

IMPROVING ACCESS TO ASSISTIVE TECHNOLOGY FOR  
INDIVIDUALS WITH DISABILITIES ACT OF 2004

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JUNE 1, 2004.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. BOEHNER, from the Committee on Education and the  
Workforce, submitted the following

R E P O R T

[To accompany H.R. 4278]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 4278) to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004”.

**SEC. 2. AMENDMENT TO THE ASSISTIVE TECHNOLOGY ACT OF 1998.**

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

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

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

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

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

“Sec. 2. Findings and purposes.

“Sec. 3. Definitions.

“Sec. 4. Grants to States for purchase of assistive technology devices and assistive technology services.

“Sec. 5. Grants to States for protection and advocacy related to assistive technology.

“Sec. 6. Administrative provisions.

“Sec. 7. National activities.

“Sec. 8. Authorization of appropriations.

**“SEC. 2. FINDINGS AND PURPOSES.**

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

“(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

“(A) live independently;

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

“(C) benefit from an education;

“(D) pursue meaningful careers; and

“(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.

“(2) Technology is one of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is one of the main factors underlying the strength and vibrancy of the economy of the United States.

“(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.

“(4) Over the last 15 years, the Federal Government has invested in the development of statewide comprehensive systems to help individuals with disabilities gain access to assistive technology devices and services. This partnership with States provided an important service to individuals with disabilities by strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.

“(5) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. These devices and adaptations increase the involvement, and reduce expenditures associated with, programs and activities that facilitate communication, ensure independent living and functioning, enable early childhood development, support educational achievement, provide and enhance employment options, and enable full participation in community living and recreation for individuals with disabilities.

“(6) Despite the success of the Federal-State partnership in providing access to assistive technology and services, there is a continued need to provide information about the availability of assistive technology, advances in improving accessibility and functionality of assistive technology, and appropriate methods to secure and utilize assistive technology in order to maximize their independence and participation of individuals with disabilities in society.

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

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

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

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

“(C) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

“(D) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

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

“(F) increase the awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate

the availability or provision of assistive technology devices and assistive technology services; and

“(G) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and the general population; and

“(2) to provide States with financial assistance that supports programs designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

### “SEC. 3. DEFINITIONS.

“In this Act:

“(1) **ADVOCACY SERVICES.**—The term ‘advocacy services’, except as used as part of the term ‘protection and advocacy services’, means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

“(2) **AMERICAN INDIAN CONSORTIUM.**—The term ‘American Indian Consortium’ has the meaning given the term in section 102(1) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and that is established to provide protection and advocacy services for purposes of receiving funding under subtitle C of title I of such Act.

“(3) **ASSISTIVE TECHNOLOGY.**—The term ‘assistive technology’ means technology designed to be utilized in an assistive technology device or assistive technology service.

“(4) **ASSISTIVE TECHNOLOGY DEVICE.**—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

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

“(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

“(B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

“(C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

“(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

“(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

“(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

“(6) **CAPACITY BUILDING AND ADVOCACY ACTIVITIES.**—The term ‘capacity building and advocacy activities’ means efforts that—

“(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

“(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

“(7) **COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.**—The term ‘comprehensive statewide program of technology-related assistance’ means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type

of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

“(8) CONSUMER-RESPONSIVE.—The term ‘consumer-responsive’—

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

“(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

“(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

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

“(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

“(v) support for individual and systems advocacy and community involvement; and

“(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

“(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

“(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

“(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

“(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

“(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.

“(9) DISABILITY.—The term ‘disability’ means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

“(10) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

“(A) INDIVIDUAL WITH A DISABILITY.—The term ‘individual with a disability’ means any individual of any age, race, or ethnicity—

“(i) who has a disability; and

“(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

“(B) INDIVIDUALS WITH DISABILITIES.—The term ‘individuals with disabilities’ means more than one individual with a disability.

“(11) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

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

“(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

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

“(13) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

“(14) STATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(B) OUTLYING AREAS.—In sections 4(c) and 5(b):

“(i) OUTLYING AREA.—The term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(ii) STATE.—The term ‘State’ does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(15) TARGETED INDIVIDUALS.—The term ‘targeted individuals’ means—

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

“(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

“(C) educators and related services personnel;

“(D) technology experts (including engineers);

“(E) health and allied health professionals;

“(F) employers; and

“(G) other appropriate individuals and entities.

“(16) TECHNOLOGY-RELATED ASSISTANCE.—The term ‘technology-related assistance’ means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (G) of section 2(b)(1).

“(17) UNDERREPRESENTED POPULATION.—The term ‘underrepresented population’ means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

“(18) UNIVERSAL DESIGN.—The term ‘universal design’ means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

**“SEC. 4. GRANTS TO STATES FOR PURCHASE OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.**

“(a) GRANTS TO STATES.—The Secretary shall award grants, in accordance with this section, to States to maintain comprehensive statewide programs of technology related assistance to support programs that are designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—

“(A) REQUIRED ACTIVITIES.—Except as provided in subparagraph (C), any State that receives a grant under this section shall use a portion of the funds made available through the grant to carry out the activities described in subparagraphs (A) and (B) of paragraph (2).

“(B) DISCRETIONARY ACTIVITIES.—Any State that receives a grant under this section may use the funds made available through the grant to carry out the activities described in subparagraph (C) or (D) of paragraph (2).

“(C) SPECIAL RULE.—Any State in which financial support for the activities described in subparagraph (A) or (B) of paragraph (2) is provided from State or other resources shall not be required to expend the funds provided under the grant to carry out the activities described in subparagraph (A) or (B), as the case may be. Such financial support shall be comparable to the amount of the grant the State would otherwise have expended for such activities.

“(2) STATE-LEVEL ACTIVITIES.—

“(A) STATE FINANCE SYSTEMS.—The State shall support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including the development of systems to provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—

“(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision of assistive technology devices and assistive technology services; or

“(ii) the establishment of alternative State or privately funded systems of subsidies for the provision of assistive technology devices or assistive technology services, such as—

“(I) a low-interest loan fund;

- “(II) an interest buy-down program;
- “(III) a revolving loan fund;
- “(IV) a loan guarantee or insurance program;
- “(V) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or
- “(VI) another mechanism approved by the Secretary.

“(B) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that support the short-term loan of assistive technology devices to individuals, employers, public agencies, public accommodations, or others seeking to meet the needs of targeted individuals, including to comply with the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, and section 504 of the Rehabilitation Act of 1973.

“(C) DEVICE REUTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, recycling, or other reutilization of assistive technology devices, which may include redistribution through device and equipment loans, rentals, or gifts.

“(D) DEVICE DEMONSTRATION PROGRAM.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device demonstration programs that provide for the ability of targeted individuals to learn about the use and operation of assistive technology devices.

“(3) STATE LEADERSHIP ACTIVITIES.—

“(A) IN GENERAL.—Any State that receives a grant under this section may use up to 40 percent of the funds made available through the grant to carry out the activities described in subparagraph (B).

“(B) REQUIRED ACTIVITIES.—The State shall support—

“(i) public awareness activities designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services, including—

“(I) the development and dissemination of information relating to—

“(aa) the nature of assistive technology devices and assistive technology services;

“(bb) the appropriateness of, cost of, availability of, evaluation of, and access to, assistive technology devices and assistive technology services; and

“(cc) the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living;

“(II) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals, which may include partnerships with the State and local workforce investment system established under the Workforce Investment Act of 1998, State vocational rehabilitation centers, public and private employers, or elementary and secondary public schools; and

“(III) the development and dissemination, to targeted individuals, of information about State efforts related to assistive technology; and

“(IV) the distribution of materials to appropriate public and private agencies that provide social, medical, educational, employment, and transportation services to individuals with disabilities.

“(ii) technical assistance and training on—

“(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services;

“(II) providing technical assistance, including technical assistance concerning how—

“(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law; and

“(bb) to increase consumer participation regarding assistive technology devices and assistive technology services; and

“(III) the enhancement of the assistive technology skills and competencies of—

“(aa) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

“(bb) educators and related services personnel;

“(cc) technology experts (including engineers);

“(dd) health and allied health professionals;

“(ee) employers; and

“(ff) other appropriate personnel; and

“(iii) outreach and support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented populations and rural populations, and further including support such as outreach to consumer organizations and groups in the State to coordinate efforts to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

“(C) AUTHORIZED ACTIVITIES.—The State may support the operation and administration of the activities in paragraph (2), through interagency coordination to develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

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

“(5) PROHIBITION.—Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

“(6) STATE FLEXIBILITY.—

“(A) IN GENERAL.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that it receives under a grant under this section to carry out any of the activities described in paragraph (2).

“(B) SPECIAL RULE.—Notwithstanding paragraph (3)(A), any State which exercises its authority under subparagraph (A) may not use more than 30 percent of the funds made available through the grant to carry out the activities described in paragraph (3)(B).

“(c) AMOUNT OF FINANCIAL ASSISTANCE.—

“(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 8(a) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than \$105,000 to each eligible outlying area.

“(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

“(3) CALCULATION OF STATE GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall allocate funds to each State for a fiscal year in an amount that bears the same ratio as the population of the State bears to the population of all States.

“(B) MINIMUM ALLOTMENT.—A State shall receive an amount under a grant for a fiscal year that is not less than the amount the State received under the grant provided under title I of this Act (as in effect on the day before the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004) for fiscal year 2004.

“(C) RATABLE REDUCTIONS.—

“(i) IN GENERAL.—If amounts made available to carry out this section for any fiscal year are insufficient to meet the minimum allotment requirement for each State under subparagraph (B) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(ii) ADDITIONAL FUNDS.—If additional funds become available for making payments described under this subsection for any such fiscal year, the amounts that were reduced under clause (i) shall be increased on the same basis as such amounts were reduced.

“(d) LEAD AGENCY.—

“(1) DESIGNATION.—To be eligible to receive a grant under this section, the Governor of the State shall designate in accordance with paragraph (2) a lead agency to administer the grant under this section.

“(2) ELIGIBLE ENTITIES.—For purposes of paragraph (1), the Governor of the State may designate one of the following:

“(A) The State agency responsible for the administration of vocational rehabilitation in the State.

“(B) A commission, council, or other official body appointed by the Governor.

“(C) A public-private partnership or consortium.

“(D) A public agency (including the office of the Governor, a State oversight office, a State agency, a public institution of higher education, or other public entity).

“(E) A council established under Federal or State law.

“(F) An organization described in section 501(c)(3) of Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Act.

“(G) Another appropriate office, agency, entity, or organization.

“(3) DUTIES OF THE LEAD AGENCY.—The duties of the lead agency shall include—

“(A) submitting the application described in subsection (e) on behalf of the State;

“(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

“(C) (i) coordinating efforts related to, and supervising the preparation of, the application described in subsection (e);

“(ii) coordinating, maintaining, and evaluating the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

“(iii) coordinating efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 5, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant;

“(D) delegating, in whole or in part, any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals; and

“(E) establishing a partnership or partnerships with private providers of social, medical, educational, employment, and transportation services to individuals with disabilities.

“(4) CHANGE IN LEAD AGENCY.—The Governor may change the lead agency of the State (to an agency other than the lead agency of the State as of the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004) if the Governor provides a justification in the application to the Secretary for such action. Nothing in this subsection shall be construed to require the Governor of a State to change the lead agency of the State to an agency other than the lead agency of such State as of the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004.

“(e) STATE APPLICATION.—

“(1) SUBMISSION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application at such time and in such manner as the Secretary may specify.

“(2) CONTENT.—Each application shall contain, at a minimum, the following information:

“(A) PLANNED ACTIVITIES.—A description of those activities described in subsection (b)(2) that the State will carry out under the grant.

