

117TH CONGRESS
2D SESSION

H. R. 9028

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2022

Mr. DESAULNIER (for himself and Mr. SEMPOLINSKI) introduced the following bill; which was referred to the Committee on Education and Labor

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”.

6 **SEC. 2. REAUTHORIZATION.**

7 The Assistive Technology Act of 1998 (29 U.S.C.
8 3001 et seq.) is amended to read as follows:

9 **“SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

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

1 “(b) TABLE OF CONTENTS.—The table of contents
2 of 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 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.

3 **“SEC. 2. PURPOSES.**

4 “The purposes of this Act are—

5 “(1) to support State efforts to improve the
6 provision of assistive technology to individuals with
7 disabilities of all ages, including older individuals,
8 through comprehensive statewide programs of technology-related assistance that are designed to—

9 “(A) increase the availability of, funding
10 for, access to, provision of, and education about
11 assistive technology devices and assistive technology services;

12 “(B) increase the ability of individuals
13 with disabilities to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by educational or human service agencies
14 or between settings of daily living (for example,
15 between home and work);

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

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

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

18 “(F) increase the awareness and facilitate
19 the change of laws, regulations, policies, prac-
20 tices, procedures, and organizational structures
21 that facilitate the availability or provision of as-
22 sistive technology devices and assistive tech-
23 nology services; and

24 “(G) increase awareness and knowledge of
25 the benefits of assistive technology devices and

1 assistive technology services among targeted in-
2 dividuals and entities and the general popu-
3 lation; and

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

11 **“SEC. 3. DEFINITIONS.**

12 “In this Act:

13 “(1) ADULT SERVICE PROGRAM.—The term
14 ‘adult service program’ means a program that pro-
15 vides services to, or is otherwise substantially in-
16 volved with the major life functions of, individuals
17 with disabilities. Such term includes—

18 “(A) a program providing residential, sup-
19 portive, or employment-related services, to indi-
20 viduals with disabilities;

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

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

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

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

21 “(3) ASSISTIVE TECHNOLOGY.—The term ‘as-
22 sistive technology’ means technology designed to be
23 utilized in an assistive technology device or assistive
24 technology service.

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

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

12 “(A) the evaluation of the assistive tech-
13 nology needs of an individual with a disability,
14 including a functional evaluation of the impact
15 of the provision of appropriate assistive tech-
16 nology devices and services to the individual in
17 the customary environment of the individual;

18 “(B) a service consisting of purchasing,
19 leasing, or otherwise providing for the acquisi-
20 tion of assistive technology devices by individ-
21 uals with disabilities;

22 “(C) a service consisting of selecting, de-
23 signing, fitting, customizing, adapting, apply-
24 ing, maintaining, repairing, replacing, or donat-
25 ing assistive technology devices;

1 “(D) coordination and use of necessary
2 therapies, interventions, or services with assist-
3 ive technology devices, such as therapies, inter-
4 ventions, or services associated with education
5 and rehabilitation plans and programs;

6 “(E) education or technical assistance for
7 an individual with a disability or, where appro-
8 priate, the family members, guardians, advo-
9 cates, or authorized representatives of such an
10 individual;

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

20 “(G) a service consisting of expanding the
21 availability of access to technology, including
22 electronic and information technology, to indi-
23 viduals with disabilities.

1 “(6) CAPACITY BUILDING AND ADVOCACY AC-
2 TIVITIES.—The term ‘capacity building and advoca-
3 cacy activities’ means efforts that—

4 “(A) result in laws, regulations, policies,
5 practices, procedures, or organizational struc-
6 tures that promote consumer-responsive pro-
7 grams or entities; and

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

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

21 “(A) is implemented by a State;

22 “(B) is equally available to all individuals
23 with disabilities residing in the State, regardless
24 of their type of disability, age, income level, or
25 location of residence in the State, or the type

1 of assistive technology device or assistive tech-
2 nology service required; and

3 “(C) incorporates all the activities de-
4 scribed in section 4(e) (unless excluded pursu-
5 ant to section 4(e)(6)).

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

8 “(A) with regard to policies, means that
9 the policies are consistent with the principles
10 of—

11 “(i) respect for individual dignity, per-
12 sonal responsibility, self-determination, and
13 pursuit of meaningful careers, based on in-
14 formed choice, of individuals with disabil-
15 ities;

16 “(ii) respect for the privacy, rights,
17 and equal access (including the use of ac-
18 cessible formats) of such individuals;

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

21 “(iv) support for the involvement in
22 decisions of a family member, a guardian,
23 an advocate, or an authorized representa-
24 tive, if an individual with a disability re-

1 quests, desires, or needs such involvement;
2 and

3 “(v) support for individual and sys-
4 tems advocacy and community involve-
5 ment; and

6 “(B) with respect to an entity, program, or
7 activity, means that the entity, program, or ac-
8 tivity—

9 “(i) is easily accessible to, and usable
10 by, individuals with disabilities and, when
11 appropriate, their family members, guard-
12 ians, advocates, or authorized representa-
13 tives;

14 “(ii) responds to the needs of individ-
15 uals with disabilities in a timely and appro-
16 priate manner; and

17 “(iii) facilitates the full and meaning-
18 ful participation of individuals with disabil-
19 ities and their family members, guardians,
20 advocates, and authorized representatives,
21 in—

22 “(I) decisions relating to the pro-
23 vision of assistive technology devices
24 and assistive technology services to
25 such individuals; and

1 “(II) decisions related to the
2 maintenance, improvement, and eval-
3 uation of the comprehensive statewide
4 program of technology-related assist-
5 ance, including decisions that affect
6 capacity building and advocacy activi-
7 ties.

8 “(9) DISABILITY.—The term ‘disability’ has the
9 meaning given the term under section 3 of the
10 Americans with Disabilities Act of 1990 (42 U.S.C.
11 12102).

12 “(10) INDIVIDUAL WITH A DISABILITY.—The
13 term ‘individual with a disability’ means any indi-
14 vidual—

15 “(A) who has a disability; and

16 “(B) who is or would be enabled by an as-
17 sistive technology device or an assistive tech-
18 nology service to minimize deterioration in func-
19 tioning, to maintain a level of functioning, or to
20 achieve a greater level of functioning in any
21 major life activity.

22 “(11) INSTITUTION OF HIGHER EDUCATION.—
23 The term ‘institution of higher education’ has the
24 meaning given such term in section 101(a) of the
25 Higher Education Act of 1965 (20 U.S.C. 1001(a)),

1 and includes a community college receiving funding
2 under the Tribally Controlled Colleges and Univer-
3 sities Assistance Act of 1978 (25 U.S.C. 1801 et
4 seq.).

5 “(12) PROTECTION AND ADVOCACY SERV-
6 ICES.—The term ‘protection and advocacy services’
7 means services that—

8 “(A) are described in subtitle C of title I
9 of the Developmental Disabilities Assistance
10 and Bill of Rights Act of 2000 (42 U.S.C.
11 15041 et seq.), the Protection and Advocacy for
12 Individuals with Mental Illness Act (42 U.S.C.
13 10801 et seq.), or section 509 of the Rehabilita-
14 tion Act of 1973 (29 U.S.C. 794e); and

15 “(B) assist individuals with disabilities
16 with respect to assistive technology devices and
17 assistive technology services.

18 “(13) SECRETARY.—The term ‘Secretary’
19 means the Secretary of Health and Human Services,
20 acting through the Administrator on Community
21 Living.

22 “(14) STATE.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), the term ‘State’ means each
25 of the 50 States of the United States, the Dis-

1 trict of Columbia, Puerto Rico, the United
2 States Virgin Islands, Guam, American Samoa,
3 and the Commonwealth of the Northern Mar-
4 iana Islands.

