 *through the grant.*

3 “(B) *IMPLEMENTING ENTITY.*—*The Gov-*
4 *ernor may designate an agency, office, or other*
5 *entity to carry out State activities under this*
6 *section (referred to in this section as the ‘imple-*
7 *menting entity’), if such implementing entity is*
8 *different from the lead agency. The implementing*
9 *entity shall carry out responsibilities under this*
10 *Act through a subcontract or another adminis-*
11 *trative agreement with the lead agency.*

12 “(C) *CHANGE IN AGENCY OR ENTITY.*—

13 “(i) *IN GENERAL.*—*On obtaining the*
14 *approval of the Secretary—*

15 “(I) *the Governor may redesignate*
16 *the lead agency of a State, if the Gov-*
17 *ernor shows to the Secretary good cause*
18 *why the agency designated as the lead*
19 *agency should not serve as that agency;*
20 *and*

21 “(II) *the Governor may redesign-*
22 *ate the implementing entity of a*
23 *State, if the Governor shows to the Sec-*
24 *retary in accordance with subsection*
25 *(d)(2)(B), good cause why the entity*

1 *designated as the implementing entity*
2 *should not serve as that entity.*

3 “(ii) *CONSTRUCTION.*—*Nothing in this*
4 *paragraph shall be construed to require the*
5 *Governor of a State to change the lead agen-*
6 *cy or implementing entity of the State to an*
7 *agency other than the lead agency or imple-*
8 *menting entity of such State as of the date*
9 *of enactment of the Assistive Technology Act*
10 *of 2004 (Public Law 108–364; 118 Stat.*
11 *1707).*

12 “(2) *ADVISORY COUNCIL.*—

13 “(A) *IN GENERAL.*—*There shall be estab-*
14 *lished an advisory council to provide consumer-*
15 *responsive, consumer-driven advice to the State*
16 *for planning of, implementation of, and evalua-*
17 *tion of the activities carried out through the*
18 *grant, including setting the measurable goals de-*
19 *scribed in subsection (d)(3)(C).*

20 “(B) *COMPOSITION AND REPRESENTA-*
21 *TION.*—

22 “(i) *COMPOSITION.*—*The advisory*
23 *council shall be composed of—*

24 “(I) *individuals with disabilities*
25 *who use assistive technology, including*

1 *older individuals, or the family mem-*
2 *bers or guardians of the individuals;*

3 *“(II) a representative of the des-*
4 *ignated State agency, as defined in sec-*
5 *tion 7 of the Rehabilitation Act of*
6 *1973 (29 U.S.C. 705) and the State*
7 *agency for individuals who are blind*
8 *(within the meaning of section 101 of*
9 *that Act (29 U.S.C. 721)), if such*
10 *agency is separate;*

11 *“(III) a representative of a State*
12 *center for independent living described*
13 *in part C of title VII of the Rehabilita-*
14 *tion Act of 1973 (29 U.S.C. 796f et*
15 *seq.) or the Statewide Independent Liv-*
16 *ing Council established under section*
17 *705 of such Act (29 U.S.C. 796d);*

18 *“(IV) a representative of the State*
19 *workforce development board estab-*
20 *lished under section 101 of the Work-*
21 *force Innovation and Opportunity Act*
22 *(29 U.S.C. 3111);*

23 *“(V) a representative of the State*
24 *educational agency, as defined in sec-*
25 *tion 8101 of the Elementary and Sec-*

1 *ondary Education Act of 1965 (20*
2 *U.S.C. 7801);*

3 *“(VI) a representative of an alter-*
4 *native financing program for assistive*
5 *technology if—*

6 *“(aa) there is an alternative*
7 *financing program for assistive*
8 *technology in the State;*

9 *“(bb) such program is sepa-*
10 *rate from the State assistive tech-*
11 *nology program supported under*
12 *subsection (e)(2); and*

13 *“(cc) the program described*
14 *in item (aa) is operated by a non-*
15 *profit entity;*

16 *“(VII) representatives of other*
17 *State agencies, public agencies, or pri-*
18 *ivate organizations, as determined by*
19 *the State; and*

20 *“(VIII) a representative of 1 or*
21 *more of the following:*

22 *“(aa) The agency responsible*
23 *for administering the State Med-*
24 *icaid program under title XIX of*

1 *the Social Security Act (42 U.S.C.*
2 *1396 et seq.).*

3 *“(bb) The designated State*
4 *agency for purposes of section 124*
5 *of the Developmental Disabilities*
6 *Assistance and Bill of Rights Act*
7 *of 2000 (42 U.S.C. 15024).*

8 *“(cc) The State agency des-*
9 *ignated under section 305(a)(1) of*
10 *the Older Americans Act of 1965*
11 *(42 U.S.C. 3025(a)(1)) or an or-*
12 *ganization that receives assistance*
13 *under such Act (42 U.S.C. 3001 et*
14 *seq.).*

15 *“(dd) An organization rep-*
16 *resenting disabled veterans.*

17 *“(ee) A University Center for*
18 *Excellence in Developmental Dis-*
19 *abilities Education, Research, and*
20 *Service designated under section*
21 *151(a) of the Developmental Dis-*
22 *abilities Assistance and Bill of*
23 *Rights Act of 2000 (42 U.S.C.*
24 *15061(a)).*

1 “(ff) *The State protection*
2 *and advocacy system established*
3 *in accordance with section 143 of*
4 *the Developmental Disabilities As-*
5 *sistance and Bill of Rights Act of*
6 *2000 (42 U.S.C. 15043).*

7 “(gg) *The State Council on*
8 *Developmental Disabilities estab-*
9 *lished under section 125 of the De-*
10 *velopmental Disabilities Assist-*
11 *ance and Bill of Rights Act of*
12 *2000 (42 U.S.C. 15025).*

13 “(ii) *MAJORITY.—*

14 “(I) *IN GENERAL.—Not less than*
15 *51 percent of the members of the advi-*
16 *sory council shall be members ap-*
17 *pointed under clause (i)(I), a majority*
18 *of whom shall be individuals with dis-*
19 *abilities.*

20 “(II) *REPRESENTATIVES OF*
21 *AGENCIES.—Members appointed under*
22 *subclauses (II) through (VIII) of clause*
23 *(i) shall not count toward the majority*
24 *membership requirement established in*
25 *subclause (I).*

1 “(iii) *REPRESENTATION.*—*The advisory*
2 *council shall be geographically rep-*
3 *resentative of the State and reflect the diver-*
4 *sity of the State with respect to race, eth-*
5 *nicity, types of disabilities across the age*
6 *span, and users of types of services that an*
7 *individual with a disability may receive.*

8 “(C) *EXPENSES.*—*The members of the advisory*
9 *council shall receive no compensation for*
10 *their service on the advisory council, but shall be*
11 *reimbursed for reasonable and necessary expenses*
12 *actually incurred in the performance of official*
13 *duties for the advisory council.*

14 “(D) *IMPACT ON EXISTING STATUTES,*
15 *RULES, OR POLICIES.*—*Nothing in this para-*
16 *graph shall be construed to affect State statutes,*
17 *rules, or official policies relating to advisory*
18 *bodies for State assistive technology programs or*
19 *require changes to governing bodies of incor-*
20 *porated agencies that carry out State assistive*
21 *technology programs.*

22 “(d) *APPLICATION.*—

23 “(1) *IN GENERAL.*—*Any State that desires to re-*
24 *ceive a grant under this section shall submit an ap-*
25 *plication to the Secretary, at such time, in such man-*