“(B) MEASURABLE GOALS.—A description of—

“(i) the measurable goals the State has set for addressing the assistive technology needs of individuals with disabilities in the State, including any measurable goals, and a timeline for meeting such goals, related to—

“(I) education, including goals involving the provision of assistive technology to individuals with disabilities that receive services under the Individuals with Disabilities Education Act;

“(II) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;



“(III) telecommunication and information technology; and

“(IV) community living; and

“(ii) how the State will quantifiably measure the goals to determine whether the goals have been achieved.

“(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES.—A description of how individuals with disabilities of all ages and their families—

“(i) were involved in selecting—

“(I) the goals;

“(II) the activities to be undertaken in achieving the goals; and

“(III) the measures to be used in judging if the goals have been achieved; and

“(ii) will be involved in measuring whether the goals have been achieved.

“(D) STATE SUPPORT.—A description of those activities described in subsection (b)(2) that the State will support under the grant, including at a minimum the State’s plans to provide financial support, consistent with subsection (b)(1), for the activities described in subparagraphs (A) and (B) of such subsection.

“(E) ASSURANCE.—An assurance that the physical location of the entity responsible for conducting the State activities under this Act meets the requirements of the Americans with Disabilities Act of 1990 regarding accessibility for individuals with disabilities.

“(F) OTHER INFORMATION.—Such other information as the Secretary may reasonably require.

**“SEC. 5. GRANTS TO STATES FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.**

“(a) GRANTS TO STATES.—The Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

“(b) AMOUNT OF FINANCIAL ASSISTANCE.—

“(1) GRANTS TO OUTLYING AREAS AND AMERICAN INDIAN CONSORTIUM.—

“(A) OUTLYING AREAS.—From the funds appropriated under section 8(b) for any fiscal year, the Secretary shall make a grant in an amount of not more than \$30,000 to each eligible system within an outlying area.

“(B) AMERICAN INDIAN CONSORTIUM.—From the funds appropriated under section 8(b) for any fiscal year, the Secretary shall make a grant in an amount of not more than \$30,000 to the American Indian Consortium to provide services in the same manner as an eligible system described under this section. If the amount appropriated under section 8(b) for a fiscal year exceeds the amount appropriated under such section for the preceding fiscal year, then the amount referred to in the preceding sentence shall be increased for such fiscal year by the same percentage as such amount appropriated under section 8(b) exceeds the amount appropriated under such section for the preceding fiscal year.

“(2) GRANTS TO STATES.—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds in accordance with paragraph (3) to eligible systems within States to support protection and advocacy services as described in subsection (a). The Secretary shall make grants to the eligible systems from the allotments.

“(3) SYSTEMS WITHIN STATES.—

“(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each fiscal year, the Secretary shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

“(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, the allotment to any system under subparagraph (A) shall be not less than \$50,000, and the allotment to any system under this paragraph for any fiscal year that is less than \$50,000 shall be increased to \$50,000.

“(4) REALLOTMENT.—Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provi-

sions of this section to all other systems in the same proportion such amounts were first allocated to such systems.

“(5) CARRYOVER.—Any amount paid to an eligible system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year, except that program income generated from such amount shall remain available for two additional fiscal years and may only be used to improve the awareness of individuals with disabilities on the accessibility of assistive technology and assisting such individuals in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.

“(c) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

“(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

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

“(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;

“(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act;

“(5) coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency; and

“(6) effectively allocating carryover funds described in subsection (b)(5) to improve the awareness of individuals with disabilities on the accessibility of assistive technology and assisting them in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.

“(d) REPORTS AND UPDATES TO STATE AGENCIES.—An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

“(e) COORDINATION.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 4(d) with respect to efforts at coordination, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

#### “SEC. 6. ADMINISTRATIVE PROVISIONS.

“(a) GENERAL ADMINISTRATION.—Notwithstanding any other provision of law, the Rehabilitation Services Administration in the Office of Special Education and Rehabilitative Services of the Department of Education shall be responsible for the administration of this Act.

“(b) REVIEW OF PARTICIPATING ENTITIES.—

“(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants pursuant to this Act are complying with the applicable requirements of this Act and achieving the quantifiable, measurable goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

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

“(c) CORRECTIVE ACTION AND SANCTIONS.—

“(1) CORRECTIVE ACTION.—If the Secretary determines that an entity fails to substantially comply with the requirements of this Act or to substantially make progress towards meeting the goals established under section 4(e)(2)(B) with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section 7 or other means, within 90 days after such determination, to develop a corrective action plan.

“(2) SANCTIONS.—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to one of the following corrective actions selected by the Secretary:

“(A) Partial or complete withholding of funds under the grant program until such plan is developed and implemented.

“(B) Reduction in the amount of funding that may be used for indirect costs under section 4(b)(4) for the following year under the grant program.

“(C) Required redesignation of the lead agency designated under section 4(d) or an entity responsible for administering the grant program.

“(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this Act or have not substantially made progress towards meeting the goals established under section 4(e)(2)(B).

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

“(5) PUBLIC NOTIFICATION.—The Secretary shall notify the public by posting on the Internet website of the Department of Education of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

“(d) ANNUAL REPORT.—

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

“(2) CONTENTS.—Such report shall include information on—

“(A) the type of alternative financing mechanisms used by each State under the program;

“(B) the amount and type of assistance given to consumers (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population), including—

“(i) the number of applications for assistance received;

“(ii) the number of applications approved and rejected;

“(iii) the default rate;

“(iv) the range and average interest rate;

“(v) the range and average income of approved loan applicants; and

“(vi) the types and dollar amounts of assistive technology financed;

“(C) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabilities, employers, public agencies, or public accommodations, including an analysis of the individuals with disabilities who have benefited from the device loan program;

“(D) the number, type, estimated value, and scope of device reutilization programs, including an analysis of the individuals with disabilities that have benefited from the device loan program;

“(E) the number and type of equipment demonstrations provided, including an analysis of individuals with disabilities who have benefited from the program;

“(F) a summary of the State plans and annual reports submitted by the States, including an analysis of the progress of the States in meeting their goals established in the State application;

“(G) the number of individuals who received training and the topics of such training;

“(H) the frequency and nature of technical assistance provided to State and local governmental agencies and other entities; and

“(I) the outcomes of interagency coordination and collaboration activities carried out by the State, as applicable, that support access to assistive technology including the type, purpose, and source of leveraged funding or other contributed resources from public and private entities.

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

#### “SEC. 7. NATIONAL ACTIVITIES.

“(a) IN GENERAL.—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to provide technical assistance to entities, principally entities funded under section 4 or 5.

“(b) INPUT.—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

“(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

“(2) family members, guardians, advocates, and authorized representatives of such individuals; and

“(3) individuals employed by protection and advocacy systems funded under section 5.

“(c) AUTHORIZED ACTIVITIES.—The Secretary shall support activities designed to maximize the impact and benefit of assistive technology devices and assistive technology services for individuals with disabilities, including the following activities:

“(1) NATIONAL PUBLIC INTERNET SITE.—

“(A) ESTABLISHMENT OF INTERNET SITE.—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

“(B) ELIGIBLE ENTITY.—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

“(i) working with assistive technology and intelligent agent interactive information dissemination systems;

“(ii) managing libraries of assistive technology and disability-related resources;

“(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

“(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

“(v) developing and designing advanced Internet sites.

“(C) FEATURES OF INTERNET SITE.—The National Public Internet Site described in subparagraph (A) shall contain the following features:

“(i) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

“(ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

“(iii) RESOURCES.—

“(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

“(II) RESOURCES FOR A NUMBER OF DISABILITIES.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

“(iv) LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

“(D) MINIMUM LIBRARY COMPONENTS.—At a minimum, the Internet site shall maintain updated information on—

“(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

“(I) providing information and referral services;

“(II) promoting interagency coordination of training and service delivery among public and private entities;

“(III) conducting outreach to underrepresented populations and rural populations;

“(IV) mounting successful public awareness activities;

“(V) improving capacity building in service delivery;

“(VI) training personnel from a variety of disciplines; and

“(VII) improving evaluation strategies, research, and data collection;

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

“(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

“(iv) demonstration sites where individuals may try out assistive technology.

“(2) TECHNICAL ASSISTANCE EFFORTS.—The Secretary shall, on a competitive basis, make grants to, or enter into cooperative agreements with, eligible entities—

“(A) to address State-specific information requests concerning assistive technology from other entities funded under this Act and public entities not funded under this Act, including—

“(i) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

“(ii) requests for examples of policies, practices, procedures, regulations, or judicial decisions that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

“(iii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

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

“(v) other requests for technical assistance from other entities funded under this Act and public entities not funded under this Act; and

“(vi) other assignments specified by the Secretary, including assisting entities described in section 6(b) to develop corrective action plans; and

“(B) to assist targeted individuals by disseminating information about—

“(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

“(ii) technical assistance activities undertaken under subparagraph (A).

“(d) ELIGIBLE ENTITIES.—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

“(e) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

#### “SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

“(a) STATE GRANTS FOR ASSISTIVE TECHNOLOGY; NATIONAL ACTIVITIES.—There are authorized to be appropriated to carry out sections 4 and 7 of this Act \$21,524,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010. Of the amount appropriated pursuant to the authorization of appropriations under this subsection for a fiscal year, not more than \$1,235,000 may be made available to carry out section 7 of this Act.

“(b) STATE GRANTS FOR PROTECTION AND ADVOCACY.—There are authorized to be appropriated to carry out section 5 of this Act \$4,419,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010.”.

#### PURPOSE

H.R. 4278, the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, enhances the Assistive Technology Act to provide assistance to States enhancing their ability to provide assistive technology to individuals with disabilities. The bill establishes comprehensive State programs to support grants for assistive technology, protection and advocacy services, and national activities.

#### COMMITTEE ACTION

##### SUBCOMMITTEE HEARINGS

On March 21, 2002, the Subcommittee on 21st Century Competitiveness held a hearing entitled, “Assessing the Assistive Technology Act of 1998.” The focus of this hearing was to evaluate the achievements of the assistive technology programs that receive federal funding under the Assistive Technology Act of 1998, and ascertain the future Federal role in regards to these programs. Mr. Mark Shultz, Director of the Assistive Technology Partnership for the Nebraska Department of Education, Lincoln, Nebraska; Mr. William Ward, Executive Director of the Independent Empowerment Center in Manassas, Virginia; Mr. Paul Rasinski, Executive Director of the Maryland Technical Assistance Program in Baltimore, Maryland; and Ms. Carol Novak, a parent from Tampa, Florida all testified before the Subcommittee.

##### LEGISLATIVE ACTION

On May 5, 2004, Howard P. “Buck” McKeon, Chairman of the Subcommittee on 21st Century Competitiveness, and Chairman John Boehner, introduced H.R. 4278, the “Improving Access to Assistive Technology for Individuals for Disabilities Act of 2004,” a bill to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

On May 13, 2004 the Subcommittee on 21st Century Competitiveness considered H.R. 4278 in legislative session and reported it favorably, by voice vote, to the Committee on Education and the Workforce. The Subcommittee adopted the following amendment:

An amendment in the nature of a substitute was offered by Mr. McKeon and adopted by voice vote. The substitute amendment contained technical and clarifying changes, as well as language that would:

- Require States to support an alternative financing program and an assistive technology device loan program.
- Allow States to use funds to support assistive technology device reutilization programs and assistive technology device demonstration programs.
- Change the required percentage of funds that States must spend on the above mentioned State activities from 75% in the introduced bill to 60%.