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

6 “(i) OUTLYING AREA.—The term ‘out-
7 lying area’ means the United States Virgin
8 Islands, Guam, American Samoa, and the
9 Commonwealth of the Northern Mariana
10 Islands.

11 “(ii) STATE.—The term ‘State’ does
12 not include the United States Virgin Is-
13 lands, Guam, American Samoa, and the
14 Commonwealth of the Northern Mariana
15 Islands.

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

19 “(16) TARGETED INDIVIDUALS AND ENTI-
20 TIES.—The term ‘targeted individuals and entities’
21 means—

22 “(A) individuals with disabilities and their
23 family members, guardians, advocates, and au-
24 thorized representatives;

25 “(B) underrepresented populations;

1 “(C) individuals who work for public or
2 private entities (including centers for inde-
3 pendent living described in part C of title VII
4 of the Rehabilitation Act of 1973 (29 U.S.C.
5 796f et seq.), insurers, or managed care pro-
6 viders) that have contact with, or provide serv-
7 ices to, individuals with disabilities;

8 “(D) educators and related services per-
9 sonnel, including individuals who are providing
10 early intervention services, to elementary, sec-
11 ondary, or postsecondary students, or individ-
12 uals engaged in vocational education;

13 “(E) technology experts (including web de-
14 signers and procurement officials);

15 “(F) health, allied health, and rehabilita-
16 tion professionals, and skilled nursing and in-
17 termediate care facilities and hospital employees
18 (including discharge planners);

19 “(G) employers, especially small business
20 employers, and providers of employment and
21 training services;

22 “(H) entities that manufacture or sell as-
23 sistive technology devices;

1 “(I) entities that carry out community pro-
2 grams designed to develop essential community
3 services in rural and urban areas; and

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

6 “(17) UNDERREPRESENTED POPULATION.—
7 The term ‘underrepresented population’ means a
8 population that is typically underrepresented in serv-
9 ice provision, and includes populations such as indi-
10 viduals who have low-incidence disabilities, racial
11 and ethnic minorities, low income individuals, home-
12 less individuals (including children and youth), chil-
13 dren in foster care, individuals with limited English
14 proficiency, older individuals, or individuals living in
15 rural areas.

16 “(18) UNIVERSAL DESIGN.—The term ‘uni-
17 versal design’ means a concept or philosophy for de-
18 signing and delivering products and services that are
19 usable by people with the widest possible range of
20 functional capabilities, which include products and
21 services that are directly accessible (without requir-
22 ing assistive technologies) and products and services
23 that are interoperable with assistive technologies.

1 **“SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PRO-**
2 **GRAMS.**

3 “(a) GRANTS TO STATES.—The Secretary shall
4 award grants under subsection (b) to States to maintain
5 comprehensive statewide programs of technology-related
6 assistance described in subsection (e) through State assist-
7 ive technology programs that are designed to—

8 “(1) maximize the ability of individuals with
9 disabilities across the human lifespan and across the
10 wide array of disabilities, and their family members,
11 guardians, advocates, and authorized representa-
12 tives, to obtain assistive technology; and

13 “(2) increase access to assistive technology.

14 “(b) AMOUNT OF FINANCIAL ASSISTANCE.—

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

20 “(2) CALCULATION OF STATE GRANTS.—

21 “(A) BASE YEAR.—Except as provided in
22 subparagraphs (B) and (C), the Secretary shall
23 allot to each State and outlying area for a fiscal
24 year an amount that is not less than the
25 amount the State or outlying area received
26 under the grants provided under section 4 of

1 this Act (as in effect on the day before the ef-
2 fective date of the 21st Century Assistive Tech-
3 nology Act) for fiscal year 2021.

4 “(B) RATABLE REDUCTION.—

5 “(i) IN GENERAL.—If funds made
6 available to carry out this section for any
7 fiscal year are insufficient to make the al-
8 lotments required for each State and out-
9 lying area under subparagraph (A) for
10 such fiscal year, the Secretary shall ratably
11 reduce the allotments for such fiscal year.

12 “(ii) ADDITIONAL FUNDS.—If, after
13 the Secretary makes the reductions de-
14 scribed in clause (i), additional funds be-
15 come available to carry out this section for
16 the fiscal year, the Secretary shall ratably
17 increase the allotments, until the Secretary
18 has allotted the entire base year amount
19 under subparagraph (A).

20 “(C) APPROPRIATION HIGHER THAN BASE
21 YEAR AMOUNT.—For a fiscal year for which the
22 amount of funds made available to carry out
23 this section is greater than the base year
24 amount under subparagraph (A) and no greater
25 than \$40,000,000, the Secretary shall—

1 “(i) make the allotments described in
2 subparagraph (A);

3 “(ii) from a portion of the remainder
4 of the funds after the Secretary makes the
5 allotments described in clause (i), the Sec-
6 retary shall—

7 “(I) from 50 percent of the por-
8 tion, allot to each State an equal
9 amount; and

10 “(II) from 50 percent of the por-
11 tion, allot to each State an amount
12 that bears the same relationship to
13 such 50 percent as the population of
14 the State bears to the population of
15 all States,

16 until each State has received an allotment
17 of not less than \$410,000 under clause (i)
18 and this clause; and

19 “(iii) from the remainder of the funds
20 after the Secretary makes the allotments
21 described in clause (ii), the Secretary
22 shall—

23 “(I) from 80 percent of the re-
24 mainder allot to each State an
25 amount that bears the same relation-

1 ship to such 80 percent as the popu-
2 lation of the State bears to the popu-
3 lation of all States; and

4 “(II) from 20 percent of the re-
5 mainder, allot to each State an equal
6 amount.

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

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

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

20 “(iii) from a portion of the remainder
21 of the funds after the Secretary makes the
22 allotments described in clauses (i) and (ii),
23 the Secretary shall—

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

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

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

13 “(iv) from the remainder of the funds
14 after the Secretary makes the allotments
15 described in clause (iii), the Secretary
16 shall—

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

23 “(II) from 20 percent of the re-
24 mainder, allot to each State an equal
25 amount.

1 “(3) AVAILABILITY OF FUNDS; CARRYOVER.—
2 Amounts made available for a fiscal year under this
3 section that remains unobligated at the end of such
4 fiscal year shall remain available for obligation dur-
5 ing the subsequent fiscal year.

6 “(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND
7 ADVISORY COUNCIL.—

8 “(1) LEAD AGENCY AND IMPLEMENTING ENTI-
9 TY.—

10 “(A) LEAD AGENCY.—

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

14 “(I) to control and administer
15 the funds made available through the
16 grant awarded to the State under this
17 section; and

18 “(II) to submit the application
19 described in subsection (d) on behalf
20 of the State, to ensure conformance
21 with Federal and State accounting re-
22 quirements.

23 “(ii) DUTIES.—The duties of the lead
24 agency shall include—

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

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

17 “(III) coordinating efforts, in a
18 way that acknowledges the demo-
19 graphic characteristics of individuals,
20 related to the active, timely, and
21 meaningful participation by individ-
22 uals with disabilities and their family
23 members, guardians, advocates, or au-
24 thorized representatives, and other ap-
25 propriate individuals, with respect to

1 activities carried out through the
2 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 imple-
9 menting entity shall carry out responsibilities
10 under this Act through a subcontract or an-
11 other administrative agreement with the lead
12 agency.

13 “(C) CHANGE IN AGENCY OR ENTITY.—

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

16 “(I) the Governor may redesign-
17 ate the lead agency of a State if the
18 Governor shows to the Secretary, in
19 accordance with subsection (d)(2)(B),
20 good cause why the agency designated
21 as the lead agency should not serve as
22 that agency; and

23 “(II) the Governor may redesign-
24 ate the implementing entity of a
25 State if the Governor shows to the

1 Secretary, in accordance with sub-
2 section (d)(2)(B), good cause why the
3 entity designated as the implementing
4 entity should not serve as that entity.