1 *ner, and containing such information as the Sec-*
 2 *retary may require.*

3 *“(2) LEAD AGENCY AND IMPLEMENTING ENTI-*
 4 *TY.—*

5 *“(A) IN GENERAL.—The application shall*
 6 *contain—*

7 *“(i) information identifying and de-*
 8 *scribing the lead agency referred to in sub-*
 9 *section (c)(1)(A);*

10 *“(ii) information identifying and de-*
 11 *scribing the implementing entity referred to*
 12 *in subsection (c)(1)(B), if the Governor of*
 13 *the State designates such an entity; and*

14 *“(iii) a description of how individuals*
 15 *with disabilities were involved in the devel-*
 16 *opment of the application and will be in-*
 17 *cluded in the implementation of the activi-*
 18 *ties to be carried out through the grant and*
 19 *through the advisory council established in*
 20 *accordance with subsection (c)(2).*

21 *“(B) CHANGE IN LEAD AGENCY OR IMPL-*
 22 *MENTING ENTITY.—In any case where—*

23 *“(i) the Governor requests to redesign-*
 24 *ate a lead agency, the Governor shall in-*
 25 *clude in, or amend, the application to re-*

1 *quest the redesignation and provide a writ-*
2 *ten description of the rationale for why the*
3 *agency designated as the lead agency should*
4 *not serve as that agency; or*

5 *“(ii) the Governor requests to redesign-*
6 *nate an implementing entity, the Governor*
7 *shall include in, or amend, the application*
8 *to request the redesignation and provide a*
9 *written description of the rationale for why*
10 *the entity designated as the implementing*
11 *entity should not serve as that entity.*

12 *“(3) STATE PLAN.—The application under this*
13 *subsection shall include a State plan for assistive*
14 *technology consisting of—*

15 *“(A) a description of how the State will*
16 *carry out a statewide continuum of integrated*
17 *assistive technology activities described in sub-*
18 *section (e) (unless excluded by the State pursu-*
19 *ant to subsection (e)(6));*

20 *“(B) a description of how the State will al-*
21 *locate and utilize grant funds to implement the*
22 *activities, including describing proposed budget*
23 *allocations and planned procedures for tracking*
24 *expenditures for the activities;*

1 “(C) measurable goals, and a timeline for
2 meeting the goals, that the State has set for ad-
3 dressing the assistive technology needs of individ-
4 uals with disabilities in the State related to—

5 “(i) education, including goals involv-
6 ing the provision of assistive technology to
7 individuals with disabilities who receive
8 services under the Individuals with Disabil-
9 ities Education Act (20 U.S.C. 1400 et
10 seq.);

11 “(ii) employment, including goals in-
12 volving the State vocational rehabilitation
13 program carried out under title I of the Re-
14 habilitation Act of 1973 (29 U.S.C. 720 et
15 seq.);

16 “(iii) access to tele-assistive technology
17 to aid in the access of health care services,
18 including mental health and substance use
19 disorder;

20 “(iv) accessible information and com-
21 munication technology training; and

22 “(v) community living;

23 “(D) information describing how the State
24 will quantifiably measure the goals to determine
25 whether the goals have been achieved in a man-

1 *ner consistent with the data submitted through*
2 *the progress reports under subsection (f); and*

3 “(E) a description of any activities de-
4 scribed in subsection (e) that the State will sup-
5 port with State or non-Federal funds.

6 “(4) INVOLVEMENT OF PUBLIC AND PRIVATE EN-
7 TITIES.—*The application shall describe how various*
8 *public and private entities were involved in the devel-*
9 *opment of the application and will be involved in the*
10 *implementation of the activities to be carried out*
11 *through the grant, including—*

12 “(A) in cases determined to be appropriate
13 by the State, a description of the nature and ex-
14 tent of resources that will be committed by public
15 and private collaborators to assist in accom-
16 plishing identified goals; and

17 “(B) a description of the mechanisms estab-
18 lished to ensure coordination of activities and
19 collaboration between the implementing entity, if
20 any, and the State.

21 “(5) ASSURANCES.—*The application shall in-*
22 *clude assurances that—*

23 “(A) the State will annually collect data re-
24 lated to the required activities implemented by
25 the State under this section in order to prepare

1 *the progress reports required under subsection*
2 *(f);*

3 *“(B) funds received through the grant—*

4 *“(i) will be expended in accordance*
5 *with this section; and*

6 *“(ii) will be used to supplement, and*
7 *not supplant, funds available from other*
8 *sources for technology-related assistance, in-*
9 *cluding the provision of assistive technology*
10 *devices and assistive technology services;*

11 *“(C) the lead agency will control and ad-*
12 *minister the funds received through the grant;*

13 *“(D) the State will adopt such fiscal control*
14 *and accounting procedures as may be necessary*
15 *to ensure proper disbursement of and accounting*
16 *for the funds received through the grant;*

17 *“(E) the physical facility of the lead agency*
18 *and implementing entity, if any, meets the re-*
19 *quirements of the Americans with Disabilities*
20 *Act of 1990 (42 U.S.C. 12101 et seq.) regarding*
21 *accessibility for individuals with disabilities;*

22 *“(F) a public agency or an individual with*
23 *a disability holds title to any property pur-*
24 *chased with funds received under the grant and*
25 *administers that property;*

1 “(G) activities carried out in the State that
 2 are authorized under this Act, and supported by
 3 Federal funds received under this Act, will com-
 4 ply with the standards established by the Archi-
 5 tectural and Transportation Barriers Compli-
 6 ance Board under section 508 of the Rehabilita-
 7 tion Act of 1973 (29 U.S.C. 794d); and

8 “(H) the State will—

9 “(i) prepare reports to the Secretary in
 10 such form and containing such information
 11 as the Secretary may require to carry out
 12 the Secretary’s functions under this Act;
 13 and

14 “(ii) keep such records and allow ac-
 15 cess to such records as the Secretary may
 16 require to ensure the correctness and
 17 verification of information provided to the
 18 Secretary under this subparagraph.

19 “(e) *USE OF FUNDS.*—

20 “(1) *REQUIRED ACTIVITIES.*—

21 “(A) *IN GENERAL.*—Except as provided in
 22 subparagraph (B) and paragraph (6), any State
 23 that receives a grant under this section shall—

24 “(i) use a portion of not more than 40
 25 percent of the funds made available through

1 *the grant to carry out all activities de-*
2 *scribed in paragraph (3), of which not less*
3 *than 5 percent of such portion shall be*
4 *available for activities described in para-*
5 *graph (3)(A)(iii); and*

6 “(ii) use a portion of the funds made
7 available through the grant to carry out all
8 of the activities described in paragraph (2).

9 “(B) STATE OR NON-FEDERAL FINANCIAL
10 SUPPORT.—A State receiving a grant under this
11 section shall not be required to use grant funds
12 to carry out the category of activities described
13 in subparagraph (A), (B), (C), or (D) of para-
14 graph (2) if, in that State—

15 “(i) financial support is provided from
16 State or other non-Federal resources or enti-
17 ties for that category of activities; and

18 “(ii) the amount of the financial sup-
19 port is comparable to, or greater than, the
20 amount of the portion of the funds made
21 available through the grant that the State
22 would have expended for that category of
23 activities, in the absence of this subpara-
24 graph.