- Change the allowed percentage of funds to be spent on State leadership activities from 25% in the introduced bill to 40%.
- Allow the American Indian Consortium to operate as a protection and advocacy system for Native Americans involved in the Assistive Technology programs.
- Allow the protection and advocacy systems to receive the same proportionate increases in funding that States receive, but that amount may not exceed the rate of inflation.
- Clarify language increasing accountability on the State application and the annual report.

On May 19, 2004 the Committee on Education and the Workforce considered H.R. 4278 in legislative session and reported the bill favorably, as amended, to the House of Representatives. The bill passed by voice vote. The Committee adopted the following amendment:

An amendment in the nature of a substitute was offered by Mr. McKeon and adopted by voice vote. The substitute amendment contained technical and clarifying changes, as well as language that would:

- Give States a flexibility option with regard to expenditure of funds. States could spend at least 60% of funds on State activities and up to 40% on State leadership activities, while being required to support specific programs and activities within the two categories. States could also choose to spend at least 70% on State activities and up to 30% on State leadership activities, while the particular programs funded would be up to the discretion of the States.
- Allow protection and advocacy systems to retain program income for two years after receiving the income while requiring funds to be spent on activities that enhance access to and awareness of assistive technology devices and services.
- Changes the authorization of appropriations language to provide clear direction to appropriators regarding funding for the Act.
  - State grants and national activities are authorized at \$21,524,000 for FY 2005 (current level of funding for FY 2004) with a cap on national activities not to exceed \$1,235,000.
  - Protection and advocacy agencies are authorized at \$4,419,000 for FY 2005 (current level of funding for FY 2004).
- Restore language in current law regarding the use of funds for individual purchases of assistive technology devices.

#### SUMMARY

H.R. 4278, the “Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004”, reauthorizes and amends the Assistive Technology Act which provides assistance and support for State programs to provide assistive technology to individuals with disabilities. The legislation amends the existing law by consolidating the three titles into one comprehensive bill to support State grants for assistive technology, protection and advocacy services, and national activities.

H.R. 4278 is centered on the following principles for reform:

- Update the focus of the Assistive Technology Act to reflect the priority of increasing access to needed devices for individuals with disabilities. The Assistive Technology State grant program was established in 1988 as a 10-year program to provide seed money to

enable States to create systems for improving access to assistive technology devices for individuals with disabilities. In the 16 years since the inception of this program, States have made great strides in establishing the needed infrastructure to effectively administer the program. H.R. 4278 makes a significant shift in the focus of the program by moving away from State systems of information about assistive technology and towards the goal of providing greater opportunities for individuals with disabilities to gain access to assistive technology.

- Require States to spend the bulk of State grants on direct services for individuals with disabilities. Under current law, States have used Federal dollars to establish the necessary information dissemination systems to provide individuals with disabilities information about assistive technology through public awareness, outreach, technical assistance, and training on assistive technology. H.R. 4278 requires States to use a majority of Federal funds directly to help individuals with disabilities actually acquire assistive technology. However, H.R. 4278 recognizes the need for State flexibility in determining which activities they support, so the bill gives States the ability to choose between two systems. Under the first option, States will use at least 60 percent of their funds to support at least the alternative financing program and assistive technology device loan program. States would also be allowed to support the assistive technology device reutilization program or assistive technology device loan demonstration program. Using no more than 40 percent of their funds for State leadership activities, States are required to support public awareness, technical assistance, training, and outreach activities and may additionally support interagency coordination. Under the second option, States will use at least 70 percent of their funds with discretion to pick any one or more of the four State-level activities: alternative financing program, assistive technology device loan program, assistive technology device reutilization program, or assistive technology device loan demonstration program. States would not be able to spend more than 30 percent of their funds on the State leadership activities (public awareness, technical assistance, training, and outreach) and may additionally support interagency coordination.

- Create greater accountability for how States use assistive technology grants. H.R. 4278 requires States to submit an application with detailed descriptions of planned activities and measurable goals relating to education, employment, telecommunication or information technology, and community living and requires the Secretary of Education to submit an annual report with specific information about State efforts.

#### COMMITTEE STATEMENT AND VIEWS

Since 1988, the Federal government has played an important role in helping States develop systems to provide access to assistive technology devices and services for individuals with disabilities. The original intent of this program was to provide seed money to establish state-wide systems to help individuals with disabilities access assistive technology. Since then, all 50 states, the District of Columbia, Puerto Rico, and the outlying areas have established systems of some design and scope. In 1998, Congress added the alternative financing program as a competitive grant program and



many States have made significant progress in expanding the opportunities made available to individuals with disabilities. The Committee feels that the main goal of the original legislation, that of creating comprehensive State systems to identify and respond to the needs for assistive technology of individuals with disabilities, has largely been met. H.R. 4278, the “Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004,” recognizes the importance of continuing these important State systems but shifts the primary focus of the program to help States provide assistive technology directly to individuals with disabilities.

#### *Findings*

The findings of the Act are updated to reflect the new focus of the program on improving the ability of individuals with disabilities to gain access to assistive technology devices and services. The findings are also updated to reflect the success of the Assistive Technology Act in establishing State systems. The purpose of the Act is changed to match the new focus of the program in helping States provide assistive technology to individuals with disabilities through comprehensive state-wide programs.

#### *Grants to States for purchase of assistive technology devices and assistive technology services*

Section 4 of the Act authorizes grants to States to maintain comprehensive state-wide programs of technology related assistance to support programs that are designed to maximize the ability of individuals with disabilities to obtain assistive technology devices and assistive technology services. This section contains numerous changes and reforms to meet the dual goals of shifting the focus towards putting assistive technology in the hands of individuals with disabilities while providing sufficient State flexibility to operate an efficient and effective system. The Committee feels that this new focus is a significant improvement to the Act and these reforms are vital to the stability of the program.

#### *State-level activities*

The bill authorizes four activities that the Committee feels represent the best array of activities that can have an immediate impact in providing assistive technology devices or services directly to an individual with a disability.

The alternative financing mechanisms were first established in 1998 as part of an effort to expand the reach of the Assistive Technology Act. States were given the ability to apply for competitive grants to develop systems for the purchase, lease, other acquisition, or payment for the provision of assistive technology devices or assistive technology services. States have used the flexibility under that program to develop an array of financial resources for individuals with disabilities to obtain assistive technology through low-interest loans, interest buy-down programs, revolving loan funds, loan guarantees, and other creative market-based incentives.

The Committee feels that the alternative financing mechanisms program has shown significant promise where effectively implemented and feels that this program can have a positive effect on the life of an individual with a disability. By giving an individual with a disability the possibility to own assistive technology devices,

these programs can help foster the sense of self-determination and freedom that ownership provides.

The assistive technology device loan program is a creative approach that many States have implemented to reach wider numbers of individuals with disabilities. Whether the loan is long-term or short-term, an individual with a disability can use an assistive technology device to attend school, seek and maintain regular employment, or participate more fully in society. These loan programs provide an immediate impact by removing many of the obstacles individuals with disabilities may face by helping them interact more fully on a daily basis with their non-disabled peers.

The assistive technology device reutilization program is a relatively new approach that some States are pursuing to expand the reach of their existing programs. States collect and refurbish assistive technology devices and provide them to individuals with disabilities through device loan programs or device demonstration programs. This program has great promise for those States that choose to pursue it, and the Committee is very interested to learn about the implementation efforts of this activity.

The device demonstration program has been used by many States as an effective method of informing individuals with disabilities about the array of assistive technology devices that are available through public agencies or private companies for purchase, loan, or other methods. States have developed a variety of ways of demonstrating these important devices through State centers, mobile labs, or over the internet. Individuals with disabilities, especially those with new injuries as a result of accident or injury, have found these demonstration programs to be particularly effective in raising awareness of the availability and accessibility of assistive technology. The Committee feels this is an important activity that can continue to provide significant improvement to the life of an individual with a disability.

#### *State leadership activities*

The bill authorizes three administrative activities that States are required to support with Federal or State funds as a condition of receiving Federal funds under the Act. Public awareness activities are a strong component of the Act that ensure that individuals with disabilities are aware of the availability of programs supported by the Act. Too many individuals with disabilities are unaware of the array of assistive technology devices and assistive technology services that are available to them. Through public awareness activities, State programs reach out widely to employers, schools, hospitals, and other places where individuals with disabilities are likely to be made aware of the program.

Technical assistance and training activities help individuals with disabilities, and those that provide assistance to them, learn about assistive technology devices and communicate more effectively about the needs of individuals with disabilities as consumers of assistive technology. These activities also improve the responsiveness of assistive technology service providers to the needs of individuals so that assistive technology devices and assistive technology services can be more targeted and effective.

Outreach activities to statewide and community-based organizations provide an important opportunity for States to work with dis-

ability advocacy organizations, community associations, health care providers, and others to ensure that information about assistive technology devices and assistive technology services reaches the widest audience of individuals with disabilities possible. Effective coordination with these organizations can help target information and tailor such information to be more useful to individuals with disabilities so that they can take advantage of the opportunities available to them.

In addition, States are authorized to support interagency coordination to improve the effectiveness of State systems and promote collaboration between different agencies, offices, and service providers within the State. The Committee recognizes the importance of this activity but does not feel that significant amounts of Federal funds should be spent on this activity as it is largely a State responsibility.

#### *Required activities*

Over the past 16 years States have combined Federal, State, local, and private funds to establish and maintain comprehensive systems of technology related assistance. Under current law, the Federal dollars have largely been used to support administrative activities that have enabled States to develop and expand the reach of their programs. While these activities are important to the continued success of the Act, the Committee feels that the Federal funds should now be focused on activities that actually result in assistive technology being provided to individuals with disabilities.

Under the new design of the Act, States are given the option to choose between two patterns of allocating their Federal funds. The first option requires States to spend at least 60 percent of their funds on State-level activities and no more than 40 percent of their funds on State leadership activities. Under this option, States are required to provide support for the alternative financing mechanisms and assistive technology device loan programs, which are two of the more promising approaches in getting technology directly in the hands of individuals with disabilities. States are allowed to spend funds on the additional activities authorized, assistive technology reutilization and assistive technology demonstration, if they choose.

The Committee recognizes that many States have already moved in this important direction and are already supporting effective alternative financing systems or assistive technology device loan programs. It is clearly not the intent of the Committee to require States to duplicate already successful efforts. Accordingly, the bill includes important flexibility for States that are already supporting these activities. In the State application, if the State can demonstrate that comparable support from State or other resources are being expended on these activities, the State will not be required to support them with Federal funds. The Committee strongly encourages the Secretary to work collaboratively with States to determine appropriate methods of demonstrating such comparability, especially in demonstrating such comparability with private or non-public support. The Committee also encourages the Secretary to be clear with States what reporting elements are necessary after demonstrating that State or other resources are supporting these ac-

tivities so that States can provide an adequate annual report without requiring private entities to divulge proprietary information.

#### *State Flexibility*

Despite the flexibility that the bill already provides States on the mix of required activities, and methods of demonstrating support for those important activities, several States asked for additional flexibility. The Committee feels that the balance between funding and activities is weighed carefully, but also agrees that States could use additional flexibility. For those States that do not want to establish or maintain an alternative financing program or device loan program, and do not have State or other financial resources supporting those activities within the State already, the bill allows additional flexibility. Under the bill, States are allowed to choose to spend an even higher percentage of their Federal funds, at least 70 percent, on State-level activities. However, States are given unlimited discretion on which activities they will support. States may choose to fund any one of the four authorized activities, or any combination of those activities. However, States exercising this flexibility are only allowed to spend up to 30 percent of their Federal funds on State leadership activities. The Committee feels that this is a fair balance between the new focus of the program and the importance of allowing State flexibility in crafting an effective program within the State.