5 “(ii) CONSTRUCTION.—Nothing in
6 this paragraph shall be construed to re-
7 quire the Governor of a State to change
8 the lead agency or implementing entity of
9 the State to an agency other than the lead
10 agency or implementing entity of such
11 State as of the date of enactment of the
12 21st Century Assistive Technology Act.

13 “(2) ADVISORY COUNCIL.—

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

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

23 “(i) COMPOSITION.—The advisory
24 council shall be composed of the following:

1 “(I) Individuals with disabilities
2 who use assistive technology or the
3 family members or guardians of the
4 individuals.

5 “(II) A representative of the des-
6 ignated State agency, as defined in
7 section 7 of the Rehabilitation Act of
8 1973 (29 U.S.C. 705).

9 “(III) A representative of the
10 designated State agency for individ-
11 uals who are blind (within the mean-
12 ing of section 101 of that Act (29
13 U.S.C. 721)), if such agency is sepa-
14 rate from the agency described in sub-
15 clause (II).

16 “(IV) A representative of a State
17 center for independent living described
18 in part C of title VII of the Rehabili-
19 tation Act of 1973 (29 U.S.C. 796f et
20 seq.) or the Statewide Independent
21 Living Council established under sec-
22 tion 705 of such Act (29 U.S.C.
23 796d).

24 “(V) A representative of the
25 State workforce development board es-

1 tablished under section 101 of the
2 Workforce Innovation and Oppor-
3 tunity Act (29 U.S.C. 3111).

4 “(VI) A representative of the
5 State educational agency, as defined
6 in section 8101 of the Elementary and
7 Secondary Education Act of 1965 (20
8 U.S.C. 7801).

9 “(VII) A representative of an al-
10 ternative financing program for assist-
11 ive technology if—

12 “(aa) there is an alternative
13 financing program for assistive
14 technology in the State; and

15 “(bb) such program is sepa-
16 rate from the State assistive
17 technology program supported
18 under subsection (e)(2).

19 “(VIII) A representative of 1 or
20 more of the following:

21 “(aa) The agency respon-
22 sible for administering the State
23 Medicaid program under title
24 XIX of the Social Security Act
25 (42 U.S.C. 1396 et seq.).

1 “(bb) The designated State
2 agency for purposes of section
3 124 of the Developmental Dis-
4 abilities Assistance and Bill of
5 Rights Act of 2000 (42 U.S.C.
6 15024).

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

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

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

24 “(ff) The State protection
25 and advocacy system established

1 in accordance with section 143 of
2 the Developmental Disabilities
3 Assistance and Bill of Rights Act
4 of 2000 (42 U.S.C. 15043).

5 “(gg) The State Council on
6 Developmental Disabilities estab-
7 lished under section 125 of the
8 Developmental Disabilities As-
9 sistance and Bill of Rights Act of
10 2000 (42 U.S.C. 15025).

11 “(IX) Representatives of other
12 State agencies, public agencies, or pri-
13 vate organizations, as determined by
14 the State.

15 “(ii) MAJORITY.—

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

22 “(II) REPRESENTATIVES OF
23 AGENCIES.—Members appointed
24 under subclauses (II) through (IX) of
25 clause (i) shall not count toward the

majority membership requirement established in subclause (I).

“(iii) REPRESENTATION.—The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, age, and types of disabilities, and users of types of services that an individual with a disability may receive, including home and community based services (as defined in section 9817(a)(2) of the American Rescue Plan Act (42 U.S.C. 1396d note)), vocational rehabilitation services (as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705)), and services through the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

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

“(D) IMPACT ON EXISTING STATUTES, RULES, OR POLICIES.—Nothing in this para-

graph shall be construed to affect State statutes, rules, or official policies relating to advisory bodies for State assistive technology programs or require changes to governing bodies of incorporated agencies that carry out State assistive technology programs.

“(d) APPLICATION.—

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

“(2) LEAD AGENCY AND IMPLEMENTING ENTITY.—

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

“(i) information identifying and describing the lead agency referred to in subsection (c)(1)(A);

“(ii) information identifying and describing the implementing entity referred to in subsection (c)(1)(B), if the Governor of the State designates such an entity; and

“(iii) a description of how individuals with disabilities were involved in the devel-

1 opment of the application and will be in-
2 volved in the implementation of the activi-
3 ties to be carried out through the grant
4 and through the advisory council estab-
5 lished in accordance with subsection (c)(2).

6 “(B) CHANGE IN LEAD AGENCY OR IMPLE-
7 MENTING ENTITY.—In any case where—

8 “(i) the Governor requests to redesign-
9 nate a lead agency, the Governor shall in-
10 clude in, or amend, the application to re-
11 quest the redesignation and provide a writ-
12 ten description of the rationale for the re-
13 quested change; or

14 “(ii) the Governor requests to redesign-
15 nate an implementing entity, the Governor
16 shall include in, or amend, the application
17 to request the redesignation and provide a
18 written description of the rationale for the
19 requested change.

20 “(3) STATE PLAN.—The application under this
21 subsection shall include a State plan for assistive
22 technology consisting of—

23 “(A) a description of how the State will
24 carry out a statewide continuum of integrated
25 assistive technology activities described in sub-

1 section (e) (unless excluded by the State pursu-
2 ant to subsection (e)(6));

3 “(B) a description of how the State will al-
4 locate and utilize grant funds to implement the
5 activities described in subparagraph (A), includ-
6 ing describing proposed budget allocations and
7 planned procedures for tracking expenditures
8 for the activities;

9 “(C) measurable goals, and a timeline for
10 meeting the goals, that the State has set for ad-
11 dressing the assistive technology needs of indi-
12 viduals with disabilities in the State related
13 to—

14 “(i) education, including goals involv-
15 ing the provision of assistive technology to
16 individuals with disabilities who receive
17 services under the Individuals with Disabil-
18 ities Education Act (20 U.S.C. 1400 et
19 seq.);

20 “(ii) employment, including goals in-
21 volving the State vocational rehabilitation
22 program carried out under title I of the
23 Rehabilitation Act of 1973 (29 U.S.C. 720
24 et seq.);

1 “(iii) access to teleassistive technology
2 to aid in the access of health care services,
3 including mental health and substance use
4 disorder services;

5 “(iv) accessible information and com-
6 munication technology education for indi-
7 viduals with disabilities receiving assistive
8 technology; and

9 “(v) community living;

10 “(D) information describing how the State
11 will quantifiably measure the goals, in a manner
12 consistent with the data submitted through the
13 progress reports under subsection (f), to deter-
14 mine whether the goals have been achieved; and

15 “(E) a description of any activities de-
16 scribed in subsection (e) that the State will sup-
17 port with State or other non-Federal funds.

18 “(4) INVOLVEMENT OF PUBLIC AND PRIVATE
19 ENTITIES.—The application shall describe how var-
20 ious public and private entities were involved in the
21 development of the application and will be involved
22 in the implementation of the activities to be carried
23 out through the grant, including—

24 “(A) in cases determined to be appropriate
25 by the State, a description of the nature and

1 extent of resources that will be committed by
2 public and private partners to assist in accom-
3 plishing identified goals; and

4 “(B) a description of the mechanisms es-
5 tablished to ensure coordination of activities
6 and collaboration between the implementing en-
7 tity, if any, and the State.