25 “(2) STATE-LEVEL ACTIVITIES.—

1 “(A) *STATE FINANCING ACTIVITIES.*—*The*
2 *State shall support State financing activities to*
3 *increase access to, and funding for, assistive*
4 *technology devices and assistive technology serv-*
5 *ices (which shall not include direct payment for*
6 *such a device or service for an individual with*
7 *a disability but may include support and ad-*
8 *ministration of a program to provide such pay-*
9 *ment), including development of systems to pro-*
10 *vide and pay for such devices and services, for*
11 *targeted individuals and entities described in*
12 *section 3(16)(A), including—*

13 “(i) *support for the development of sys-*
14 *tems for the purchase, lease, or other acqui-*
15 *sition of, or payment for, assistive tech-*
16 *nology devices and assistive technology serv-*
17 *ices;*

18 “(ii) *another mechanism that is ap-*
19 *proved by the Secretary; or*

20 “(iii) *support for the development of a*
21 *State-financed or privately financed alter-*
22 *native financing program engaged in the*
23 *provision of assistive technology devices,*
24 *such as—*

25 “(I) *a low-interest loan fund;*

1 “(II) *an interest buy-down pro-*
2 *gram;*

3 “(III) *a revolving loan fund; or*

4 “(IV) *a loan guarantee or insur-*
5 *ance program.*

6 “(B) *DEVICE REUTILIZATION PROGRAMS.—*

7 *The State shall directly, or in collaboration with*
8 *public or private entities, carry out assistive*
9 *technology device reutilization programs that*
10 *provide for the exchange, repair, recycling, or*
11 *other reutilization of assistive technology devices,*
12 *which may include redistribution through device*
13 *sales, loans, rentals, or donations.*

14 “(C) *DEVICE LOAN PROGRAMS.—The State*
15 *shall directly, or in collaboration with public or*
16 *private entities, carry out device loan programs*
17 *that provide short-term loans of assistive tech-*
18 *nology devices to individuals, employers, public*
19 *agencies, or others seeking to meet the needs of*
20 *targeted individuals and entities, including oth-*
21 *ers seeking to comply with the Individuals with*
22 *Disabilities Education Act (20 U.S.C. 1400 et*
23 *seq.), the Americans with Disabilities Act of*
24 *1990 (42 U.S.C. 12101 et seq.), and section 504*

1 *of the Rehabilitation Act of 1973 (29 U.S.C.*
2 *794).*

3 “(D) *DEVICE DEMONSTRATIONS.*—

4 “(i) *IN GENERAL.*—*The State shall di-*
5 *rectly, or in collaboration with public and*
6 *private entities, such as one-stop partners,*
7 *as defined in section 3 of the Workforce In-*
8 *novation and Opportunity Act (29 U.S.C.*
9 *3102), demonstrate a variety of assistive*
10 *technology devices and assistive technology*
11 *services (including assisting individuals in*
12 *making informed choices regarding, and*
13 *providing experiences with, the devices and*
14 *services), using personnel who are familiar*
15 *with such devices and services and their ap-*
16 *plications.*

17 “(ii) *COMPREHENSIVE INFORMA-*
18 *TION.*—*The State shall directly, or through*
19 *referrals, provide to individuals, to the ex-*
20 *tent practicable, comprehensive information*
21 *about State and local assistive technology*
22 *venders, providers, and repair services.*

23 “(3) *STATE LEADERSHIP ACTIVITIES.*—

24 “(A) *TRAINING AND TECHNICAL ASSIST-*
25 *ANCE.*—

1 “(i) *IN GENERAL.*—*The State shall (di-*
2 *rectly or through the provision of support to*
3 *public or private entities with demonstrated*
4 *expertise in collaborating with public or*
5 *private agencies that serve individuals with*
6 *disabilities) develop and disseminate train-*
7 *ing materials, conduct training, and pro-*
8 *vide technical assistance, for individuals*
9 *from local settings statewide, including rep-*
10 *resentatives of State and local educational*
11 *agencies, State vocational rehabilitation*
12 *programs, other State and local agencies,*
13 *early intervention programs, adult service*
14 *programs, hospitals and other health care*
15 *facilities, institutions of higher education,*
16 *and businesses.*

17 “(ii) *AUTHORIZED ACTIVITIES.*—*In*
18 *carrying out activities under clause (i), the*
19 *State shall carry out activities that enhance*
20 *the knowledge, skills, and competencies of*
21 *individuals from local settings described in*
22 *such clause, which may include—*

23 “(I) *general awareness training*
24 *on the benefits of assistive technology*
25 *and the Federal, State, and private*

1 *funding sources available to assist tar-*
2 *geted individuals, especially older indi-*
3 *viduals and transition-age youth with*
4 *disabilities, and entities in acquiring*
5 *assistive technology;*

6 *“(II) skills-development training*
7 *in assessing the need for assistive tech-*
8 *nology devices and assistive technology*
9 *services;*

10 *“(III) training to ensure the ap-*
11 *propriate application and use of as-*
12 *sistive technology devices, assistive*
13 *technology services, and accessible in-*
14 *formation and communication tech-*
15 *nology for e-government functions;*

16 *“(IV) training in the importance*
17 *of multiple approaches to assessment*
18 *and implementation necessary to meet*
19 *the individualized needs of individuals*
20 *with disabilities and older individuals;*
21 *and*

22 *“(V) technical training on inte-*
23 *grating assistive technology into the*
24 *development and implementation of*
25 *service plans, including any education,*

1 *health, discharge, Olmstead, employ-*
2 *ment, or other plan required under*
3 *Federal or State law.*

4 “(iii) *TRANSITION ASSISTANCE TO IN-*
5 *DIVIDUALS WITH DISABILITIES.—The State*
6 *shall (directly or through the provision of*
7 *support to public or private entities) de-*
8 *velop and disseminate training materials,*
9 *conduct training, facilitate access to assist-*
10 *ive technology, and provide technical assist-*
11 *ance, to assist—*

12 “(I) *students with disabilities,*
13 *within the meaning of the Individuals*
14 *with Disabilities Education Act (20*
15 *U.S.C. 1400 et seq.), that receive tran-*
16 *sition services; and*

17 “(II) *adults who are individuals*
18 *with disabilities maintaining or*
19 *transitioning to community living.*

20 “(B) *PUBLIC-AWARENESS ACTIVITIES.—*

21 “(i) *IN GENERAL.—The State shall*
22 *conduct public-awareness activities designed*
23 *to provide information to targeted individ-*
24 *uals, including older individuals and tran-*
25 *sition-age youth with disabilities, and enti-*

1 *ties relating to the availability, benefits, ap-*
2 *propriateness, and costs of assistive tech-*
3 *nology devices and assistive technology serv-*
4 *ices, including—*

5 *“(I) the development of procedures*
6 *for providing direct communication be-*
7 *tween providers of assistive technology*
8 *and targeted individuals and entities,*
9 *which may include partnerships with*
10 *entities in the statewide and local*
11 *workforce development systems estab-*
12 *lished under the Workforce Innovation*
13 *and Opportunity Act (29 U.S.C. 3101*
14 *et seq.), State vocational rehabilitation*
15 *programs, public and private employ-*
16 *ers, or elementary and secondary pub-*
17 *lic schools;*

18 *“(II) the development and dis-*
19 *semination to targeted individuals, in-*
20 *cluding older individuals and transi-*
21 *tion-age youth with disabilities, and*
22 *entities, of information about State ef-*
23 *forts related to assistive technology;*
24 *and*

1 “(III) *the distribution of mate-*
2 *rials to appropriate public and private*
3 *agencies that provide social, medical,*
4 *educational, employment, and trans-*
5 *portation services to individuals with*
6 *disabilities.*

7 “(ii) *STATEWIDE INFORMATION AND*
8 *REFERRAL SYSTEM.—*

9 “(I) *IN GENERAL.—The State*
10 *shall directly, or in collaboration with*
11 *public or private (such as nonprofit)*
12 *entities, provide for the continuation*
13 *and enhancement of a statewide infor-*
14 *mation and referral system designed to*
15 *meet the needs of targeted individuals*
16 *and entities.*