#### *Lead Agency*

The Committee recognizes that effective State supervision of the program is essential to its continued success. The bill maintains the ability of the Governor to determine which agency or entity is responsible for administering the program. While the Governor is still authorized to change the lead agency if desired, the Committee feels it is important for the Governor to clearly explain to the public and the Secretary of Education in the State application why such a change is necessary.

The Committee also recognizes that States have a variety of methods through varying agencies of providing the services authorized under the Act. The Committee does not intend for this bill to interfere with effective relationships that are already in existence within the State between different agencies and different providers. Where States have contracts or grants with public agencies or institutions, private, or not-for-profit organizations, such as in Wisconsin, Delaware, and Pennsylvania, to provide different types or levels of services, nothing in this bill should be construed as preventing the continuation of those effective relationships. Additionally, the Committee feels that when a State chooses to make any new contracts or grants to organizations to conduct any activities funded under the Act that they should do so with a fair, open, and competitive process.

#### *State Application*

Public accountability is fundamentally important to the continued success of this program. While the Committee understands that States have provided copious amounts of information to the Department regarding their activities under the Act, the information has been inconsistent from State to State and year to year.

The Committee recognizes that current law was unclear on what information was required and the bill makes necessary changes.

Under the bill, States are required to establish measurable goals that address the assistive technology needs of individuals with disabilities related to education, employment, telecommunication and information technology, and community living. In the application, States are required to inform the Secretary how they will quantifiably measure these goals to determine whether the goals are met.

The Committee takes these accountability measures very seriously and strongly encourages the States and the Secretary to establish meaningful measures to determine the effectiveness of the program. The Committee also expects to see annual reports on State progress on these goals included in the annual report to Congress submitted by the Secretary.

*Grants to States for protection and advocacy related to assistive technology*

Section 5 of the Act retains much of its structure from current law regarding grants for protection and advocacy organizations. The American Indian Consortium is added as an entity eligible to receive funds under the Act to provide protection and advocacy services related to assistive technology to their clients.

The Committee added clarifying language to the reallocation requirements if a State protection and advocacy organization returns all or a portion of its allocation to the Secretary. The Secretary will be required to reallocate those funds in a proportionate manner to all other systems. Protection and advocacy systems will also be allowed to use their allocated funds for up to two years to make the expenditure of those funds more effective and efficient. These systems will also be allowed to retain their program income for two additional years, except that these funds may only be used to improve the awareness of individuals with disabilities on the accessibility of assistive technology and to assist them in the acquisition, utilization, or maintenance of assistive technology or assistive technology services. The Committee is very interested in the effective use of these funds and requires the protection and advocacy systems to report on their use of any carryover money to ensure the transparency and accountability of these funds.

*Administrative provisions*

Section 6 retains the ability of the Secretary to provide effective oversight of the Act to ensure that activities carried out meet the purposes of the Act. The Committee changed the sanctions available to the Secretary to ensure that the Secretary has useful methods available to correct the behavior of grantees if necessary. The Secretary is authorized to develop a corrective action plan with the grantee to improve the performance of the grantee. If a corrective action plan is not developed or is not implemented and the Secretary determines that further action is necessary, the Secretary is authorized to withhold all or a portion of the grant funds, reduce the amount of funds that can be used for State leadership activities, or require the State to redesignate the lead agency responsible for administering the program.

The Committee also feels that public accountability is important. Accordingly, if the Secretary takes action to improve compliance

with the Act, the Secretary is required to place a notice on the Department of Education's website and inform Congress in the annual report.

The Committee notes that in the 16 year history of the Act no annual report has ever been submitted on the activities of the Act. The Committee is very concerned that the effectiveness of the program, and the ability of the public to understand the importance of the Act, has been hampered by the lack of an annual report. The bill includes comprehensive and detailed requirements for an annual report to be submitted to Congress. These reporting requirements are essential to the effective oversight of the Act by Congress, and for public awareness of the program. The Committee expects that the Secretary will fulfill this requirement in as soon as possible but not later than the end of 2004. In addition, the Committee expects the Secretary provide satisfactory information to Congress in a timely fashion.

#### *National activities*

Section 7 authorizes the Secretary of Education to conduct certain national activities to improve the operation of the Act, provide necessary technical assistance and information to States, and develop a national internet site for individuals with disabilities to learn about the availability of assistive technology.

The activities in this section are essentially unchanged from current law, but the Committee encourages the Secretary to reevaluate the national internet site. The current product is insufficient to meet the needs of the majority of individuals with disabilities that would normally use the website, and the Committee encourages the Secretary to consult with a variety of individuals with disabilities, advocacy organizations, and State programs to ensure that the internet site is widely accessible and is updated with the most current information about assistive technology as possible, including assistive technology programs that are privately funded and operated by financial institutions.

The Committee also encourages the Secretary to coordinate with a variety of individuals with disabilities, advocacy organizations, State programs, and colleagues in the Administration in developing a program of technical assistance to support the activities of the Act.

#### *Conclusion*

H.R. 4278, the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, enhances the Assistive Technology Act by focusing on key reforms to improve the Act and provide a greater focus on maximizing the ability of individuals with disabilities to gain direct access to assistive technology devices and assistive technology services.

The use of assistive technology can help a child attend school, an adult seek and maintain gainful employment, and individuals with disabilities of all ages participate more fully in society. Every day, the lives of countless individuals with disabilities are made better through access to assistive technology. Assistive technology helps individuals meet the challenges they face every day, and through the use of assistive technology individuals with disabilities can overcome almost any obstacle they face.

The Committee believes that H.R. 4278 makes important and necessary reforms to the Assistive Technology Act and will have the overall impact of improving the availability of assistive technology devices and assistive technology services to individuals with disabilities.

#### SECTION-BY-SECTION ANALYSIS

Section 1—Short Title. Cites the short title as the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004.

Section 2—Amendment to the Assistive Technology Act of 1998. The following language amends the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) in its entirety, replacing all sections of current law.

Section 1—Short Title; Table of Contents. Cites the short title as the “Assistive Technology Act of 1998.” Outlays the numbers and headings of the sections of this Act.

Section 2—Findings and Purposes. States that Congress finds the following: disabilities are a natural part of the human experience, and they in no way diminish individual rights; development and implementation of technology is a driving force in economics and education; technology impacts the lives of individuals with disabilities at the same rate as the remainder of the Nation’s citizens; the federal government has invested in statewide systems to assist individuals with disabilities in gaining access to assistive technology and services; substantial progress has occurred in assistive technology development; and there is a continued need to provide further assistance and information regarding assistive technology devices and services. Declares the purposes of this Act to be to support States (including through financial means) in improving the availability and accessibility of assistive technology devices and services, as well as the awareness of these services.

Section 3—Definitions. Defines the following terms used in this Act: Advocacy Services, American Indian Consortium, Assistive Technology, Assistive Technology Device, Assistive Technology Service, Capacity Building and Advocacy Activities, Comprehensive Statewide Program of Technology-Related Assistance, Consumer Responsive, Disability, Individual with a Disability, Individuals with Disabilities, Institution of Higher Education, Protection and Advocacy Services, Secretary, State, Targeted Individuals, Technology-Related Assistance, Underrepresented Population, and Universal Design.

Section 4—Grants to States for Purchase of Assistive Technology Devices and Assistive Technology Services. Declares that the Secretary shall make grants to States to maintain a comprehensive statewide program to maximize the ability of individuals with disabilities and other members of the targeted population to access assistive technology devices and services through both State level activities and State leadership activities. This section provides two options regarding State use of these funds.

One option requires the States to provide support for the alternative finance systems and device loan programs, and allows the funds to be used for device reutilization programs and device demonstration programs. If a State demonstrates that a sufficient State alternative financing system or device loan program already exists,

it may use the funds for other allowable purposes. Up to 40% of the grant may be used for State leadership activities. With these funds, States must support public awareness, communication, information dissemination, and material distribution activities; as well as training and technical assistance activities. Funds may also be used for interagency coordination and indirect costs.

The second option requires States to spend at least 70% of the funds on State level activities and no more than 30% on State leadership activities, but does not specify which individual State level activities must be supported. The same requirements apply for State leadership activities.

This section also includes language capping the percentage of funds that may be used for indirect costs at 10% and prohibits the funds from being used as direct payment for an assistive technology device for an individual with a disability.

Language in this section places a ceiling of \$105,000 on the grants to outlying areas, outlays the formula by which each States' allotment is determined, prevents States from receiving less of an allotment than they received in fiscal year 2004, and allows for ratable reductions and increases.

This section describes entities eligible to be designated a lead agency, describes the duties of a lead agency, and describes the process by which a change in lead agency is made.

Lastly, language in this section requires the submission of a State application, which lists planned activities, measurable goals, a description of how individuals with disabilities of all ages and their families were involved in the goal development and achievement process, a description of State support activities, an assurance of locations being in compliance with the Americans with Disabilities Act of 1990, and other information.

Section 5—Grants to States for Protection and Advocacy Related to Assistive Technology. Directs the Secretary to make grants to an entity in each State to support protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq). Language places a ceiling of \$30,000 on grants to outlying areas and to the American Indian Consortium. It also describes the formula for the general distribution of protection and advocacy funds, as well as the details regarding minimums, reallocation, and carryover. This section also requires entities receiving protection and advocacy funds to submit a report to the Secretary, reports and updates to State agencies, and requires the Secretary to solicit and consider the opinions of the State lead agency with respects to coordination and collaboration with the recipient entity in that State.

Section 6—Administrative Provisions. Declares that the Rehabilitation Services Administration in the Office of Special Education and Rehabilitative Services of the Department of Education shall be responsible for the administration of this Act. This section requires the Secretary to: review participating entities; when necessary, provide technical assistance in developing a plan of corrective action; when necessary, administer sanctions; establish an appeals procedure; and prepare an annual report to the President, the Committee on Education and the Workforce in the House of Representatives, and the Committee on Health Education, Labor and Pensions in the Senate, after obtaining relevant information



from the States. The report shall describe the actions taken among those listed above, the information on State level activities and State leadership activities mentioned in Section 4, and other detailed information. Lastly, language declares that activities under this Act do not allow the reduction or alteration of other services provided by States.

Section 7—National Activities. Authorizes the Secretary, through grants, contracts, or cooperative agreements awarded on a competitive basis, to provide technical assistance to entities. The technical assistance shall, among other activities, establish a National Public Internet Site, created and maintained by an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and demonstrates expertise in several assistive technology-related and other areas. Other technical assistance activities include assistance in addressing State-specific information requests and assistance to targeted individuals through the dissemination of information. Language in this section also describes the characteristics of an entity eligible to provide technical assistance and requires entities to submit an application to the Secretary.

Section 8—Authorization of Appropriations. Authorizes \$21,524,000 for fiscal year 2005, and such sums as may be necessary for fiscal years 2006 through 2010 for sections 4 and 7. This section reserves \$4,419,000 for grants under Section 5 for fiscal year 2005, and such sums for fiscal years 2006 through 2010. The language also caps the authorization for section 7 at \$1,235,000.

#### EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

#### APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. This bill, H.R. 4278, the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, enhances the Assistive Technology Act to provide assistance to States, improving their ability to provide assistive technology to individuals with disabilities. This bill does not prevent legislative branch employees from receiving the benefits of this legislation.

#### UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. H.R. 4278 the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, enhances the Assistive Technology Act to provide assistance to States, improving their ability to provide assistive technology to individuals with disabilities. As such, the bill does not contain any unfunded mandates.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF  
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE  
COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4278 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 27, 2004.*

Hon. JOHN A. BOEHNER,  
*Chairman, Committee on Education and the Workforce,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4278, the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Paul Cullinan.

Sincerely,

ELIZABETH ROBINSON  
(For Douglas Holtz-Eakin, Director).

Enclosure.