8 “(5) ASSURANCES.—The application shall in-
9 clude assurances that—

10 “(A) the State will annually collect data
11 related to the required activities implemented
12 by the State under this section in order to pre-
13 pare the progress reports required under sub-
14 section (f);

15 “(B) funds received through the grant—

16 “(i) will be expended in accordance
17 with this section; and

18 “(ii) will be used to supplement, and
19 not supplant, funds available from other
20 sources for technology-related assistance,
21 including the provision of assistive tech-
22 nology devices and assistive technology
23 services;

24 “(C) the lead agency will control and ad-
25 minister the funds received through the grant;

1 “(D) the State will adopt such fiscal con-
2 trol and accounting procedures as may be nec-
3 essary to ensure proper disbursement of and ac-
4 counting for the funds received through the
5 grant;

6 “(E) the physical facility of the lead agen-
7 cy and implementing entity, if any, meets the
8 requirements of the Americans with Disabilities
9 Act of 1990 (42 U.S.C. 12101 et seq.) regard-
10 ing accessibility for individuals with disabilities;

11 “(F) a public agency or an individual with
12 a disability holds title to any property pur-
13 chased with funds received under the grant and
14 administers that property;

15 “(G) activities carried out in the State that
16 are authorized under this Act, and supported by
17 Federal funds received under this Act, will com-
18 ply with the standards established by the Archi-
19 tectural and Transportation Barriers Compli-
20 ance Board under section 508 of the Rehabilita-
21 tion Act of 1973 (20 U.S.C. 794d); and

22 “(H) the State will—

23 “(i) prepare reports to the Secretary
24 in such form and containing such informa-
25 tion as the Secretary may require to carry

1 out the Secretary's functions under this
2 Act; and

3 “(ii) keep such records and allow ac-
4 cess to such records as the Secretary may
5 require to ensure the correctness and
6 verification of information provided to the
7 Secretary under this subparagraph.

8 “(e) USE OF FUNDS.—

9 “(1) REQUIRED ACTIVITIES.—

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

13 “(i) use a portion of not more than 40
14 percent of the funds made available
15 through the grant to carry out all activities
16 described in paragraph (3), of which not
17 less than 5 percent of such portion shall be
18 available for activities described in para-
19 graph (3)(A)(iii); and

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

23 “(B) STATE OR NON-FEDERAL FINANCIAL
24 SUPPORT.—A State receiving a grant under this
25 section shall not be required to use grant funds

1 to carry out the category of activities described
2 in subparagraph (A), (B), (C), or (D) of para-
3 graph (2) in that State if, for such category of
4 activities, financial support is provided—

5 “(i) from State or other non-Federal
6 resources or entities; and

7 “(ii) in an amount that is comparable
8 to, or greater than, the amount of the por-
9 tion of the funds made available through
10 the grant that the State would have ex-
11 pended for such category of activities, in
12 the absence of this subparagraph.

13 “(2) STATE-LEVEL ACTIVITIES.—

14 “(A) STATE FINANCING ACTIVITIES.—The
15 State shall support State financing activities to
16 increase access to, and funding for, assistive
17 technology devices and assistive technology
18 services (which shall not include direct payment
19 for such a device or service for an individual
20 with a disability but may include support and
21 administration of a program to provide such
22 payment), including development of systems to
23 provide and pay for such devices and services,
24 for targeted individuals and entities described
25 in section 3(16)(A), including—

1 “(i) support for the development of
2 systems for the purchase, lease, or other
3 acquisition of, or payment for, assistive
4 technology devices and assistive technology
5 services;

6 “(ii) another mechanism that is ap-
7 proved by the Secretary; or

8 “(iii) support for the development of a
9 State-financed or privately financed alter-
10 native financing program engaged in the
11 provision of assistive technology devices,
12 such as—

13 “(I) a low-interest loan fund;

14 “(II) an interest buy-down pro-
15 gram;

16 “(III) a revolving loan fund; or

17 “(IV) a loan guarantee or insur-
18 ance program.

19 “(B) DEVICE REUTILIZATION PRO-
20 GRAMS.—The State shall directly, or in collabo-
21 ration with public or private entities, carry out
22 assistive technology device reutilization pro-
23 grams that provide for the exchange, repair, re-
24 cycling, or other reutilization of assistive tech-
25 nology devices, which may include redistribution

1 through device sales, loans, rentals, or dona-
2 tions.

3 “(C) DEVICE LOAN PROGRAMS.—The
4 State shall directly, or in collaboration with
5 public or private entities, carry out device loan
6 programs that provide short-term loans of as-
7 sistive technology devices to individuals, employ-
8 ers, public agencies, or others seeking to meet
9 the needs of targeted individuals and entities,
10 including others seeking to comply with the In-
11 dividuals with Disabilities Education Act (20
12 U.S.C. 1400 et seq.), the Americans with Dis-
13 abilities Act of 1990 (42 U.S.C. 12101 et seq.),
14 and section 504 of the Rehabilitation Act of
15 1973 (29 U.S.C. 794).

16 “(D) DEVICE DEMONSTRATIONS.—

17 “(i) IN GENERAL.—The State shall
18 directly, or in collaboration with public and
19 private entities, such as one-stop partners,
20 as defined in section 3 of the Workforce
21 Innovation and Opportunity Act (29
22 U.S.C. 3102), demonstrate a variety of as-
23 sistive technology devices and assistive
24 technology services (including assisting in-
25 dividuals in making informed choices re-

1 garding, and providing experiences with,
2 the devices and services), using personnel
3 who are familiar with such devices and
4 services and their applications.

5 “(ii) COMPREHENSIVE INFORMA-
6 TION.—The State shall directly, or through
7 referrals, provide to individuals, to the ex-
8 tent practicable, comprehensive informa-
9 tion about State and local assistive tech-
10 nology venders, providers, and repair serv-
11 ices.

12 “(3) STATE LEADERSHIP ACTIVITIES.—

13 “(A) EDUCATION AND TECHNICAL ASSIST-
14 ANCE.—

15 “(i) IN GENERAL.—The State shall,
16 directly or through the provision of support
17 to public or private entities with dem-
18 onstrated expertise in collaborating with
19 public or private agencies that serve indi-
20 viduals with disabilities, develop and dis-
21 seminate education materials, conduct edu-
22 cation, and provide technical assistance,
23 for individuals statewide, including rep-
24 resentatives of State and local educational
25 agencies, State vocational rehabilitation

1 programs, other State and local agencies,
2 early intervention programs, adult service
3 programs, hospitals and other health care
4 facilities, institutions of higher education,
5 and businesses.

6 “(ii) AUTHORIZED ACTIVITIES.—In
7 carrying out activities under clause (i), the
8 State shall carry out activities that en-
9 hance the knowledge, skills, and com-
10 petencies of individuals from local settings
11 described in such clause, which may in-
12 clude—

13 “(I) general awareness education
14 on the benefits of assistive technology
15 and the Federal, State, and private
16 funding sources available to assist tar-
17 geted individuals and entities in ac-
18 quiring assistive technology;

19 “(II) skills-development edu-
20 cation in assessing the need for assist-
21 ive technology devices and assistive
22 technology services;

23 “(III) education to ensure the
24 appropriate application and use of as-
25 sistive technology devices, assistive

1 technology services, and accessible in-
2 formation and communication tech-
3 nology for e-government functions;

4 “(IV) education in the impor-
5 tance of multiple approaches to as-
6 sessment and implementation nec-
7 essary to meet the individualized
8 needs of individuals with disabilities;
9 and

10 “(V) technical education on inte-
11 grating assistive technology into the
12 development and implementation of
13 service plans, including any education,
14 health, discharge, Olmstead, employ-
15 ment, or other plan required under
16 Federal or State law.

17 “(iii) TRANSITION ASSISTANCE TO IN-
18 DIVIDUALS WITH DISABILITIES.—The
19 State shall (directly or through the provi-
20 sion of support to public or private enti-
21 ties), develop and disseminate education
22 materials, conduct education, facilitate ac-
23 cess to assistive technology, and provide
24 technical assistance, to assist—

1 “(I) students with disabilities,
2 within the meaning of the Individuals
3 with Disabilities Education Act (20
4 U.S.C. 1400 et seq.), that receive
5 transition services; and

6 “(II) adults who are individuals
7 with disabilities maintaining or
8 transitioning to community living.