17 “(II) *CONTENT.—The system shall*
18 *deliver information on assistive tech-*
19 *nology devices, assistive technology*
20 *services (with specific data regarding*
21 *provider availability within the State),*
22 *and the availability of resources, in-*
23 *cluding funding through public and*
24 *private sources, to obtain assistive*
25 *technology devices and assistive tech-*

1 *nology services. The system shall also*
2 *deliver information on the benefits of*
3 *assistive technology devices and assist-*
4 *ive technology services with respect to*
5 *enhancing the capacity of individuals*
6 *with disabilities of all ages to perform*
7 *activities of daily living.*

8 “(C) *COORDINATION AND COLLABORA-*
9 *TION.—The State shall coordinate activities de-*
10 *scribed in paragraph (2) and this paragraph,*
11 *among public and private entities that are re-*
12 *sponsible for policies, procedures, or funding for*
13 *the provision of assistive technology devices and*
14 *assistive technology services to individuals with*
15 *disabilities, service providers, and others to im-*
16 *prove access to assistive technology devices and*
17 *assistive technology services for individuals with*
18 *disabilities of all ages in the State.*

19 “(4) *INDIRECT COSTS.—Not more than 10 per-*
20 *cent of the funds made available through a grant to*
21 *a State under this section may be used for indirect*
22 *costs.*

23 “(5) *FUNDING RULES.—*

24 “(A) *PROHIBITION.—Funds made available*
25 *through a grant to a State under this section*

1 *shall not be used for direct payment for an as-*
2 *istive technology device for an individual with*
3 *a disability.*

4 “(B) *FEDERAL PARTNER COLLABORA-*
5 *TION.—In order to provide the maximum avail-*
6 *ability of funding to access and acquire assistive*
7 *technology through device demonstration, loan,*
8 *reuse, and State financing activities, a State re-*
9 *ceiving a grant under this section shall ensure*
10 *that the lead agency or implementing entity is*
11 *conducting outreach to and, as appropriate, col-*
12 *laborating with, other State agencies that receive*
13 *Federal funding for assistive technology, includ-*
14 *ing—*

15 “(i) *the State educational agency re-*
16 *ceiving assistance under the Individuals*
17 *with Disabilities Education Act (20 U.S.C.*
18 *1400 et seq.);*

19 “(ii) *the State vocational rehabilita-*
20 *tion agency receiving assistance under title*
21 *I of the Rehabilitation Act of 1973 (29*
22 *U.S.C. 720 et seq.);*

23 “(iii) *the agency responsible for ad-*
24 *ministering the State Medicaid program*

1 *under title XIX of the Social Security Act*
 2 *(42 U.S.C. 1396 et seq.);*

3 “*(iv) the State agency receiving assist-*
 4 *ance under the Older Americans Act of 1965*
 5 *(42 U.S.C. 3001 et seq.); and*

6 “*(v) any other agency in a State that*
 7 *funds assistive technology.*

8 “(6) *STATE FLEXIBILITY.—*

9 “*(A) IN GENERAL.—Notwithstanding para-*
 10 *graph (1)(A) and subject to subparagraph (B), a*
 11 *State may use funds that the State receives*
 12 *under a grant awarded under this section to*
 13 *carry out any 2 or more of the activities de-*
 14 *scribed in paragraph (2).*

15 “*(B) SPECIAL RULE.—Notwithstanding*
 16 *paragraph (1)(A), any State that exercises its*
 17 *authority under subparagraph (A)—*

18 “*(i) shall carry out each of the re-*
 19 *quired activities described in paragraph (3);*
 20 *and*

21 “*(ii) shall use not more than 30 per-*
 22 *cent of the funds made available through the*
 23 *grant to carry out such activities.*

24 “(7) *ASSISTIVE TECHNOLOGY DEVICE DISPOSI-*
 25 *TION.—Notwithstanding other equipment disposition*

1 *policy under Federal law, an assistive technology de-*
2 *vice purchased to be used in activities authorized*
3 *under this section may be reutilized to the maximum*
4 *extent possible and then donated to a public agency,*
5 *private nonprofit agency, or individual with a dis-*
6 *ability in need of such device.*

7 “(f) *ANNUAL PROGRESS REPORTS.*—

8 “(1) *DATA COLLECTION.*—*Each State receiving a*
9 *grant under this section shall participate in data col-*
10 *lection as required by law, including data collection*
11 *required for preparation of the reports described in*
12 *paragraph (2).*

13 “(2) *REPORTS.*—

14 “(A) *IN GENERAL.*—*Each State shall pre-*
15 *pare and submit to the Secretary an annual*
16 *progress report on the activities carried out by*
17 *the State in accordance with subsection (e), in-*
18 *cluding activities funded by State or non-Federal*
19 *sources under subsection (e)(1)(B) at such time,*
20 *and in such manner, as the Secretary may re-*
21 *quire.*

22 “(B) *CONTENTS.*—*The report shall include*
23 *data collected pursuant to this section. The re-*
24 *port shall document, with respect to activities*
25 *carried out under this section in the State—*

1 “(i) the type of State financing activi-
2 ties described in subsection (e)(2)(A) used
3 by the State;

4 “(ii) the amount and type of assistance
5 given to consumers of the State financing
6 activities described in subsection (e)(2)(A)
7 (which shall be classified by type of assistive
8 technology device or assistive technology
9 service financed through the State financing
10 activities, and geographic distribution with-
11 in the State), including—

12 “(I) the number of applications
13 for assistance received;

14 “(II) the number of applica-
15 tions—

16 “(aa) approved;

17 “(bb) denied; or

18 “(cc) withdrawn;

19 “(III) the number, percentage,
20 and dollar amount of defaults for the
21 financing activities;

22 “(IV) the range and average inter-
23 est rate for the financing activities;

1 “(V) *the range and average in-*
2 *come of approved applicants for the fi-*
3 *nancing activities; and*

4 “(VI) *the types and dollar*
5 *amounts of assistive technology fi-*
6 *nanced;*

7 “(iii) *the number, type, and length of*
8 *time of loans of assistive technology devices*
9 *provided to individuals with disabilities,*
10 *employers, public agencies, or public accom-*
11 *modations through the device loan program*
12 *described in subsection (e)(2)(C), and an*
13 *analysis of the individuals with disabilities*
14 *who have benefited from the device loan pro-*
15 *gram;*

16 “(iv) *the number, type, estimated*
17 *value, and scope of assistive technology de-*
18 *vices exchanged, repaired, recycled, or reuti-*
19 *lized (including redistributed through device*
20 *sales, loans, rentals, or donations) through*
21 *the device reutilization program described*
22 *in subsection (e)(2)(B), and an analysis of*
23 *the individuals with disabilities that have*
24 *benefited from the device reutilization pro-*
25 *gram;*

1 “(v) the number and type of device
2 demonstrations and referrals provided
3 under subsection (e)(2)(D), and an analysis
4 of individuals with disabilities who have
5 benefited from the demonstrations and refer-
6 rals;

7 “(vi)(I) the number and general char-
8 acteristics of individuals who participated
9 in training under subsection (e)(3)(A) (such
10 as individuals with disabilities, parents,
11 educators, employers, providers of employ-
12 ment services, health care workers, coun-
13 selors, other service providers, or vendors)
14 and the topics of such training; and

15 “(II) to the extent practicable, the geo-
16 graphic distribution of individuals who
17 participated in the training;

18 “(vii) the frequency of provision and
19 nature of technical assistance provided to
20 State and local agencies and other entities;

21 “(viii) the number of individuals as-
22 sisted through the statewide information
23 and referral system described in subsection
24 (e)(3)(B)(i) and descriptions of the public