*H.R. 4278—Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004*

Summary: H.R. 4278 would reauthorize an expiring grant program that provides states with funding to enhance access to assistive technology for individuals with disabilities. The legislation also would direct the Secretary of Education to make grants to support protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act. The bill would authorize the appropriation of \$26 million in 2005 and such sums as may be necessary for the following five years. Appropriations of authorized amounts would result in additional outlays of \$10 million in 2005 and \$113 million over the 2005–2009 period. Enacting the bill would not affect direct spending or revenues.

H.R. 4278 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA). Any costs incurred by state governments would result from complying with conditions of aid.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 4278 is shown in the following table. The costs

of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions—					
	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION						
Spending for Assistive Technology Under Current Law:						
Budget Authority <sup>1</sup> .....	26	0	0	0	0	0
Estimated Outlays .....	33	16	5	0	0	0
Proposed Changes:						
State Grants for Assistive Technology and National Activities:						
Estimated Authorization Level .....	0	22	22	22	23	23
Estimated Outlays .....	0	9	17	22	23	23
State Grants for Protection and Advocacy:						
Estimated Authorization Level .....	0	4	5	5	5	5
Estimated Outlays .....	0	2	4	5	5	5
Total Changes:						
Estimated Authorization Level .....	0	26	26	27	28	28
Estimated Outlays .....	0	10	21	27	27	28
Spending for Assistive Technology Under H.R. 4012:						
Estimated Authorization Level <sup>1</sup> .....	26	26	26	27	28	28
Estimated Outlays .....	33	26	26	27	27	28

<sup>1</sup> The 2004 level is the amount appropriated for that year.

Notes.—Components may not sum to totals because of rounding.

Basis of estimate: H.R. 4278 would reauthorize through 2010 programs established under the Assistive Technology Act of 1998. CBO assumes that H.R. 4278 would be enacted by October 1, 2004, and that the necessary amounts will be appropriated for each year.

#### *State Grants for the Purchase of Assistive Technology and Services*

The bill would reauthorize a grant program that helps states increase the access of individuals with disabilities to assistive technology devices and services. In addition, H.R. 4278 would authorize the Secretary of Education to award grants on a competitive basis to provide technical assistance. These technical assistance activities would include the establishment of a National Public Internet Site, as well as assistance in information dissemination.

The bill would authorize the appropriation of \$21.5 million for these grants in 2005, and such sums as may be necessary through 2010. Assuming the appropriation of the authorized amounts, the resulting outlays would be \$9 million in 2005, and \$94 million over the 2005–2009 period.

#### *State Grants for Protection and Advocacy Related to Assistive Technology*

H.R. 4278 would direct the Secretary of Education to make grants to an entity in each state that would support the protection and advocacy services required under the Developmental Disabilities Assistance and Bill of Rights Act. Entities receiving grants would be required to submit reports to both the Secretary and the state on its activities.

The bill would authorize the appropriation of \$4.4 million in 2005 and such sums as may be necessary for next five years. Assuming the appropriation of the necessary amounts, CBO estimates those provisions would result in outlays of \$2 million in 2005 and \$19 million over the 2005–2009 period.

Intergovernmental and private-sector impact: H.R. 4278 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would amend the Assistive Technology Act of 1998 to focus programs on directly providing assistance to the disabled rather than on establishing state administrative programs. CBO estimates that any costs to state, local, or tribal governments from these changes would not be significant and would result from complying with conditions of the federal grant program.

Estimate prepared by: Federal Costs: Paul Cullinan; Impact on State, Local, and Tribal Governments: Sarah Puro; and Impact on the Private Sector: Meena Fernandes.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House rule XIII, the goal of H.R. 4278 the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, is to enhance the Assistive Technology Act to provide assistance to States, improving their ability to provide assistive technology to individuals with disabilities. The Committee expects the Department of Education to comply with H.R. 4278 and implement the changes to the law in accordance with the changes.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by H.R. 4278. The Committee believes that the amendments made by this bill, which authorize appropriations for assistive technology to people with disabilities, are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

#### COMMITTEE ESTIMATE

Clauses 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 4278. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

## ASSISTIVE TECHNOLOGY ACT OF 1998

AN ACT To support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the “Assistive Technology Act of 1998”.

[(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- [Sec. 1. Short title; table of contents.
- [Sec. 2. Findings and purposes.
- [Sec. 3. Definitions and rule.

### TITLE I—STATE GRANT PROGRAMS

- [Sec. 101. Continuity grants for States that received funding for a limited period for technology-related assistance.
- [Sec. 102. State grants for protection and advocacy related to assistive technology.
- [Sec. 103. Administrative provisions.
- [Sec. 104. Technical assistance program.
- [Sec. 105. Authorization of appropriations.

### TITLE II—NATIONAL ACTIVITIES

#### Subtitle A—Rehabilitation Act of 1973

- [Sec. 201. Coordination of Federal research efforts.
- [Sec. 202. National Council on Disability.
- [Sec. 203. Architectural and Transportation Barriers Compliance Board.

#### Subtitle B—Other National Activities

- [Sec. 211. Small business incentives.
- [Sec. 212. Technology transfer and universal design.
- [Sec. 213. Universal design in products and the built environment.
- [Sec. 214. Outreach.
- [Sec. 215. Training pertaining to rehabilitation engineers and technicians.
- [Sec. 216. President’s Committee on Employment of People With Disabilities.
- [Sec. 217. Authorization of appropriations.

### TITLE III—ALTERNATIVE FINANCING MECHANISMS

- [Sec. 301. General authority.
- [Sec. 302. Amount of grants.
- [Sec. 303. Applications and procedures.
- [Sec. 304. Contracts with community-based organizations.
- [Sec. 305. Grant administration requirements.
- [Sec. 306. Information and technical assistance.
- [Sec. 307. Annual report.
- [Sec. 308. Authorization of appropriations.

### TITLE IV—REPEAL AND CONFORMING AMENDMENTS

- [Sec. 401. Repeal.
- [Sec. 402. Conforming amendments.

### SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress finds the following:

[(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

- [(A) live independently;
- [(B) enjoy self-determination and make choices;
- [(C) benefit from an education;
- [(D) pursue meaningful careers; and

[(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.

[(2) Technology has become one of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is one of the main factors underlying the strength and vibrancy of the economy of the United States.

[(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of the more than 50,000,000 individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.

[(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. Such devices and adaptations increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as early intervention, education, rehabilitation and training, employment, residential living, independent living, and recreation programs and activities, and other aspects of daily living.

[(5) All States have comprehensive statewide programs of technology-related assistance. Federal support for such programs should continue, strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.

[(6) Notwithstanding the efforts of such State programs, there is still a lack of—

[(A) resources to pay for assistive technology devices and assistive technology services;

[(B) trained personnel to assist individuals with disabilities to use such devices and services;

[(C) information among targeted individuals about the availability and potential benefit of technology for individuals with disabilities;

[(D) outreach to underrepresented populations and rural populations;

[(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services;

[(F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and

[(G) capacity in such programs to provide the necessary technology-related assistance.

[(7) In the current technological environment, the line of demarcation between assistive technology and mainstream technology is becoming ever more difficult to draw.

[(8) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies. The failure of Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities in the design, manufacture, and procurement of telecommunications and information technologies results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

[(9) There are insufficient incentives for Federal contractors and other manufacturers of technology to address the application of technology advances to meet the needs of individuals with disabilities of all ages for assistive technology devices and assistive technology services.

[(10) The use of universal design principles reduces the need for many specific kinds of assistive technology devices and assistive technology services by building in accommodations for individuals with disabilities before rather than after production. The use of universal design principles also increases the likelihood that products (including services) will be compatible with existing assistive technologies. These principles are increasingly important to enhance access to information technology, telecommunications, transportation, physical structures, and consumer products. There are insufficient incentives for commercial manufacturers to incorporate universal design principles into the design and manufacturing of technology products, including devices of daily living, that could expand their immediate use by individuals with disabilities of all ages.

[(11) There are insufficient incentives for commercial pursuit of the application of technology devices to meet the needs of individuals with disabilities, because of the perception that such individuals constitute a limited market.

[(12) At the Federal level, the Federal Laboratories, the National Aeronautics and Space Administration, and other similar entities do not recognize the value of, or commit resources on an ongoing basis to, technology transfer initiatives that would benefit, and especially increase the independence of, individuals with disabilities.

[(13) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology devices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the quality and use of assistive technology devices and assistive technology services to targeted individuals.

[(14) There are changes in the delivery of assistive technology devices and assistive technology services, including—

[(A) the impact of the increased prevalence of managed care entities as payors for assistive technology devices and assistive technology services;

[(B) an increased focus on universal design;

[(C) the increased importance of assistive technology in employment, as more individuals with disabilities move from public assistance to work through training and on-the-job accommodations;

[(D) the role and impact that new technologies have on how individuals with disabilities will learn about, access, and participate in programs or services that will affect their lives; and

[(E) the increased role that telecommunications play in education, employment, health care, and social activities.

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

[(1) to provide financial assistance to States to undertake activities that assist each State in maintaining and strengthening a permanent comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

[(A) increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

[(B) increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the maintenance, improvement, and evaluation of such a program;

[(C) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

[(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the two populations to enjoy the benefits of activities carried out under this Act to the same extent as other populations;

[(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;

[(F)(i) increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

[(ii) facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, to obtain increased availability or provision of assistive technology devices and assistive technology services;

[(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between



services offered by human service agencies or between settings of daily living (for example, between home and work);

[(H) enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

[(I) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals;

[(J) increase the awareness of the needs of individuals with disabilities of all ages for assistive technology devices and for assistive technology services; and

[(K) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

[(2) to identify Federal policies that facilitate payment for assistive technology devices and assistive technology services, to identify those Federal policies that impede such payment, and to eliminate inappropriate barriers to such payment; and

[(3) to enhance the ability of the Federal Government to—

[(A) provide States with financial assistance that supports—

[(i) information and public awareness programs relating to the provision of assistive technology devices and assistive technology services;

[(ii) improved interagency and public-private coordination, especially through new and improved policies, that result in increased availability of assistive technology devices and assistive technology services; and

[(iii) technical assistance and training in the provision or use of assistive technology devices and assistive technology services; and

[(B) fund national, regional, State, and local targeted initiatives that promote understanding of and access to assistive technology devices and assistive technology services for targeted individuals.

### **[SEC. 3. DEFINITIONS AND RULE.**

[(a) DEFINITIONS.—In this Act:

[(1) ADVOCACY SERVICES.—The term “advocacy services”, except as used as part of the term “protection and advocacy services”, means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

[(2) ASSISTIVE TECHNOLOGY.—The term “assistive technology” means technology designed to be utilized in an assistive technology device or assistive technology service.

[(3) ASSISTIVE TECHNOLOGY DEVICE.—The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

[(4) ASSISTIVE TECHNOLOGY SERVICE.—The term “assistive technology service” means any service that directly assists an

individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

[(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

[(B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

[(C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

[(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

[(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

[(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

[(5) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term “capacity building and advocacy activities” means efforts that—

[(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

[(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services,

in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

[(6) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term “comprehensive statewide program of technology-related assistance” means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

[(7) CONSUMER-RESPONSIVE.—The term “consumer-responsive”—

[(A) with regard to policies, means that the policies are consistent with the principles of—

[(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

[(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

[(iii) inclusion, integration, and full participation of such individuals in society;

[(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

[(v) support for individual and systems advocacy and community involvement; and

[(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

[(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

[(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

[(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

[(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

[(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect advocacy, capacity building, and capacity building and advocacy activities.