9 “(B) PUBLIC-AWARENESS ACTIVITIES.—

10 “(i) IN GENERAL.—The State shall
11 conduct public-awareness activities de-
12 signed to provide information to targeted
13 individuals and entities relating to the
14 availability, benefits, appropriateness, and
15 costs of assistive technology devices and
16 assistive technology services, including—

17 “(I) the development of proce-
18 dures for providing direct communica-
19 tion between providers of assistive
20 technology and targeted individuals
21 and entities, which may include part-
22 nerships with entities in the statewide
23 and local workforce development sys-
24 tems established under the Workforce
25 Innovation and Opportunity Act (29

1 U.S.C. 3101 et seq.), State vocational
2 rehabilitation programs, public and
3 private employers, the centers for
4 independent living described in part C
5 of title VII of the Rehabilitation Act
6 of 1973 (29 U.S.C. 796f et seq.),
7 Aging and Disability Resources Cen-
8 ters (as defined in section 102 of the
9 Older Americans Act of 1965 (42
10 U.S.C. 3002)), or elementary schools
11 and secondary schools (as defined in
12 section 8101 of the Elementary and
13 Secondary Education Act of 1965 (20
14 U.S.C. 7801));

15 “(II) the development and dis-
16 semination to targeted individuals and
17 entities, of information about State ef-
18 forts related to assistive technology;
19 and

20 “(III) the distribution of mate-
21 rials to appropriate public and private
22 agencies that provide social, medical,
23 educational, employment, housing,
24 and transportation services to individ-
25 uals with disabilities.

1 “(ii) STATEWIDE INFORMATION AND
2 REFERRAL SYSTEM.—

3 “(I) IN GENERAL.—The State
4 shall directly, or in collaboration with
5 public or private entities, provide for
6 the continuation and enhancement of
7 a statewide information and referral
8 system designed to meet the needs of
9 targeted individuals and entities.

10 “(II) CONTENT.—The system
11 shall deliver information on assistive
12 technology devices, assistive tech-
13 nology services (with specific data re-
14 garding provider availability within
15 the State), and the availability of re-
16 sources, including funding through
17 public and private sources, to obtain
18 assistive technology devices and assist-
19 ive technology services. The system
20 shall also deliver information on the
21 benefits of assistive technology devices
22 and assistive technology services with
23 respect to enhancing the capacity of
24 individuals with disabilities to perform
25 activities of daily living.

1 “(C) COORDINATION AND COLLABORA-
2 TION.—The State shall coordinate activities de-
3 scribed in paragraph (2) and this paragraph
4 among public and private entities that are re-
5 sponsible for policies, procedures, or funding for
6 the provision of assistive technology devices and
7 assistive technology services to improve access
8 to such devices and services in the State.

9 “(4) FUNDING RULES.—

10 “(A) PROHIBITION.—Funds made avail-
11 able through a grant to a State under this sec-
12 tion shall not be used for direct payment for an
13 assistive technology device for an individual
14 with a disability.

15 “(B) FEDERAL PARTNER COLLABORA-
16 TION.—In order to coordinate the availability of
17 funding to access and acquire assistive tech-
18 nology through device demonstration, loan,
19 reuse, and State financing activities, a State re-
20 ceiving a grant under this section shall ensure
21 that the lead agency or implementing entity is
22 conducting outreach to and, as appropriate, col-
23 laborating with, other State agencies that re-
24 ceive Federal funding for assistive technology,
25 including—

1 “(i) the State educational agency re-
2 ceiving assistance under the Individuals
3 with Disabilities Education Act (20 U.S.C.
4 1400 et seq.);

5 “(ii) the State vocational rehabilita-
6 tion agency receiving assistance under title
7 I of the Rehabilitation Act of 1973 (29
8 U.S.C. 720 et seq.);

9 “(iii) the agency responsible for ad-
10 ministering the State Medicaid program
11 under title XIX of the Social Security Act
12 (42 U.S.C. 1396 et seq.);

13 “(iv) the State agency receiving as-
14 sistance under the Older Americans Act of
15 1965 (42 U.S.C. 3001 et seq.); and

16 “(v) any other agency in a State that
17 funds assistive technology.

18 “(C) INDIRECT COSTS.—Not more than 10
19 percent of the funds made available through a
20 grant to a State under this section may be used
21 for indirect costs.

22 “(5) STATE FLEXIBILITY.—

23 “(A) IN GENERAL.—Notwithstanding para-
24 graph (1)(A) and subject to subparagraph (B),
25 a State may use funds that the State receives

1 under a grant awarded under this section to
2 carry out any 2 or more of the activities de-
3 scribed in paragraph (2).

4 “(B) SPECIAL RULE.—Notwithstanding
5 paragraph (1)(A), any State that exercises its
6 authority under subparagraph (A)—

7 “(i) shall carry out each of the re-
8 quired activities described in paragraph
9 (3); and

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

13 “(6) ASSISTIVE TECHNOLOGY DEVICE DISPOSI-
14 TION.—Notwithstanding other equipment disposition
15 policy under Federal law, an assistive technology de-
16 vice purchased to be used in activities authorized
17 under this section may be reutilized to the maximum
18 extent possible and then donated to a public agency,
19 private nonprofit agency, or an individual with a dis-
20 ability in need of such device.

21 “(f) ANNUAL PROGRESS REPORTS.—

22 “(1) DATA COLLECTION.—Each State receiving
23 a grant under this section shall participate in data
24 collection as required by law, including data collec-

tion required for preparation of the reports described in paragraph (2).

“(2) REPORTS.—

“(A) IN GENERAL.—Each State shall prepare and submit to the Secretary an annual progress report on the activities carried out by the State in accordance with subsection (e), including activities funded by State or other non-Federal sources under subsection (e)(1)(B) at such time, and in such manner, as the Secretary may require.

“(B) CONTENTS.—The report shall include data collected pursuant to this section. The report shall document, with respect to activities carried out under this section in the State—

“(i) the type of State financing activities described in subsection (e)(2)(A) used by the State;

“(ii) the amount and type of assistance given to consumers of the State financing activities described in subsection (e)(2)(A) (which shall be classified by type of assistive technology device or assistive technology service financed through the

1 State financing activities, and geographic
2 distribution within the State), including—

3 “(I) the number of applications
4 for assistance received;

5 “(II) the number of applica-
6 tions—

7 “(aa) approved;

8 “(bb) denied; or

9 “(cc) withdrawn;

10 “(III) the number, percentage,
11 and dollar amount of defaults for the
12 financing activities;

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

15 “(V) the range and average in-
16 come of approved applicants for the
17 financing activities; and

18 “(VI) the types and dollar
19 amounts of assistive technology fi-
20 nanced;

21 “(iii) the number, type, and length of
22 time of loans of assistive technology de-
23 vices provided to individuals with disabil-
24 ities, employers, public agencies, or public
25 accommodations through the device loan

1 program described in subsection (e)(2)(C),
2 and an analysis of the type of devices pro-
3 vided through the program, including how
4 the device benefitted the individual who re-
5 ceived such device;

6 “(iv) the number, type, estimated
7 value, and scope of assistive technology de-
8 vices exchanged, repaired, recycled, or re-
9 utilized (including redistributed through
10 device sales, loans, rentals, or donations)
11 through the device reutilization program
12 described in subsection (e)(2)(B), and an
13 analysis of the individuals with disabilities
14 who have benefited from the device reutili-
15 zation program;

16 “(v) the number and type of device
17 demonstrations and referrals provided
18 under subsection (e)(2)(D), and an anal-
19 ysis of individuals with disabilities who
20 have benefited from the demonstrations
21 and referrals;

22 “(vi)(I) the number and general char-
23 acteristics of individuals who participated
24 in education under subsection (e)(3)(A)
25 (such as individuals with disabilities, par-