1 *awareness activities under subsection*
2 *(e)(3)(B) with high impact;*

3 *“(ix) the outcomes of any improvement*
4 *initiatives carried out by the State as a re-*
5 *sult of activities funded under this section,*
6 *including a description of any written poli-*
7 *cies, practices, and procedures that the*
8 *State has developed and implemented re-*
9 *garding access to, provision of, and funding*
10 *for, assistive technology devices, and assist-*
11 *ive technology services, in the contexts of*
12 *education, health care, employment, commu-*
13 *nity living, and accessible information and*
14 *communication technology, including e-gov-*
15 *ernment;*

16 *“(x) the source of leveraged funding or*
17 *other contributed resources, including re-*
18 *sources provided through subcontracts or*
19 *other collaborative resource-sharing agree-*
20 *ments, from and with public and private*
21 *entities to carry out State activities de-*
22 *scribed in subsection (e)(3)(C), the number*
23 *of individuals served with the contributed*
24 *resources for which information is not re-*
25 *ported under clauses (i) through (ix) or*

1 *clause (xi), and other outcomes accom-*
 2 *plished as a result of such activities carried*
 3 *out with the contributed resources; and*

4 *“(xi) the level of customer satisfaction*
 5 *with the services provided.*

6 **“SEC. 5. GRANTS FOR PROTECTION AND ADVOCACY SERV-**
 7 **ICES RELATED TO ASSISTIVE TECHNOLOGY.**

8 “(a) *GRANTS.*—

9 “(1) *IN GENERAL.*—*The Secretary shall make*
 10 *grants under subsection (b) to protection and advo-*
 11 *cacy systems in each State for the purpose of enabling*
 12 *such systems to assist in the acquisition, utilization,*
 13 *or maintenance of assistive technology devices or as-*
 14 *istive technology services for individuals with dis-*
 15 *abilities.*

16 “(2) *GENERAL AUTHORITIES.*—*In providing*
 17 *such assistance, protection and advocacy systems shall*
 18 *have the same general authorities as the systems are*
 19 *afforded under subtitle C of title I of the Develop-*
 20 *mental Disabilities Assistance and Bill of Rights Act*
 21 *of 2000 (42 U.S.C. 15041 et seq.), as determined by*
 22 *the Secretary.*

23 “(b) *RESERVATION; DISTRIBUTION.*—

24 “(1) *RESERVATION.*—*For each fiscal year, the*
 25 *Secretary shall reserve, from the amounts made avail-*

1 *able to carry out this section under section 9(b)(2)(B),*
2 *such sums as may be necessary to carry out para-*
3 *graph (4).*

4 “(2) *POPULATION BASIS.*—*From the funds ap-*
5 *propriated for this section for a fiscal year and re-*
6 *maining after the reservation required by paragraph*
7 *(1) has been made, the Secretary shall make a grant*
8 *to a protection and advocacy system within each*
9 *State in an amount bearing the same ratio to the re-*
10 *maining funds as the population of the State bears to*
11 *the population of all States.*

12 “(3) *MINIMUMS.*—*Subject to the availability of*
13 *appropriations and paragraph (5), the amount of a*
14 *grant to a protection and advocacy system under*
15 *paragraph (2) for a fiscal year shall—*

16 “(A) *in the case of a protection and advo-*
17 *cacy system located in American Samoa, Guam,*
18 *the United States Virgin Islands, or the Com-*
19 *monwealth of the Northern Mariana Islands, not*
20 *be less than \$30,000; and*

21 “(B) *in the case of a protection and advo-*
22 *cacy system located in a State not described in*
23 *subparagraph (A), not be less than \$50,000.*

24 “(4) *PAYMENT TO THE SYSTEM SERVING THE*
25 *AMERICAN INDIAN CONSORTIUM.—*

1 “(A) *IN GENERAL.*—*The Secretary shall*
2 *make grants to the protection and advocacy sys-*
3 *tem serving the American Indian Consortium to*
4 *provide services in accordance with this section.*

5 “(B) *AMOUNT OF GRANTS.*—*The amount of*
6 *such grants shall be the same as the amount pro-*
7 *vided under paragraph (3)(A).*

8 “(5) *ADJUSTMENTS.*—*For each fiscal year in*
9 *which the total amount appropriated under section*
10 *9(b)(2)(B) to carry out this section is \$8,000,000 or*
11 *more and such appropriated amount exceeds the total*
12 *amount appropriated to carry out this section in the*
13 *preceding fiscal year, the Secretary shall increase*
14 *each of the minimum grant amounts described in sub-*
15 *paragraphs (A) and (B) of paragraph (3) by a per-*
16 *centage equal to the percentage increase in the total*
17 *amount appropriated under section 9 to carry out*
18 *this section for the preceding fiscal year and such*
19 *total amount for the fiscal year for which the deter-*
20 *mination is being made.*

21 “(c) *DIRECT PAYMENT.*—*Notwithstanding any other*
22 *provision of law, the Secretary shall pay directly to any*
23 *protection and advocacy system that complies with this sec-*
24 *tion, the total amount of the grant made for such system*

1 *under this section, unless the system provides otherwise for*
2 *payment of the grant amount.*

3 “(d) *CARRYOVER; PROGRAM INCOME.*—

4 “(1) *CARRYOVER.*—*Any amount paid to an eli-*
5 *gible system for a fiscal year under this section that*
6 *remains unobligated at the end of such fiscal year*
7 *shall remain available to such system for obligation*
8 *during the subsequent fiscal year.*

9 “(2) *PROGRAM INCOME.*—*Program income gen-*
10 *erated from any amount paid to an eligible system*
11 *for a fiscal year shall—*

12 “(A) *remain available to the eligible system*
13 *until expended and be considered an addition to*
14 *the grant; and*

15 “(B) *only be used to improve the awareness*
16 *of individuals with disabilities about the accessi-*
17 *bility of assistive technology and assist such in-*
18 *dividuals in the acquisition, utilization, or*
19 *maintenance of assistive technology devices or as-*
20 *sistive technology services.*

21 “(e) *REPORT TO SECRETARY.*—*An entity that receives*
22 *a grant under this section shall annually prepare and sub-*
23 *mit to the Secretary a report that contains such informa-*
24 *tion as the Secretary may require, including documentation*
25 *of the progress of the entity in—*

1 “(1) *conducting consumer-responsive activities,*
2 *including activities that will lead to increased access*
3 *for individuals with disabilities, to funding for assist-*
4 *ive technology devices and assistive technology serv-*
5 *ices;*

6 “(2) *engaging in informal advocacy to assist in*
7 *securing assistive technology devices and assistive*
8 *technology services for individuals with disabilities;*

9 “(3) *engaging in formal representation for indi-*
10 *viduals with disabilities to secure systems change, and*
11 *in advocacy activities to secure assistive technology*
12 *devices and assistive technology services for individ-*
13 *uals with disabilities;*

14 “(4) *developing and implementing strategies to*
15 *enhance the long-term abilities of individuals with*
16 *disabilities and their family members, guardians, ad-*
17 *vocates, and authorized representatives to advocate the*
18 *provision of assistive technology devices and assistive*
19 *technology services to which the individuals with dis-*
20 *abilities are entitled under law other than this Act;*

21 “(5) *coordinating activities with protection and*
22 *advocacy services funded through sources other than*
23 *this Act, and coordinating activities with the capac-*
24 *ity building and advocacy activities carried out by*
25 *the lead agency; and*

1 “(6) *effectively allocating funds made available*
2 *under this section to improve the awareness of indi-*
3 *viduals with disabilities about the accessibility of as-*
4 *istive technology and assist such individuals in the*
5 *acquisition, utilization, or maintenance of assistive*
6 *technology devices or assistive technology services.*