[(8) DISABILITY.—The term “disability” means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

[(9) INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.—

[(A) INDIVIDUAL WITH A DISABILITY.—The term “individual with a disability” means any individual of any age, race, or ethnicity—

[(i) who has a disability; and

[(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

[(B) INDIVIDUALS WITH DISABILITIES.—The term “individuals with disabilities” means more than one individual with a disability.

[(10) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20

U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

[(11) PROTECTION AND ADVOCACY SERVICES.—The term “protection and advocacy services” means services that—

[(A) are described in subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

[(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

[(12) SECRETARY.—The term “Secretary” means the Secretary of Education.

[(13) STATE.—

[(A) IN GENERAL.—Except as provided in subparagraph (B) and section 302, the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(B) OUTLYING AREAS.—In sections 101(c) and 102(b):

[(i) OUTLYING AREA.—The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(ii) STATE.—The term “State” does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(14) TARGETED INDIVIDUALS.—The term “targeted individuals” means—

[(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

[(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

[(C) educators and related services personnel;

[(D) technology experts (including engineers);

[(E) health and allied health professionals;

[(F) employers; and

[(G) other appropriate individuals and entities.

[(15) TECHNOLOGY-RELATED ASSISTANCE.—The term “technology-related assistance” means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (K) of section 2(b)(1).

[(16) UNDERREPRESENTED POPULATION.—The term “underrepresented population” means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-

English proficiency, older individuals, or persons from rural areas.

[(17) UNIVERSAL DESIGN.—The term “universal design” means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

[(b) REFERENCES.—References in this Act to a provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall be considered to be references to such provision as in effect on the day before the date of enactment of this Act.

## **[TITLE I—STATE GRANT PROGRAMS**

### **[SEC. 101. CONTINUITY GRANTS FOR STATES THAT RECEIVED FUNDING FOR A LIMITED PERIOD FOR TECHNOLOGY-RELATED ASSISTANCE.**

#### **[(a) GRANTS TO STATES.—**

[(1) IN GENERAL.—The Secretary shall award grants, in accordance with this section, to eligible States to support capacity building and advocacy activities, designed to assist the States in maintaining permanent comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

[(2) ELIGIBLE STATES.—To be eligible to receive a grant under this section a State shall be a State that received grants for less than 10 years under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

#### **[(b) USE OF FUNDS.—**

[(1) IN GENERAL.—Any State that receives a grant under this section shall use the funds made available through the grant to carry out the activities described in paragraph (2) and may use the funds to carry out the activities described in paragraph (3).

#### **[(2) REQUIRED ACTIVITIES.—**

##### **[(A) PUBLIC AWARENESS PROGRAM.—**

[(i) IN GENERAL.—The State shall support a public awareness program designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services.

[(ii) LINK.—Such a public awareness program shall have an electronic link to the National Public Internet Site authorized under section 104(c)(1).

[(iii) CONTENTS.—The public awareness program may include—

[(I) the development and dissemination of information relating to—

[(aa) the nature of assistive technology devices and assistive technology services;

[(bb) the appropriateness of, cost of, availability of, evaluation of, and access to, assist-

ive technology devices and assistive technology services; and

[(cc) the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living;

[(II) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals; and

[(III) the development and dissemination, to targeted individuals, of information about State efforts related to assistive technology.

[(B) INTERAGENCY COORDINATION.—

[(i) IN GENERAL.—The State shall develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

[(ii) APPOINTMENT TO CERTAIN INFORMATION TECHNOLOGY PANELS.—The State shall appoint the director of the lead agency described in subsection (d) or the designee of the director, to any committee, council, or similar organization created by the State to assist the State in the development of the information technology policy of the State.

[(iii) COORDINATION ACTIVITIES.—The development and promotion described in clause (i) may include support for—

[(I) policies that result in improved coordination, including coordination between public and private entities—

[(aa) in the application of Federal and State policies;

[(bb) in the use of resources and services relating to the provision of assistive technology devices and assistive technology services, including the use of interagency agreements; and

[(cc) in the improvement of access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State;

[(II) convening interagency work groups, involving public and private entities, to identify, create, or expand funding options, and coordinate access to funding, for assistive technology devices and assistive technology services for individuals with disabilities of all ages; or

[(III) documenting and disseminating information about interagency activities that promote coordination, including coordination between public and private entities, with respect to assistive technology devices and assistive technology services.

[(C) TECHNICAL ASSISTANCE AND TRAINING.—The State shall carry out directly, or provide support to public or private entities to carry out, technical assistance and training activities for targeted individuals, including—

[(i) the development and implementation of laws, regulations, policies, practices, procedures, or organizational structures that promote access to assistive technology devices and assistive technology services for individuals with disabilities in education, health care, employment, and community living contexts, and in other contexts such as the use of telecommunications;

[(ii)(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services; and

[(II) the provision of technical assistance, including technical assistance concerning how—

[(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law;

[(bb) the rights of targeted individuals to assistive technology devices and assistive technology services are addressed under laws other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such individuals; or

[(cc) to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

[(iii) the enhancement of the assistive technology skills and competencies of—

[(I) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

[(II) educators and related services personnel;

[(III) technology experts (including engineers);

[(IV) health and allied health professionals;

[(V) employers; and

[(VI) other appropriate personnel.

[(D) OUTREACH.—The State shall provide support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented

populations and rural populations. Such support may include outreach to consumer organizations and groups in the State to coordinate efforts to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

**[(3) DISCRETIONARY ACTIVITIES.—**

**[(A) ALTERNATIVE STATE-FINANCED SYSTEMS.—**The State may support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including—

**[(i)** the development of systems that provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—

**[(I)** the development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

**[(II)** the establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

**[(aa)** a low-interest loan fund;

**[(bb)** an interest buy-down program;

**[(cc)** a revolving loan fund;

**[(dd)** a loan guarantee or insurance program;

**[(ee)** a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

**[(ff)** another mechanism that meets the requirements of title III and is approved by the Secretary;

**[(ii)** the short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); or

**[(iii)** the maintenance of information about, and recycling centers for, the redistribution of assistive technology devices and equipment, which may include redistribution through device and equipment loans, rentals, or gifts.

**[(B) DEMONSTRATIONS.—**The State, in collaboration with other entities in established, recognized community settings (such as nonprofit organizations, libraries, schools, community-based employer organizations, churches, and entities operating senior citizen centers, shopping malls, and health clinics), may demonstrate assistive technology devices in settings where targeted individuals can see and



try out assistive technology devices, and learn more about the devices from personnel who are familiar with such devices and their applications or can be referred to other entities who have information on the devices.

**[(C) OPTIONS FOR SECURING DEVICES AND SERVICES.—**

The State, through public agencies or nonprofit organizations, may support assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives about options for securing assistive technology devices and assistive technology services that would meet individual needs for such assistive technology devices and assistive technology services. Such assistance shall not include direct payment for an assistive technology device.

**[(D) TECHNOLOGY-RELATED INFORMATION.—**

**[(i) IN GENERAL.—**The State may operate and expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such devices and services, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities. The system shall be part of, and complement the information that is available through a link to, the National Public Internet Site described in section 104(c)(1).

**[(ii) ACCESS.—**Access to the system may be provided through community-based locations, including public libraries, centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973), locations of community rehabilitation programs (as defined in section 7 of such Act), schools, senior citizen centers, State vocational rehabilitation offices, other State workforce offices, and other locations frequented or used by the public.

**[(iii) INFORMATION COLLECTION AND PREPARATION.—**In operating or expanding a system described in subparagraph (A), the State may—

**[(I)** develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information in alternative formats that can be used in telephone-based information systems, and materials using such other media as technological innovation may make appropriate;

**[(II)** identify and classify funding sources for obtaining assistive technology devices and assistive technology services, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

**[(III)** identify support groups and systems designed to help individuals with disabilities make

effective use of an activity carried out under another paragraph of this subsection, including groups that provide evaluations of assistive technology devices and assistive technology services; and

[(IV) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in clause (i), and of the nature of such inquiries.

[(E) INTERSTATE ACTIVITIES.—

[(i) IN GENERAL.—The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

[(ii) ELECTRONIC COMMUNICATION.—The State may operate or participate in an electronic information exchange through which the State may communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

[(F) PARTNERSHIPS AND COOPERATIVE INITIATIVES.—The State may support partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

[(i) the development, demonstration, and dissemination of assistive technology devices; and

[(ii) the ongoing provision of information about new products to assist individuals with disabilities.

[(G) EXPENSES.—The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need and not eligible for such payments or services through another public agency or private entity.

[(H) ADVOCACY SERVICES.—The State may provide advocacy services.

[(c) AMOUNT OF FINANCIAL ASSISTANCE.—

[(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than \$105,000 to each eligible outlying area.

[(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

[(3) CALCULATION OF STATE GRANTS.—

[(A) CALCULATIONS FOR GRANTS IN THE SECOND OR THIRD YEAR OF A SECOND EXTENSION GRANT.—For any fiscal year, the Secretary shall calculate the amount of a grant under paragraph (2) for each eligible State that would be in the second or third year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if that Act had been reauthorized for that fiscal year.

[(B) CALCULATIONS FOR GRANTS IN THE FOURTH OR FIFTH YEAR OF A SECOND EXTENSION GRANT.—

[(i) FOURTH YEAR.—An eligible State that would have been in the fourth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 75 percent of the funding that the State received in the prior fiscal year under section 103 of that Act or under this section, as appropriate.

[(ii) FIFTH YEAR.—An eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 50 percent of the funding that the State received in the third year of a second extension grant under section 103 of that Act or under this section, as appropriate.

[(C) PROHIBITION ON FUNDS AFTER FIFTH YEAR OF A SECOND EXTENSION GRANT.—Except as provided in subsection (f), an eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, may not receive any Federal funds under this title for any fiscal year after such fiscal year.

[(D) ADDITIONAL STATES.—

[(i) IN GENERAL.—For purposes of this paragraph, the Secretary shall treat a State described in clause (ii)—

[(I) for fiscal years 1999 through 2001, as if the State were a State described in subparagraph (A); and

[(II) for fiscal year 2002 or 2003, as if the State were a State described in clause (i) or (ii), respectively, of subparagraph (B).

[(ii) STATE.—A State referred to in clause (i) shall be a State that—

[(I) in fiscal year 1998, was in the second year of an initial extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; and

[(II) meets such terms and conditions as the Secretary shall determine to be appropriate.

[(d) LEAD AGENCY.—

[(1) IDENTIFICATION.—

[(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall designate a lead agency to carry out appropriate State functions under this section. The lead agency shall be the current agency (as of the date of submission of the application supplement described in subsection (e)) administering the grant awarded to the State for fiscal year 1998 under title I of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, except as provided in subparagraph (B).

[(B) CHANGE IN AGENCY.—The Governor may change the lead agency if the Governor shows good cause to the Secretary why the designated lead agency should be changed, in the application supplement described in subsection (e), and obtains approval of the supplement.

[(2) DUTIES OF THE LEAD AGENCY.—The duties of the lead agency shall include—

[(A) submitting the application supplement described in subsection (e) on behalf of the State;

[(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

[(C)(i) coordinating efforts related to, and supervising the preparation of, the application supplement described in subsection (e);

[(ii) continuing the coordination of the maintenance and evaluation of the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

[(iii) continuing the coordination of efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 102, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

[(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals.

[(e) APPLICATION SUPPLEMENT.—

[(1) SUBMISSION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, at such time, in such manner, and for such period as the Secretary may specify, that contains the following information:

[(A) GOALS AND ACTIVITIES.—A description of—

[(i) the goals the State has set, for addressing the assistive technology needs of individuals with disabilities in the State, including any related to—

[(I) health care;

[(II) education;

[(III) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

[(IV) telecommunication and information technology; or

[(V) community living; and

[(ii) the activities the State will undertake to achieve such goals, in accordance with the requirements of subsection (b).