1 ents, educators, employers, providers of
2 employment services, health care workers,
3 counselors, other service providers, or ven-
4 dors) and the topics of such education; and

5 “(II) to the extent practicable, the ge-
6 ographic distribution of individuals who
7 participated in the education;

8 “(vii) the frequency of provision and
9 nature of technical assistance provided to
10 State and local agencies and other entities;

11 “(viii) the number of individuals as-
12 sisted through the statewide information
13 and referral system described in subsection
14 (e)(3)(B)(ii) and descriptions of the public
15 awareness activities under subsection
16 (e)(3)(B);

17 “(ix) the outcomes of any improve-
18 ment initiatives carried out by the State as
19 a result of activities funded under this sec-
20 tion, including a description of any written
21 policies, practices, and procedures that the
22 State has developed and implemented re-
23 garding access to, provision of, and fund-
24 ing for, assistive technology devices, and
25 assistive technology services, in the con-

1 texts of education, health care, employ-
 2 ment, community living, and accessible in-
 3 formation and communication technology,
 4 including e-government;

5 “(x) the source of leveraged funding
 6 or other contributed resources, including
 7 resources provided through subcontracts or
 8 other collaborative resource-sharing agree-
 9 ments, from and with public and private
 10 entities to carry out State activities de-
 11 scribed in subsection (e)(3)(C), the number
 12 of individuals served with the contributed
 13 resources for which information is not re-
 14 ported under clauses (i) through (ix) or
 15 clause (xi), and other outcomes accom-
 16 plished as a result of such activities carried
 17 out with the contributed resources; and

18 “(xi) the level of customer satisfaction
 19 with the services provided.

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

22 “(a) GRANTS.—

23 “(1) IN GENERAL.—The Secretary shall make
 24 grants under subsection (b) to protection and advo-
 25 cacy systems in each State for the purpose of ena-

1 bling such systems to assist in the acquisition, utili-
2 zation, or maintenance of assistive technology de-
3 vices or assistive technology services for individuals
4 with disabilities.

5 “(2) GENERAL AUTHORITIES.—In providing
6 such assistance, protection and advocacy systems
7 shall have the same general authorities as the sys-
8 tems are afforded under subtitle C of title I of the
9 Developmental Disabilities Assistance and Bill of
10 Rights Act of 2000 (42 U.S.C. 15041 et seq.).

11 “(b) RESERVATION; DISTRIBUTION.—

12 “(1) RESERVATION.—For each fiscal year, the
13 Secretary shall reserve, from the amounts made
14 available to carry out this section under section
15 9(b)(3)(B), such sums as may be necessary to carry
16 out paragraph (4).

17 “(2) POPULATION BASIS.—From the funds ap-
18 propriated for this section for a fiscal year and re-
19 maining after the reservation required by paragraph
20 (1) has been made, the Secretary shall make a grant
21 to a protection and advocacy system within each
22 State in an amount bearing the same ratio to the re-
23 maining funds as the population of the State bears
24 to the population of all States.

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

5 “(A) in the case of a protection and advo-
6 cacy system located in American Samoa, Guam,
7 the United States Virgin Islands, or the Com-
8 monwealth of the Northern Mariana Islands,
9 not be less than \$30,000; and

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

13 “(4) PAYMENT TO THE SYSTEM SERVING THE
14 AMERICAN INDIAN CONSORTIUM.—

15 “(A) IN GENERAL.—The Secretary shall
16 make grants to the protection and advocacy
17 system serving the American Indian Consortium
18 to provide services in accordance with this sec-
19 tion.

20 “(B) AMOUNT OF GRANTS.—The amount
21 of such grants shall be the same as the amount
22 provided under paragraph (3)(A).

23 “(5) ADJUSTMENTS.—For each fiscal year in
24 which the total amount appropriated under section
25 9(b)(3)(B) to carry out this section is \$8,000,000 or

1 more and such appropriated amount exceeds the
2 total amount appropriated to carry out this section
3 in the preceding fiscal year, the Secretary shall in-
4 crease each of the minimum grant amounts de-
5 scribed in subparagraphs (A) and (B) of paragraph
6 (3) by a percentage equal to the percentage increase
7 in the total amount appropriated under section 9 to
8 carry out this section for the preceding fiscal year
9 and such total amount for the fiscal year for which
10 the determination is being made.

11 “(c) DIRECT PAYMENT.—Notwithstanding any other
12 provision of law, the Secretary shall pay directly to any
13 protection and advocacy system that complies with this
14 section, the total amount of the grant made for such sys-
15 tem under this section, unless the system provides other-
16 wise for payment of the grant amount.

17 “(d) CARRYOVER; PROGRAM INCOME.—

18 “(1) CARRYOVER.—Any amount paid to an eli-
19 gible system for a fiscal year under this section that
20 remains unobligated at the end of such fiscal year
21 shall remain available to such system for obligation
22 during the subsequent fiscal year.

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

1 “(A) remain available to the eligible system
2 for 5 additional fiscal years after the year in
3 which such amount was paid to an eligible sys-
4 tem and be considered an addition to the grant;
5 and

6 “(B) only be used to improve the aware-
7 ness of individuals with disabilities about the
8 accessibility of assistive technology and assist
9 such individuals in the acquisition, utilization,
10 or maintenance of assistive technology devices
11 or assistive technology services.

12 “(e) REPORT TO SECRETARY.—An entity that re-
13 ceives a grant under this section shall annually prepare
14 and submit to the Secretary a report that contains docu-
15 mentation of the progress of the entity in—

16 “(1) conducting consumer-responsive activities,
17 including activities that will lead to increased access
18 for individuals with disabilities to funding for assist-
19 ive technology devices and assistive technology serv-
20 ices;

21 “(2) engaging in informal advocacy to assist in
22 securing assistive technology devices and assistive
23 technology services for individuals with disabilities;

24 “(3) engaging in formal representation for indi-
25 viduals with disabilities to secure systems change,

1 and in advocacy activities to secure assistive tech-
2 nology devices and assistive technology services for
3 individuals with disabilities;

4 “(4) coordinating activities with protection and
5 advocacy services funded through sources other than
6 this Act, and coordinating activities with the capac-
7 ity building and advocacy activities carried out by
8 the lead agency; and

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

15 “(f) REPORTS AND UPDATES TO STATE AGENCIES.—
16 An entity that receives a grant under this section shall
17 prepare and submit to the lead agency of the State des-
18 ignated under section 4(c)(1) the report described in sub-
19 section (e) and quarterly updates concerning the activities
20 described in such subsection.

21 “(g) COORDINATION.—On making a grant under this
22 section to an entity in a State, the Secretary shall solicit
23 and consider the opinions of the lead agency of the State
24 with respect to efforts at coordination of activities, collabo-

1 ration, and promoting outcomes between the lead agency
 2 and the entity that receives the grant under this section.

3 **“SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION**
 4 **SUPPORT.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) QUALIFIED DATA COLLECTION AND RE-
 7 PORTING ENTITY.—The term ‘qualified data collec-
 8 tion and reporting entity’ means an entity with dem-
 9 onstrated expertise in data collection and reporting
 10 as described in section 4(f)(2)(B), in order to—

11 “(A) provide recipients of grants under
 12 this Act with education and technical assist-
 13 ance; and

14 “(B) assist such recipients with data col-
 15 lection and data requirements.

16 “(2) QUALIFIED PROTECTION AND ADVOCACY
 17 SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The
 18 term ‘qualified protection and advocacy system tech-
 19 nical assistance provider’ means an entity that has
 20 experience—

21 “(A) working with protection and advocacy
 22 systems established in accordance with section
 23 143 of the Developmental Disabilities Assist-
 24 ance and Bill of Rights Act of 2000 (42 U.S.C.
 25 15043); and

1 “(B) providing technical assistance to pro-
2 tection and advocacy agencies.