7 “(f) *REPORTS AND UPDATES TO STATE AGENCIES.—*
8 *An entity that receives a grant under this section shall pre-*
9 *pare and submit to the lead agency of the State designated*
10 *under section 4(c)(1) the report described in subsection (e)*
11 *and quarterly updates concerning the activities described*
12 *in such subsection.*

13 “(g) *COORDINATION.—On making a grant under this*
14 *section to an entity in a State, the Secretary shall solicit*
15 *and consider the opinions of the lead agency of the State*
16 *with respect to efforts at coordination of activities, collabo-*
17 *ration, and promoting outcomes between the lead agency*
18 *and the entity that receives the grant under this section.*

19 “**SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION**
20 **SUPPORT.**

21 “(a) *DEFINITIONS.—In this section:*

22 “(1) *QUALIFIED DATA COLLECTION AND REPORT-*
23 *ING ENTITY.—The term ‘qualified data collection and*
24 *reporting entity’ means an entity with demonstrated*

1 *expertise in data collection and reporting as described*
2 *in section 4(f)(2)(B), in order to—*

3 *“(A) provide recipients of grants under this*
4 *Act with training and technical assistance; and*

5 *“(B) assist such recipients with data collec-*
6 *tion and data requirements.*

7 *“(2) QUALIFIED PROTECTION AND ADVOCACY*
8 *SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The*
9 *term ‘qualified protection and advocacy system tech-*
10 *nical assistance provider’ means an entity that has*
11 *experience in—*

12 *“(A) working with protection and advocacy*
13 *systems established in accordance with section*
14 *143 of the Developmental Disabilities Assistance*
15 *and Bill of Rights Act of 2000 (42 U.S.C.*
16 *15043); and*

17 *“(B) providing technical assistance to pro-*
18 *tection and advocacy agencies.*

19 *“(3) QUALIFIED TRAINING AND TECHNICAL AS-*
20 *SISTANCE PROVIDER.—The term ‘qualified training*
21 *and technical assistance provider’ means an entity*
22 *with demonstrated expertise in assistive technology*
23 *and that has (directly or through grant or con-*
24 *tract)—*

1 “(A) *experience and expertise in admin-*
 2 *istering programs, including developing, imple-*
 3 *menting, and administering all of the activities*
 4 *described in section 4(e); and*

5 “(B) *documented experience in and knowl-*
 6 *edge about—*

7 “(i) *assistive technology device loan*
 8 *and demonstration;*

9 “(ii) *assistive technology device reuse;*

10 “(iii) *financial loans and micro-*
 11 *lending, including the activities of alter-*
 12 *native financing programs for assistive*
 13 *technology; and*

14 “(iv) *State leadership activities.*

15 “(b) *TECHNICAL ASSISTANCE AND DATA COLLECTION*
 16 *SUPPORT AUTHORIZED.—*

17 “(1) *SUPPORT FOR ASSISTIVE TECHNOLOGY*
 18 *TRAINING AND TECHNICAL ASSISTANCE.—From*
 19 *amounts made available under section 9(b)(1), the*
 20 *Secretary shall award, on a competitive basis—*

21 “(A) *1 grant, contract, or cooperative agree-*
 22 *ment to a qualified training and technical as-*
 23 *stance provider to support activities described*
 24 *in subsection (d)(1) for States receiving grants*
 25 *under section 4; and*

1 “(B) 1 grant, contract, or cooperative agree-
2 ment to a qualified protection and advocacy sys-
3 tem technical assistance provider to support ac-
4 tivities described in subsection (d)(1) for protec-
5 tion and advocacy systems receiving grants
6 under section 5.

7 “(2) *SUPPORT FOR DATA COLLECTION AND RE-*
8 *PORTING ASSISTANCE.*—From amounts made avail-
9 able under section 9(b)(1), the Secretary shall award,
10 on a competitive basis—

11 “(A) 1 grant, contract, or cooperative agree-
12 ment to a qualified data collection and reporting
13 entity, to enable the qualified data collection and
14 reporting entity to carry out the activities de-
15 scribed in subsection (d)(2) for States receiving
16 grants under section 4; and

17 “(B) 1 grant, contract, or cooperative agree-
18 ment to a qualified protection and advocacy sys-
19 tem technical assistance provider, to enable the
20 eligible protection and advocacy system to carry
21 out the activities described in subsection (d)(2)
22 for protection and advocacy systems receiving
23 grants under section 5.

24 “(c) *APPLICATION.*—

1 “(1) *IN GENERAL.*—*To be eligible to receive a*
2 *grant, contract, or cooperative agreement under this*
3 *section, an entity shall submit an application to the*
4 *Secretary at such time, in such manner, and con-*
5 *taining such information as the Secretary may re-*
6 *quire.*

7 “(2) *INPUT.*—*In awarding grants, contracts, or*
8 *cooperative agreements under this section and in re-*
9 *viewing the activities proposed under the applications*
10 *described in paragraph (1), the Secretary shall con-*
11 *sider the input of the recipients of grants under sec-*
12 *tions 4 and 5 and other individuals the Secretary de-*
13 *termines to be appropriate, especially—*

14 “(A) *individuals with disabilities who use*
15 *assistive technology and understand the barriers*
16 *to the acquisition of such technology and assist-*
17 *ive technology services;*

18 “(B) *family members, guardians, advocates,*
19 *and authorized representatives of such individ-*
20 *uals;*

21 “(C) *relevant employees from Federal de-*
22 *partments and agencies, other than the Depart-*
23 *ment of Health and Human Services;*

24 “(D) *representatives of businesses; and*

1 “(E) vendors and public and private re-
2 searchers and developers.

3 “(d) *AUTHORIZED ACTIVITIES.*—

4 “(1) *USE OF FUNDS FOR ASSISTIVE TECHNOLOGY*
5 *TRAINING AND TECHNICAL ASSISTANCE.*—

6 “(A) *TRAINING AND TECHNICAL ASSISTANCE*
7 *EFFORTS.*—A qualified training and technical
8 assistance provider or qualified protection and
9 advocacy system technical assistance provider re-
10 ceiving a grant, contract, or cooperative agree-
11 ment under subsection (b)(1) shall support a
12 training and technical assistance program for
13 States or protection and advocacy systems receiv-
14 ing a grant under section 4 or 5, respectively,
15 that—

16 “(i) addresses State-specific informa-
17 tion requests concerning assistive technology
18 from entities funded under this Act and
19 public entities not funded under this Act,
20 including—

21 “(I) requests for information on
22 effective approaches to Federal-State
23 coordination of programs for individ-
24 uals with disabilities related to im-
25 proving funding for or access to assist-

1 *ive technology devices and assistive*
2 *technology services for individuals with*
3 *disabilities of all ages;*

4 *“(II) requests for state-of-the-art,*
5 *or model, Federal, State, and local*
6 *laws, regulations, policies, practices,*
7 *procedures, and organizational struc-*
8 *tures, that facilitate, and overcome*
9 *barriers to, funding for, and access to,*
10 *assistive technology devices and assist-*
11 *ive technology services;*

12 *“(III) requests for information on*
13 *effective approaches to developing, im-*
14 *plementing, evaluating, and sustaining*
15 *activities described in section 4 or 5,*
16 *as the case may be, and related to im-*
17 *proving acquisition and access to as-*
18 *sistive technology devices and assistive*
19 *technology services for individuals with*
20 *disabilities of all ages, and requests for*
21 *assistance in developing corrective ac-*
22 *tion plans;*

23 *“(IV) requests for examples of*
24 *policies, practices, procedures, regula-*
25 *tions, or judicial decisions that have*

1 *enhanced or may enhance access to and*
2 *acquisition of assistive technology de-*
3 *vices and assistive technology services*
4 *for individuals with disabilities;*