[(B) MEASURES OF GOAL ACHIEVEMENT.—A description of how the State will measure whether the goals set by the State have been achieved.

[(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES.—A description of how individuals with disabilities of all ages and their families—

[(i) were involved in selecting—

[(I) the goals;

[(II) the activities to be undertaken in achieving the goals; and

[(III) the measures to be used in judging if the goals have been achieved; and

[(ii) will be involved in measuring whether the goals have been achieved.

[(D) REDESIGNATION OF THE LEAD AGENCY.—If the Governor elects to change the lead agency, the following information:

[(i) With regard to the original lead agency, a description of the deficiencies of the agency.

[(ii) With regard to the new lead agency, a description of—

[(I) the capacity of the new lead agency to administer and conduct activities described in subsection (b) and this paragraph; and

[(II) the procedures that the State will implement to avoid the deficiencies, described in clause (i), of the original lead agency.

[(iii) Information identifying which agency prepared the application supplement.

[(2) INTERIM STATUS OF STATE OBLIGATIONS.—Except as provided in subsection (f)(2), when the Secretary notifies a State that the State shall submit the application supplement to the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall specify in the notification the time period for which the application supplement shall apply, consistent with paragraph (4).

[(3) CONTINUING OBLIGATIONS.—Each State that receives a grant under this section shall continue to abide by the assurances the State made in the application the State submitted under section 103 of the Technology-Related Assistance for In-

dividuals With Disabilities Act of 1988 and continue to comply with reporting requirements under that Act.

**[(4) DURATION OF APPLICATION SUPPLEMENT.—**

**[(A) DETERMINATION.—**The Secretary shall determine and specify to the State the time period for which the application supplement shall apply, in accordance with subparagraph (B).

**[(B) LIMIT.—**Such time period for any State shall not extend beyond the year that would have been the fifth year of a second extension grant made for that State under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if the Act had been reauthorized through that year.

**[(f) EXTENSION OF FUNDING.—**

**[(1) IN GENERAL.—**In the case of a State that was in the fifth year of a second extension grant in fiscal year 1998 or is in the fifth year of a second extension grant in any of the fiscal years 1999 through 2004 made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or made under this section, as appropriate, the Secretary may, in the discretion of the Secretary, award a 3-year extension of the grant to such State if the State submits an application supplement under subsection (e) and meets other related requirements for a State seeking a grant under this section.

**[(2) AMOUNT.—**A State that receives an extension of a grant under paragraph (1), shall receive through the grant, for each of fiscal years of the extension of the grant, an amount equivalent to the amount the State received for the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or made under this section, as appropriate, from funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for grants under this section.

**[(3) LIMITATION.—**A State may not receive amounts under an extension of a grant under paragraph (1) after September 30, 2004.

**[SEC. 102. STATE GRANTS FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.**

**[(a) GRANTS TO STATES.—**

**[(1) IN GENERAL.—**On the appropriation of funds under section 105, the Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

**[(2) CERTAIN STATES.—**Notwithstanding paragraph (1), for a State that, on the day before the date of enactment of this Act, was described in section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall make the grant to the lead agency designated under section 101(d). The lead agency shall determine how the funds made available under this section shall be divided among the entities that were providing protection and advo-

cacy services in that State on that day, and distribute the funds to the entities. In distributing the funds, the lead agency shall not establish any further eligibility or procedural requirements for an entity in that State that supports protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act of 2000. Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under paragraph (1).

[(3) PERIODS.—The Secretary shall provide assistance through such a grant to a State for 6 years.

[(b) AMOUNT OF FINANCIAL ASSISTANCE.—

[(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 105(a) and reserved under section 105(b)(1)(A) for any fiscal year, the Secretary shall make a grant in an amount of not more than \$30,000 to each eligible system within an outlying area.

[(2) GRANTS TO STATES.—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds described in paragraph (1) in accordance with paragraph (3) to eligible systems within States to support protection and advocacy services as described in subsection (a). The Secretary shall make grants to the eligible systems from the allotments.

[(3) SYSTEMS WITHIN STATES.—

[(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each fiscal year, the Secretary shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

[(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, the allotment to any system under subparagraph (A) shall be not less than \$50,000, and the allotment to any system under this paragraph for any fiscal year that is less than \$50,000 shall be increased to \$50,000.

[(4) REALLOTMENT.—Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provisions of this section to one or more of the systems that the Secretary determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

[(c) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary

may require, including documentation of the progress of the entity in—

[(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

[(2) engaging in informal advocacy to assist in securing assistive technology and assistive technology services for individuals with disabilities;

[(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;

[(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act; and

[(5) coordinating activities with protection and advocacy services funded through sources other than this title, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency.

[(d) **REPORTS AND UPDATES TO STATE AGENCIES.**—An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

[(e) **COORDINATION.**—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 101(d) with respect to efforts at coordination, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

### **[SEC. 103. ADMINISTRATIVE PROVISIONS.**

[(a) **REVIEW OF PARTICIPATING ENTITIES.**—

[(1) **IN GENERAL.**—The Secretary shall assess the extent to which entities that receive grants pursuant to this title are complying with the applicable requirements of this title and achieving the goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

[(2) **ONSITE VISITS OF STATES RECEIVING CERTAIN GRANTS.**—

[(A) **IN GENERAL.**—The Secretary shall conduct an onsite visit for each State that receives a grant under section 101 and that would have been in the third or fourth year of a second extension grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 if that Act had been reauthorized for that fiscal year, prior to the end of that year.

[(B) **UNNECESSARY VISITS.**—The Secretary shall not be required to conduct a visit of a State described in subparagraph (A) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of



a comprehensive statewide program of technology-related assistance.

[(3) ADVANCE PUBLIC NOTICE.—The Secretary shall provide advance public notice of an onsite visit conducted under paragraph (2) and solicit public comment through such notice from targeted individuals, regarding State goals and related activities to achieve such goals funded through a grant made under section 101.

[(4) MINIMUM REQUIREMENTS.—At a minimum, the visit shall allow the Secretary to determine the extent to which the State is making progress in meeting State goals and maintaining a comprehensive statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

[(5) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

[(b) CORRECTIVE ACTION AND SANCTIONS.—

[(1) CORRECTIVE ACTION.—If the Secretary determines that an entity fails to substantially comply with the requirements of this title with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section 104 or other means, within 90 days after such determination, to develop a corrective action plan.

[(2) SANCTIONS.—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to one of the following corrective actions selected by the Secretary:

[(A) Partial or complete fund termination under the grant program.

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

[(C) Reduction in funding for the following year under the grant program.

[(D) Required redesignation of the lead agency designated under section 101(d) or an entity responsible for administering the grant program.

[(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are found to be in non-compliance with the requirements of this title.

[(c) ANNUAL REPORT.—

[(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to Congress, a report on the activities funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

[(2) CONTENTS.—Such report shall include information on—

[(A) the demonstrated successes of the funded activities in improving interagency coordination relating to assistive technology, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

[(B) the demonstration activities carried out through the funded activities to—

[(i) promote access to such funding in public programs that were in existence on the date of the initiation of the demonstration activities; and

[(ii) establish additional options for obtaining such funding;

[(C) the education and training activities carried out through the funded activities to educate and train targeted individuals about assistive technology, including increasing awareness of funding through public programs for assistive technology;

[(D) the research activities carried out through the funded activities to improve understanding of the costs and benefits of access to assistive technology for individuals with disabilities who represent a variety of ages and types of disabilities;

[(E) the program outreach activities to rural and inner-city areas that are carried out through the funded activities;

[(F) the activities carried out through the funded activities that are targeted to reach underrepresented populations and rural populations; and

[(G) the consumer involvement activities carried out through the funded activities.

[(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.—As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services.

[(d) EFFECT ON OTHER ASSISTANCE.—This title may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

#### **[(SEC. 104. TECHNICAL ASSISTANCE PROGRAM.]**

[(a) IN GENERAL.—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to fund a technical assistance program to provide technical assistance to entities, principally entities funded under section 101 or 102.

[(b) INPUT.—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

[(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

[(2) family members, guardians, advocates, and authorized representatives of such individuals; and

[(3) individuals employed by protection and advocacy systems funded under section 102.

[(c) SCOPE OF TECHNICAL ASSISTANCE.—

[(1) NATIONAL PUBLIC INTERNET SITE.—

[(A) ESTABLISHMENT OF INTERNET SITE.—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

[(B) ELIGIBLE ENTITY.—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

[(i) working with assistive technology and intelligent agent interactive information dissemination systems;

[(ii) managing libraries of assistive technology and disability-related resources;

[(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

[(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

[(v) developing and designing advanced Internet sites.

[(C) FEATURES OF INTERNET SITE.—The National Public Internet Site described in subparagraph (A) shall contain the following features:

[(i) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

[(ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

[(iii) RESOURCES.—

[(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

[(II) RESOURCES FOR A NUMBER OF DISABILITIES.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

[(iv) LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private sector resources and infor-

mation, under agreements developed between the institution of higher education and cooperating private sector entities.

[(D) MINIMUM LIBRARY COMPONENTS.—At a minimum, the Internet site shall maintain updated information on—

[(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

[(I) providing information and referral services;

[(II) promoting interagency coordination of training and service delivery among public and private entities;

[(III) conducting outreach to underrepresented populations and rural populations;

[(IV) mounting successful public awareness activities;

[(V) improving capacity building in service delivery;

[(VI) training personnel from a variety of disciplines; and

[(VII) improving evaluation strategies, research, and data collection;

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

[(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

[(iv) demonstration sites where individuals may try out assistive technology.

[(2) TECHNICAL ASSISTANCE EFFORTS.—In carrying out the technical assistance program, taking into account the input required under subsection (b), the Secretary shall ensure that entities—

[(A) address State-specific information requests concerning assistive technology from other entities funded under this title and public entities not funded under this title, including—

[(i) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

[(ii) requests for examples of policies, practices, procedures, regulations, administrative hearing decisions, or legal actions, that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

[(iii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

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

[(v) other requests for technical assistance from other entities funded under this title and public entities not funded under this title; and

[(vi) other assignments specified by the Secretary, including assisting entities described in section 103(b) to develop corrective action plans; and

[(B) assist targeted individuals by disseminating information about—

[(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

[(ii) technical assistance activities undertaken under subparagraph (A).

[(d) ELIGIBLE ENTITIES.—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

[(e) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

#### **[SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$36,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2004.

[(b) RESERVATIONS OF FUNDS.—

[(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), of the amount appropriated under subsection (a) for a fiscal year—

[(A) 87.5 percent of the amount shall be reserved to fund grants under section 101;

[(B) 7.9 percent shall be reserved to fund grants under section 102; and

[(C) 4.6 percent shall be reserved for activities funded under section 104.

[(2) RESERVATION FOR CONTINUATION OF TECHNICAL ASSISTANCE INITIATIVES.—For fiscal year 1999, the Secretary may use funds reserved under subparagraph (C) of paragraph (1) to continue funding technical assistance initiatives that were

funded in fiscal year 1998 under the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

[(3) RESERVATION FOR ONSITE VISITS.—The Secretary may reserve, from the amount appropriated under subsection (a) for any fiscal year, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 103(a)(2).