3 “(3) QUALIFIED TECHNICAL ASSISTANCE PRO-
4 VIDER.—The term ‘qualified technical assistance
5 provider’ means an entity with demonstrated exper-
6 tise in assistive technology and that has (directly or
7 through grants or contracts)—

8 “(A) experience and expertise admin-
9 istering programs, including developing, imple-
10 menting, and administering activities described
11 in section 4(e); and

12 “(B) documented experience and knowl-
13 edge about—

14 “(i) assistive technology device loan
15 and demonstration;

16 “(ii) assistive technology device reuse;

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

21 “(iv) State leadership activities.

22 “(b) TECHNICAL ASSISTANCE AND DATA COLLEC-
23 TION SUPPORT AUTHORIZED.—

24 “(1) SUPPORT FOR ASSISTIVE TECHNOLOGY
25 EDUCATION AND TECHNICAL ASSISTANCE.—From

1 amounts made available under section 9(b)(1), the
2 Secretary shall award, on a competitive basis—

3 “(A) 1 grant, contract, or cooperative
4 agreement to a qualified technical assistance
5 provider to support activities described in sub-
6 section (d)(1) for States receiving grants under
7 section 4; and

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

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

18 “(A) 1 grant, contract, or cooperative
19 agreement to a qualified data collection and re-
20 porting entity to enable the qualified data col-
21 lection and reporting entity to carry out the ac-
22 tivities described in subsection (d)(2) for States
23 receiving grants under section 4; and

24 “(B) 1 grant, contract, or cooperative
25 agreement to a qualified protection and advo-

1 cacy system technical assistance provider to en-
2 able the eligible protection and advocacy system
3 to carry out the activities described in sub-
4 section (d)(2) for protection and advocacy sys-
5 tems receiving grants under section 5.

6 “(c) APPLICATION.—

7 “(1) IN GENERAL.—To be eligible to receive a
8 grant, contract, or cooperative agreement under this
9 section, an entity shall submit an application to the
10 Secretary at such time and in such manner as the
11 Secretary may require, and containing the following
12 information:

13 “(A) Information upon which the Secretary
14 shall consider the input described in paragraph
15 (2).

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

19 “(C) A description of the expertise such
20 entity has to carry out such activities.

21 “(D) In the case of an entity applying to
22 receive a grant, contract, or cooperative agree-
23 ment under subsection (b)(1), a description of
24 such entity’s plan for complying with the re-
25 quirements described in subsection (d)(1)(B).

1 “(E) A description of such entity’s plan to
2 comply with all relevant State and Federal
3 laws, regulations, and policies with respect to
4 data privacy and security.

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

12 “(A) individuals with disabilities who use
13 assistive technology and understand the bar-
14 riers to the acquisition of such technology and
15 assistive technology services;

16 “(B) family members, guardians, advo-
17 cates, and authorized representatives of such
18 individuals;

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

22 “(D) representatives of businesses; and

23 “(E) venders and public and private re-
24 searchers and developers.

25 “(d) AUTHORIZED ACTIVITIES.—

1 “(1) USE OF FUNDS FOR ASSISTIVE TECH-
2 NOLOGY TECHNICAL ASSISTANCE.—

3 “(A) TECHNICAL ASSISTANCE EFFORTS.—

4 A qualified technical assistance provider or
5 qualified protection and advocacy system tech-
6 nical assistance provider receiving a grant, con-
7 tract, or cooperative agreement under sub-
8 section (b)(1) shall support a technical assist-
9 ance program for States or protection and ad-
10 vocacy systems receiving a grant under section
11 4 or 5, respectively, that—

12 “(i) addresses State-specific informa-
13 tion requests concerning assistive tech-
14 nology from entities funded under this Act
15 and public entities not funded under this
16 Act, including—

17 “(I) effective approaches to Fed-
18 eral-State coordination of programs
19 for individuals with disabilities related
20 to improving funding for or access to
21 assistive technology devices and assist-
22 ive technology services for individuals
23 with disabilities;

24 “(II) model State and local laws,
25 regulations, policies, practices, proce-

1 dures, and organizational structures
2 that facilitate, and overcome barriers
3 to, funding for, and access to, assist-
4 ive technology devices and assistive
5 technology services;

6 “(III) effective approaches to de-
7 veloping, implementing, evaluating,
8 and sustaining activities described in
9 section 4 or 5, as the case may be,
10 and related to improving acquisition
11 and access to assistive technology de-
12 vices and assistive technology services
13 for individuals with disabilities, and
14 requests for assistance in developing
15 corrective action plans;

16 “(IV) examples of policies, prac-
17 tices, procedures, regulations, or judi-
18 cial decisions related to access to and
19 acquisition of assistive technology de-
20 vices and assistive technology services
21 for individuals with disabilities;

22 “(V) effective approaches to the
23 development of consumer-controlled
24 systems that increase access to, fund-
25 ing for, and awareness of, assistive

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

3 “(VI) other requests for informa-
4 tion and technical assistance from en-
5 tities funded under this Act; and

6 “(ii) in the case of a program that
7 will serve States receiving grants under
8 section 4—

9 “(I) assists targeted individuals
10 and entities by disseminating informa-
11 tion and responding to requests relat-
12 ing to assistive technology by pro-
13 viding referrals to recipients of grants
14 under section 4 or other public or pri-
15 vate resources; and

16 “(II) provides State-specific, re-
17 gional, and national technical assist-
18 ance concerning assistive technology
19 to entities funded under this Act and
20 public and private entities not funded
21 under this Act, including—

22 “(aa) annually providing a
23 forum for exchanging information
24 concerning, and promoting pro-
25 gram and policy improvements

1 in, required activities of the State
2 assistive technology programs;

3 “(bb) facilitating onsite and
4 electronic information sharing
5 using state-of-the-art internet
6 technologies such as real-time on-
7 line discussions, multipoint video
8 conferencing, and web-based
9 audio or video broadcasts, on
10 emerging topics that affect State
11 assistive technology programs;

12 “(cc) convening experts from
13 State assistive technology pro-
14 grams to discuss and make rec-
15 ommendations with regard to na-
16 tional emerging issues of impor-
17 tance to individuals with assistive
18 technology needs;

19 “(dd) sharing best practice
20 and evidence-based practices
21 among and between State assist-
22 ive technology programs;

23 “(ee) maintaining an acces-
24 sible website that includes links
25 to State assistive technology pro-

1 grams, appropriate Federal de-
2 partments and agencies, and pri-
3 vate resources;

4 “(ff) developing a resource
5 that connects individuals from a
6 State with the State assistive
7 technology program in their
8 State;

9 “(gg) providing access to ex-
10 perts in the state-level activities
11 described in section 4(e)(2)
12 through site visits, telecon-
13 ferences, and other means, to en-
14 sure access to information for en-
15 tities that are carrying out new
16 programs or programs that are
17 not making progress in achieving
18 the objectives of the programs;
19 and

20 “(hh) supporting and coordi-
21 nating activities designed to re-
22 duce the financial costs of pur-
23 chasing assistive technology for
24 the activities described in section
25 4(e), and reducing duplication of

1 activities among State assistive
2 technology programs.

3 “(B) COLLABORATION.—In developing and
4 providing technical assistance under this para-
5 graph, an entity receiving funds under sub-
6 section (b)(1) 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 technical assistance
17 providers;

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

21 “(VI) providers of device loans,
22 device demonstrations, and device re-
23 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 tech-
5 nical assistance provider, include activities
6 identified as priorities by State advisory
7 councils and lead agencies and imple-
8 menting entities for grants under section
9 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 impact of the activi-
24 ties to individuals who need assistive tech-
25 nology;

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); and

12 “(D) are in full compliance with all rel-
13 evant State and Federal laws, regulations, and
14 policies with respect to data privacy and secu-
15 rity.