5 *“(V) requests for information on*
6 *effective approaches to the development*
7 *of consumer-controlled systems that in-*
8 *crease access to, funding for, and*
9 *awareness of, assistive technology de-*
10 *vices and assistive technology services;*
11 *and*

12 *“(VI) other requests for training*
13 *and technical assistance from entities*
14 *funded under this Act;*

15 *“(ii) in the case of a program that will*
16 *serve States receiving grants under section*
17 *4—*

18 *“(I) assists targeted individuals*
19 *and entities by disseminating informa-*
20 *tion and responding to requests relat-*
21 *ing to assistive technology by pro-*
22 *viding referrals to recipients of grants*
23 *under section 4 or other public or pri-*
24 *vate resources; and*

1 “(II) provides State-specific, re-
2 gional, and national training and
3 technical assistance concerning assist-
4 ive technology to entities funded under
5 this Act, other entities funded under
6 this Act, and public and private enti-
7 ties not funded under this Act, includ-
8 ing—

9 “(aa) annually providing a
10 forum for exchanging information
11 concerning, and promoting pro-
12 gram and policy improvements
13 in, required activities of the State
14 assistive technology programs;

15 “(bb) facilitating onsite and
16 electronic information sharing
17 using state-of-the-art Internet
18 technologies such as real-time on-
19 line discussions, multipoint video
20 conferencing, and web-based audio
21 or video broadcasts, on emerging
22 topics that affect State assistive
23 technology programs;

24 “(cc) convening experts from
25 State assistive technology pro-

1 *grams to discuss and make rec-*
2 *ommendations with regard to na-*
3 *tional emerging issues of impor-*
4 *tance to individuals with assistive*
5 *technology needs;*

6 *“(dd) sharing best practice*
7 *and evidence-based practices*
8 *among State assistive technology*
9 *programs;*

10 *“(ee) maintaining an acces-*
11 *sible website that includes links to*
12 *State assistive technology pro-*
13 *grams, appropriate Federal de-*
14 *partments and agencies, and pri-*
15 *ivate associations;*

16 *“(ff) developing a resource*
17 *that connects individuals from a*
18 *State with the State assistive tech-*
19 *nology program in their State;*

20 *“(gg) providing access to ex-*
21 *perts in the areas of assistive tech-*
22 *nology device loan and dem-*
23 *onstration, assistive technology de-*
24 *vice reuse, State financing, bank-*
25 *ing, microlending, and finance,*

1 *for entities funded under this Act,*
2 *through site visits, teleconferences,*
3 *and other means, to ensure access*
4 *to information for entities that*
5 *are carrying out new programs or*
6 *programs that are not making*
7 *progress in achieving the objec-*
8 *tives of the programs; and*

9 *“(hh) supporting and coordi-*
10 *nating activities designed to re-*
11 *duce the financial costs of pur-*
12 *chasing assistive technology for*
13 *the activities described in section*
14 *4(e), and reducing duplication of*
15 *activities among State assistive*
16 *technology programs; and*

17 *“(iii) includes such other activities as*
18 *the Secretary may require.*

19 *“(B) COLLABORATION.—In developing and*
20 *providing training and technical assistance*
21 *under this paragraph, a qualified training and*
22 *technical assistance provider or qualified protec-*
23 *tion and advocacy system technical assistance*
24 *provider shall—*

25 *“(i) collaborate with—*

1 “(I) organizations representing
2 individuals with disabilities;

3 “(II) national organizations rep-
4 resenting State assistive technology
5 programs;

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

9 “(IV) other qualified data collec-
10 tion and reporting entities and tech-
11 nical assistance providers;

12 “(V) providers of State financing
13 activities, including alternative financ-
14 ing programs for assistive technology;

15 “(VI) providers of device loans,
16 device demonstrations, and device re-
17 utilization; and

18 “(VII) any other organizations
19 determined appropriate by the pro-
20 vider or the Secretary; and

21 “(ii) in the case of a qualified training
22 and technical assistance provider, include
23 activities identified as priorities by State
24 advisory councils and lead agencies and im-

1 *plementing entities for grants under section*
2 *4.*

3 *“(2) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY*
4 *DATA COLLECTION AND REPORTING ASSISTANCE.—A*
5 *qualified data collection and reporting entity or a*
6 *qualified protection and advocacy system technical*
7 *assistance provider receiving a grant, contract, or co-*
8 *operative agreement under subsection (b)(2) shall as-*
9 *assist States or protection and advocacy systems receiv-*
10 *ing a grant under section 4 or 5, respectively, to de-*
11 *velop and implement effective and accessible data col-*
12 *lection and reporting systems that—*

13 *“(A) focus on quantitative and qualitative*
14 *data elements;*

15 *“(B) help measure the accrued benefits of*
16 *the activities to individuals who need assistive*
17 *technology; and*

18 *“(C) in the case of systems that will serve*
19 *States receiving grants under section 4—*

20 *“(i) measure the outcomes of all activi-*
21 *ties described in section 4(e) and the*
22 *progress of the States toward achieving the*
23 *measurable goals described in section*
24 *4(d)(3)(C); and*

1 “(ii) provide States with the necessary
2 information required under this Act or by
3 the Secretary for reports described in sec-
4 tion 4(f)(2).

5 **“SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE.**

6 “(a) *DEFINITION OF PROJECT OF NATIONAL SIGNIFI-*
7 *CANCE.—In this section, the term ‘project of national sig-*
8 *nificance’—*

9 “(1) means a project that—

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

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

17 “(2) may—

18 “(A) develop and expand partnerships be-
19 tween State Medicaid agencies and recipients of
20 grants under section 4 to reutilize durable med-
21 ical equipment;

22 “(B) increase collaboration between the re-
23 cipients of grants under section 4 and States re-
24 ceiving grants under the Money Follows the Per-
25 son Rebalancing Demonstration under section

1 6071 of the Deficit Reduction Act of 2005 (42
2 U.S.C. 1396a note);

3 “(C) increase collaboration between recipi-
4 ents of grants under section 4 and area agencies
5 on aging, as such term is defined in section 102
6 of the Older Americans Act of 1965 (42 U.S.C.
7 3002), which may include collaboration on emer-
8 gency preparedness, safety equipment, or assist-
9 ive technology toolkits;

10 “(D) provide aid to assist youth with dis-
11 abilities (including youth with intellectual and
12 developmental disabilities) to transition from
13 school to adult life, especially in—

14 “(i) finding employment and postsec-
15 ondary education opportunities; and

16 “(ii) upgrading and changing any as-
17 sistive technology devices that may be need-
18 ed as a youth matures;

19 “(E) increase access to and acquisition of
20 assistive technology addressing the needs of aging
21 individuals and aging caregivers in the commu-
22 nity;

23 “(F) increase effective and efficient use of
24 assistive technology as part of early intervention

1 *for infants and toddlers with disabilities from*
2 *birth to age 3;*

3 “(G) *increase awareness of and access to the*
4 *Disability Funds-Financial Assistance funding*
5 *provided by the Community Development Finan-*
6 *cial Institutions Fund that supports acquisition*
7 *of assistive technology; and*

8 “(H) *increase awareness of and access to*
9 *other federally funded disability programs or in-*
10 *crease knowledge of assistive technology, as deter-*
11 *mined appropriate by the Secretary.*

12 “(b) *PROJECTS AUTHORIZED.—If funds are available*
13 *pursuant to section 9(c) to carry out this section for a fiscal*
14 *year, the Secretary may award, on a competitive basis,*
15 *grants, contracts, and cooperative agreements to public or*
16 *private nonprofit entities to enable the entities to carry out*
17 *projects of national significance.*

18 “(c) *APPLICATION.—A public or private nonprofit en-*
19 *tity desiring a grant under this section shall submit an ap-*
20 *plication to the Secretary at such time, in such manner,*
21 *and containing such information as the Secretary may re-*
22 *quire.*

23 “(d) *AWARD BASIS.—*

24 “(1) *PRIORITY.—In awarding grants under this*
25 *section, the Secretary shall give priority to a public*

1 or private nonprofit entity funded under section 4 or
2 5 for the most recent award period.

3 “(2) *PREFERENCE.*—For each grant award pe-
4 riod, the Secretary may give preference for 1 or more
5 categories of projects of national significance de-
6 scribed in subparagraphs (A) through (H) of sub-
7 section (a)(2) or another category identified by the
8 Secretary, if the Secretary determines that there is a
9 reason to prioritize that category of project.

10 “(e) *MINIMUM FUNDING LEVEL REQUIRED.*—The Sec-
11 retary may only award grants, contracts, or cooperative
12 agreements under this section if the amount made available
13 under section 9 to carry out sections 4, 5, and 6 is equal
14 to or greater than \$49,000,000.

15 **“SEC. 8. ADMINISTRATIVE PROVISIONS.**

16 “(a) *GENERAL ADMINISTRATION.*—

17 “(1) *IN GENERAL.*— Notwithstanding any other
18 provision of law, the Administrator of the Adminis-
19 tration for Community Living shall be responsible for
20 the administration of this Act.

21 “(2) *COLLABORATION.*—The Administrator of the
22 Administration for Community Living shall consult
23 with the Office of Special Education Programs of the
24 Department of Education, the Rehabilitation Services
25 Administration of the Department of Education, the

1 *Office of Disability Employment Policy of the De-*
2 *partment of Labor, the National Institute on Dis-*
3 *ability, Independent Living, and Rehabilitation Re-*
4 *search, and other appropriate Federal entities in the*
5 *administration of this Act.*

6 “(3) *ADMINISTRATION.*—

7 “(A) *IN GENERAL.*—*In administering this*
8 *Act, the Administrator of the Administration for*
9 *Community Living shall ensure that programs*
10 *funded under this Act will address—*

11 “(i) *the needs of individuals with all*
12 *types of disabilities and across the lifespan;*
13 *and*

14 “(ii) *the use of assistive technology in*
15 *all potential environments, including em-*
16 *ployment, education, and community liv-*
17 *ing, or for other reasons.*

18 “(B) *FUNDING LIMITATIONS.*—*For each fis-*
19 *cal year, not more than 1/2 of 1 percent of the*
20 *total funding appropriated for this Act shall be*
21 *used by the Administrator of the Administration*
22 *for Community Living to support the adminis-*
23 *tration of this Act.*

24 “(b) *REVIEW OF PARTICIPATING ENTITIES.*—

1 “(1) *IN GENERAL.*—*The Secretary shall assess*
2 *the extent to which entities that receive grants under*
3 *this Act are complying with the applicable require-*
4 *ments of this Act and achieving measurable goals that*
5 *are consistent with the requirements of the grant pro-*
6 *grams under which the entities received the grants.*

7 “(2) *PROVISION OF INFORMATION.*—*To assist the*
8 *Secretary in carrying out the responsibilities of the*
9 *Secretary under this section, the Secretary may re-*
10 *quire States to provide relevant information, includ-*
11 *ing the information required under subsection (d).*

12 “(c) *CORRECTIVE ACTION AND SANCTIONS.*—

13 “(1) *CORRECTIVE ACTION.*—*If the Secretary de-*
14 *termines that an entity that receives a grant under*
15 *this Act fails to substantially comply with the appli-*
16 *cable requirements of this Act, or to make substantial*
17 *progress toward achieving the measurable goals de-*
18 *scribed in subsection (b)(1) with respect to the grant*
19 *program, the Secretary shall assist the entity, through*
20 *technical assistance funded under section 6 or other*
21 *means, within 90 days after such determination, to*
22 *develop a corrective action plan.*

23 “(2) *SANCTIONS.*—*If the entity fails to develop*
24 *and comply with a corrective action plan described in*
25 *paragraph (1) during a fiscal year, the entity shall*

1 *be subject to 1 of the following corrective actions se-*
2 *lected by the Secretary:*

3 *“(A) Partial or complete termination of*
4 *funding under the grant program, until the enti-*
5 *ty develops and complies with such a plan.*

6 *“(B) Ineligibility to participate in the*
7 *grant program in the following year.*

8 *“(C) Reduction in the amount of funding*
9 *that may be used for indirect costs under section*
10 *4 for the following year.*

11 *“(D) Required redesignation of the lead*
12 *agency designated under section 4(c)(1) or an*
13 *entity responsible for administering the grant*
14 *program.*

15 *“(3) APPEALS PROCEDURES.—The Secretary*
16 *shall establish appeals procedures for entities that are*
17 *determined to be in noncompliance with the applica-*
18 *ble requirements of this Act, or have not made sub-*
19 *stantial progress toward achieving the measurable*
20 *goals described in subsection (b)(1).*

21 *“(4) SECRETARIAL ACTION.—As part of the an-*
22 *annual report required under subsection (d), the Sec-*
23 *retary shall describe each such action taken under*
24 *paragraph (1) or (2) and the outcomes of each such*
25 *action.*

1 “(5) *PUBLIC NOTIFICATION.*—*The Secretary shall*
2 *notify the public, by posting on the internet website*
3 *of the Department of Health and Human Services, of*
4 *each action taken by the Secretary under paragraph*
5 *(1) or (2). As a part of such notification, the Sec-*
6 *retary shall describe each such action taken under*
7 *paragraph (1) or (2) and the outcomes of each such*
8 *action.*

9 “(d) *ANNUAL REPORT TO CONGRESS.*—

10 “(1) *IN GENERAL.*—*Not later than December 31*
11 *of each year, the Secretary shall prepare, and submit*
12 *to the President and to the Committee on Health,*
13 *Education, Labor, and Pensions of the Senate and the*
14 *Committee on Education and Labor of the House of*
15 *Representatives, a report on the activities funded*
16 *under this Act to improve the access of assistive tech-*
17 *nology devices and assistive technology services to in-*
18 *dividuals with disabilities.*

19 “(2) *CONTENTS.*—*Such report shall include—*

20 “(A) *a compilation and summary of the in-*
21 *formation provided by the States in annual*
22 *progress reports submitted under section 4(f);*
23 *and*

24 “(B) *a summary of the State applications*
25 *described in section 4(d) and an analysis of the*

1 “(1) reserve an amount equal to 3 percent of
2 such available funds to carry out section 6(b)(1) and
3 section 6(b)(2); and

4 “(2) of the amounts remaining after the reserva-
5 tion under paragraph (1)—

6 “(A) use 85.5 percent of such amounts to
7 carry out section 4; and

8 “(B) use 14.5 percent of such amounts to
9 carry out section 5.

10 “(c) *LIMIT FOR PROJECTS OF NATIONAL SIGNIFI-*
11 *CANCE.—In any fiscal year for which the amount made*
12 *available under subsection (a) exceeds \$49,000,000 the Sec-*
13 *retary may reserve an amount, which shall not exceed the*
14 *lesser of the excess amount made available or \$2,000,000,*
15 *for section 7 before carrying out subsection (b).”.*

16 **SEC. 3. EFFECTIVE DATE.**

17 *This Act, and the amendments made by this Act, shall*
18 *take effect on the day that is 6 months after the date of*
19 *enactment of this Act.*

Calendar No. 121

117TH CONGRESS
1ST Session

S. 2401

A BILL

To reauthorize the Assistive Technology Act of
1998, and for other purposes.

August 7, 2021

Reported with an amendment