16 “(e) LIMITATION.—No entity may receive a grant,
17 contract, or cooperative agreement under this section if
18 the entity is currently receiving a grant, contract, or coop-
19 erative agreement under this section.

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

21 “(a) DEFINITION OF PROJECT OF NATIONAL SIG-
22 NIFICANCE.—In this section the term ‘project of national
23 significance’—

24 “(1) means a project that—

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

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

8 “(2) may—

9 “(A) develop and expand partnerships be-
10 tween State Medicaid agencies and recipients of
11 grants under section 4 to reutilize durable med-
12 ical equipment;

13 “(B) increase collaboration between the re-
14 cipients of grants under section 4 and States
15 receiving grants under the Money Follows the
16 Person Rebalancing Demonstration under sec-
17 tion 6071 of the Deficit Reduction Act of 2005
18 (42 U.S.C. 1396a note);

19 “(C) increase collaboration between recipi-
20 ents of grants under section 4 and area agen-
21 cies on aging, as such term is defined in section
22 102 of the Older Americans Act of 1965 (42
23 U.S.C. 3002), which may include collaboration
24 on emergency preparedness, safety equipment,
25 or assistive technology toolkits;

1 “(D) provide aid to assist youth with dis-
2 abilities to transition from school to adult life,
3 especially in—

4 “(i) finding employment and postsec-
5 ondary education opportunities; and

6 “(ii) upgrading and changing any as-
7 sistive technology devices that may be
8 needed as a youth matures;

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

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

17 “(G) increase awareness of and access to
18 the Disability Funds-Financial Assistance fund-
19 ing provided by the Community Development
20 Financial Institutions Fund that supports ac-
21 quisition of assistive technology; and

22 “(H) increase awareness of and access to
23 other federally funded disability programs or in-
24 crease knowledge of assistive technology.

1 “(b) PROJECTS AUTHORIZED.—If funds are available
2 pursuant to section 9(c) to carry out this section for a
3 fiscal year, the Secretary may award, on a competitive
4 basis, grants, contracts, and cooperative agreements to
5 public or private entities to enable the entities to carry
6 out projects of national significance.

7 “(c) APPLICATION.—A public or private entity desir-
8 ing a grant under this section shall submit an application
9 to the Secretary at such time and in such manner as the
10 Secretary may require, and containing a description of the
11 project the public or private entity proposes to carry out
12 under this section.

13 “(d) AWARD BASIS.—

14 “(1) PRIORITY.—In awarding grants under this
15 section, the Secretary shall give priority to an entity
16 funded under section 4 or 5 for the most recent
17 award period.

18 “(2) PREFERENCE.—For each grant award pe-
19 riod, the Secretary may give preference for 1 or
20 more categories of projects of national significance
21 described in subparagraphs (A) through (H) of sub-
22 section (a)(2).

23 “(e) MINIMUM FUNDING LEVEL REQUIRED.—The
24 Secretary may only award grants, contracts, or coopera-
25 tive agreements under this section if the amount made

1 available under section 9 to carry out sections 4, 5, and
2 6 is equal to or greater than \$49,000,000.

3 **“SEC. 8. ADMINISTRATIVE PROVISIONS.**

4 “(a) GENERAL ADMINISTRATION.—

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

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

19 “(3) ADMINISTRATION.—

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

1 “(i) the needs of individuals with all
2 types of disabilities and across the life
3 span; and

4 “(ii) the use of assistive technology in
5 all potential environments, including em-
6 ployment, education, and community liv-
7 ing.

8 “(B) FUNDING LIMITATIONS.—For each
9 fiscal year, not more than 1/2 of 1 percent of
10 the total funding appropriated for this Act shall
11 be used by the Administrator of the Adminis-
12 tration for Community Living to support the
13 administration of this Act.

14 “(b) REVIEW OF PARTICIPATING ENTITIES.—

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

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

1 including the information required under subsection
2 (d).

3 “(c) CORRECTIVE ACTION AND SANCTIONS.—

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

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

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

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

1 “(C) Reduction in the amount of funding
2 that may be used for indirect costs under sec-
3 tion 4 for the following fiscal year.

4 “(D) Required redesignation of the lead
5 agency designated under section 4(c)(1) or an
6 entity responsible for administering the grant
7 program.

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

14 “(4) SECRETARIAL ACTION.—As part of the an-
15 nual report required under subsection (d), the Sec-
16 retary shall describe each such action taken under
17 paragraph (1) or (2) and the outcomes of each such
18 action.

19 “(5) PUBLIC NOTIFICATION.—Not later than
20 30 days after taking an action under paragraph (1)
21 or (2), the Secretary shall provide the public, by
22 posting on an easily accessible portion of the inter-
23 net website of the Department of Health and
24 Human Services, notification of each action taken by
25 the Secretary under paragraph (1) or (2). As a part

1 of such notification, the Secretary shall describe
2 each such action taken under paragraph (1) or (2)
3 and the outcomes of each such action.

4 “(d) ANNUAL REPORT TO CONGRESS.—

5 “(1) IN GENERAL.—Not later than December
6 31 of each year, the Secretary shall prepare and
7 submit to the President, the Committee on Health,
8 Education, Labor, and Pensions of the Senate, and
9 the Committee on Education and Labor of the
10 House of Representatives a report on the activities
11 funded under this Act to improve the access of as-
12 sistive technology devices and assistive technology
13 services to individuals with disabilities.

14 “(2) CONTENTS.—Such report shall include—

15 “(A) a compilation and summary of the in-
16 formation provided by the States in annual
17 progress reports submitted under section 4(f);
18 and

19 “(B) a summary of the State applications
20 described in section 4(d) and an analysis of the
21 progress of the States in meeting the measur-
22 able goals established in State applications
23 under section 4(d)(3)(C).

24 “(e) CONSTRUCTION.—Nothing in this section shall
25 be construed to affect the enforcement authority of the

1 Secretary, another Federal officer, or a court under any
2 other applicable law.

3 “(f) EFFECT ON OTHER ASSISTANCE.—This Act may
4 not be construed as authorizing a Federal or State agency
5 to reduce medical or other assistance available, or to alter
6 eligibility for a benefit or service, under any other Federal
7 law.

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

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

12 “(1) \$44,000,000 for fiscal year 2023;

13 “(2) \$45,980,000 for fiscal year 2024;

14 “(3) \$48,049,100 for fiscal year 2025;

15 “(4) \$50,211,310 for fiscal year 2026; and

16 “(5) \$52,470,819 for fiscal year 2027.

17 “(b) RESERVATIONS AND DISTRIBUTION OF
18 FUNDS.—Of the funds made available under subsection
19 (a) to carry out this Act and subject to subsection (c),
20 the Secretary shall—

21 “(1) reserve an amount equal to 3 percent of
22 such available funds to carry out paragraphs (1) and
23 (2) of section 6(b); and

24 “(2) of the amounts remaining after the res-
25 ervation under paragraph (1)—

1 “(A) use 85.5 percent of such amounts to
2 carry out section 4; and

3 “(B) use 14.5 percent of such amounts to
4 carry out section 5.

5 “(c) LIMIT FOR PROJECTS OF NATIONAL SIGNIFI-
6 CANCE.—For any fiscal year for which the amount of
7 funds made available under subsection (a) exceeds
8 \$49,000,000, the Secretary may—

9 “(1) reserve for section 7, an amount of such
10 available funds that does not exceed the lesser of—

11 “(A) the excess amount made available; or

12 “(B) \$2,000,000; and

13 “(2) make the reservation under paragraph (1)
14 before carrying out subsection (b).”.

15 **SEC. 3. EFFECTIVE DATE.**

16 This Act, and the amendments made by this Act,
17 shall take effect on the day that is 6 months after the
18 date of enactment of this Act.

○