## **[TITLE II—NATIONAL ACTIVITIES**

### **[Subtitle A—Rehabilitation Act of 1973**

#### **[SEC. 201. COORDINATION OF FEDERAL RESEARCH EFFORTS.**

[Section 203 of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1988) is amended—

[(1) in subsection (a)(1), by inserting after “programs,” insert “including programs relating to assistive technology research and research that incorporates the principles of universal design,”;

[(2) in subsection (b)—

[(A) by inserting “(1)” before “After receiving”;

[(B) by striking “from individuals with disabilities and the individuals’ representatives” and inserting “from targeted individuals”;

[(C) by inserting after “research” the following: “(including assistive technology research and research that incorporates the principles of universal design)”;

[(D) by adding at the end the following:

[(2) In carrying out its duties with respect to the conduct of Federal research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities, the Committee shall—

[(A) share information regarding the range of assistive technology research, and research that incorporates the principles of universal design, that is being carried out by members of the Committee and other Federal departments and organizations;

[(B) identify, and make efforts to address, gaps in assistive technology research and research that incorporates the principles of universal design that are not being adequately addressed;

[(C) identify, and establish, clear research priorities related to assistive technology research and research that incorporates the principles of universal design for the Federal Government;

[(D) promote interagency collaboration and joint research activities relating to assistive technology research and research that incorporates the principles of universal design at the Federal level, and reduce unnecessary duplication of effort regarding these types of research within the Federal Government; and

[(E) optimize the productivity of Committee members through resource sharing and other cost-saving activities, related to assistive technology research and research that incorporates the principles of universal design.”;

[(3) by striking subsection (c) and inserting the following:

["(c) Not later than December 31 of each year, the Committee shall prepare and submit, to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that—

["(1) describes the progress of the Committee in fulfilling the duties described in subsection (b);

["(2) makes such recommendations as the Committee determines to be appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities; and

["(3) describes the activities that the Committee recommended to be funded through grants, contracts, cooperative agreements, and other mechanisms, for assistive technology research and development and research and development that incorporates the principles of universal design.”; and

[(4) by adding at the end the following:

["(d)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting assistive technology research programs, to reduce duplication of effort among the programs, and to increase the availability of assistive technology for individuals with disabilities, the Committee may recommend activities to be funded through grants, contracts or cooperative agreements, or other mechanisms—

["(A) in joint research projects for assistive technology research and research that incorporates the principles of universal design; and

["(B) in other programs designed to promote a cohesive, strategic Federal program of research described in subparagraph (A).

["(2) The projects and programs described in paragraph (1) shall be jointly administered by at least 2 agencies or departments with representatives on the Committee.

["(3) In recommending activities to be funded in the projects and programs, the Committee shall obtain input from targeted individuals, and other organizations and individuals the Committee determines to be appropriate, concerning the availability and potential of technology for individuals with disabilities.

["(e) In this section, the terms ‘assistive technology’, ‘targeted individuals’, and ‘universal design’ have the meanings given the terms in section 3 of the Assistive Technology Act of 1998.”.

**[SEC. 202. NATIONAL COUNCIL ON DISABILITY.**

[Section 401 of the Rehabilitation Act of 1973 (as amended by section 407 of the Workforce Investment Act of 1998) is amended by adding at the end the following:

["(c)(1) Not later than December 31, 1999, the Council shall prepare a report describing the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities.

[(2) In preparing the report, the Council shall obtain input from the National Institute on Disability and Rehabilitation Research and the Association of Tech Act Projects, and from targeted individuals, as defined in section 3 of the Assistive Technology Act of 1998.

[(3) The Council shall submit the report, along with such recommendations as the Council determines to be appropriate, to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives.”.

**[SEC. 203. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.**

[(a) IN GENERAL.—Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended—

[(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

[(2) by inserting after subsection (c) the following:

[(d) Beginning in fiscal year 2000, the Access Board, after consultation with the Secretary, representatives of such public and private entities as the Access Board determines to be appropriate (including the electronic and information technology industry), targeted individuals (as defined in section 3 of the Assistive Technology Act of 1998), and State information technology officers, shall provide training for Federal and State employees on any obligations related to section 508 of the Rehabilitation Act of 1973.”; and

[(3) in the second sentence of paragraph (1) of subsection (e) (as redesignated in paragraph (1)), by striking “subsection (e)” and inserting “subsection (f)”.

[(b) CONFORMING AMENDMENT.—Section 506(c) of the Rehabilitation Act of 1973 (29 U.S.C. 794(c)) is amended by striking “section 502(h)(1)” and inserting “section 502(i)(1)”.

## **[Subtitle B—Other National Activities**

**[SEC. 211. SMALL BUSINESS INCENTIVES.**

[(a) DEFINITION.—In this section, the term “small business” means a small-business concern, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

[(b) CONTRACTS FOR DESIGN, DEVELOPMENT, AND MARKETING.—

[(1) IN GENERAL.—The Secretary may enter into contracts with small businesses, to assist such businesses to design, develop, and market assistive technology devices or assistive technology services. In entering into the contracts, the Secretary may give preference to businesses owned or operated by individuals with disabilities.

[(2) SMALL BUSINESS INNOVATIVE RESEARCH PROGRAM.—Contracts entered into pursuant to paragraph (1) shall be administered in accordance with the contract administration requirements applicable to the Department of Education under the Small Business Innovative Research Program, as described in section 9(g) of the Small Business Act (15 U.S.C. 638(g)). Contracts entered into pursuant to paragraph (1) shall not be included in the calculation of the required expenditures of the Department under section 9(f) of such Act (15 U.S.C. 638(f)).



**[(c) GRANTS FOR EVALUATION AND DISSEMINATION OF INFORMATION ON EFFECTS OF TECHNOLOGY TRANSFER.—**The Secretary may make grants to small businesses to enable such businesses—

**[(1)** to work with any entity funded by the Secretary to evaluate and disseminate information on the effects of technology transfer on the lives of individuals with disabilities;

**[(2)** to benefit from the experience and expertise of such entities, in conducting such evaluation and dissemination; and

**[(3)** to utilize any technology transfer and market research services such entities provide, to bring new assistive technology devices and assistive technology services into commerce.

**[SEC. 212. TECHNOLOGY TRANSFER AND UNIVERSAL DESIGN.**

**[(a) IN GENERAL.—**The Director of the National Institute on Disability and Rehabilitation Research may collaborate with the Federal Laboratory Consortium for Technology Transfer established under section 11(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)), to promote technology transfer that will further development of assistive technology and products that incorporate the principles of universal design.

**[(b) COLLABORATION.—**In promoting the technology transfer, the Director and the Consortium described in subsection (a) may collaborate—

**[(1)** to enable the National Institute on Disability and Rehabilitation Research to work more effectively with the Consortium, and to enable the Consortium to fulfill the responsibilities of the Consortium to assist Federal agencies with technology transfer under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq);

**[(2)** to increase the awareness of staff members of the Federal Laboratories regarding assistive technology issues and the principles of universal design;

**[(3)** to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities, including technologies and projects that incorporate the principles of universal design, as appropriate;

**[(4)** to develop strategies for applying developments in assistive technology and universal design to mainstream technology, to improve economies of scale and commercial incentives for assistive technology; and

**[(5)** to cultivate developments in assistive technology and universal design through demonstration projects and evaluations, conducted with assistive technology professionals and potential users of assistive technology.

**[(c) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—**The Secretary may make grants to or enter into contracts or cooperative agreements with commercial, nonprofit, or other organizations, including institutions of higher education, to facilitate interaction with the Consortium to achieve the objectives of this section.

**[(d) RESPONSIBILITIES OF CONSORTIUM.—**Section 11(e)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(1)) is amended—

**[(1)** in subparagraph (I), by striking “; and” and inserting a semicolon;

[(2) in subparagraph (J), by striking the period and inserting “; and”; and

[(3) by adding at the end the following:

[(K) work with the Director of the National Institute on Disability and Rehabilitation Research to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities (as defined in section 3 of the Assistive Technology Act of 1998), including technologies and projects that incorporate the principles of universal design (as defined in section 3 of such Act), as appropriate.”.

**[SEC. 213. UNIVERSAL DESIGN IN PRODUCTS AND THE BUILT ENVIRONMENT.**

[The Secretary may make grants to commercial or other enterprises and institutions of higher education for the research and development of universal design concepts for products (including information technology) and the built environment. In making such grants, the Secretary shall give consideration to enterprises and institutions that are owned or operated by individuals with disabilities. The Secretary shall define the term “built environment” for purposes of this section.

**[SEC. 214. OUTREACH.**

[(a) ASSISTIVE TECHNOLOGY IN RURAL OR IMPOVERISHED URBAN AREAS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

[(b) ASSISTIVE TECHNOLOGY FOR CHILDREN AND OLDER INDIVIDUALS.—The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for populations of children and older individuals, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

**[SEC. 215. TRAINING PERTAINING TO REHABILITATION ENGINEERS AND TECHNICIANS.**

[(a) GRANTS AND CONTRACTS.—The Secretary shall make grants, or enter into contracts with, public and private agencies and organizations, including institutions of higher education, to help prepare students, including students preparing to be rehabilitation technicians, and faculty working in the field of rehabilitation engineering, for careers related to the provision of assistive technology devices and assistive technology services.

[(b) ACTIVITIES.—An agency or organization that receives a grant or contract under subsection (a) may use the funds made available through the grant or contract—

[(1) to provide training programs for individuals employed or seeking employment in the field of rehabilitation engineering, including postsecondary education programs;

[(2) to provide workshops, seminars, and conferences concerning rehabilitation engineering that relate to the use of assistive technology devices and assistive technology services to improve the lives of individuals with disabilities; and

[(3) to design, develop, and disseminate curricular materials to be used in the training programs, workshops, seminars, and conferences described in paragraphs (1) and (2).

**[SEC. 216. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.**

[(a) PROGRAMS.—The President's Committee on Employment of People With Disabilities (referred to in this section as "the Committee") may design, develop, and implement programs to increase the voluntary participation of the private sector in making information technology accessible to individuals with disabilities, including increasing the involvement of individuals with disabilities in the design, development, and manufacturing of information technology.

[(b) ACTIVITIES.—The Committee may carry out activities through the programs that may include—

[(1) the development and coordination of a task force, which—

[(A) shall develop and disseminate information on voluntary best practices for universal accessibility in information technology; and

[(B) shall consist of members of the public and private sectors, including—

[(i) representatives of organizations representing individuals with disabilities; and

[(ii) individuals with disabilities; and

[(2) the design, development, and implementation of outreach programs to promote the adoption of best practices referred to in paragraph (1)(B).

[(c) COORDINATION.—The Committee shall coordinate the activities of the Committee under this section, as appropriate, with the activities of the National Institute on Disability and Rehabilitation Research and the activities of the Department of Labor.

[(d) TECHNICAL ASSISTANCE.—The Committee may provide technical assistance concerning the programs carried out under this section and may reserve such portion of the funds appropriated to carry out this section as the Committee determines to be necessary to provide the technical assistance.

[(e) DEFINITION.—In this section, the term "information technology" means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

**[SEC. 217. AUTHORIZATION OF APPROPRIATIONS.**

[There are authorized to be appropriated to carry out this title, and the provisions of section 203 of the Rehabilitation Act of 1973 that relate to research described in section 203(b)(2)(A) of such Act, \$10,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal year 2000.

## **[TITLE III—ALTERNATIVE FINANCING MECHANISMS**

### **[SEC. 301. GENERAL AUTHORITY.**

[(a) IN GENERAL.—The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, an alternative financing program featuring one or more alternative financing mechanisms to allow individuals with disabilities and their family members, guardians, advocates, and authorized representatives to purchase assistive technology devices and assistive technology services (referred to individually in this title as an “alternative financing mechanism”).

[(b) MECHANISMS.—The alternative financing mechanisms may include—

- [(1) a low-interest loan fund;
- [(2) an interest buy-down program;
- [(3) a revolving loan fund;
- [(4) a loan guarantee or insurance program;
- [(5) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or
- [(6) another mechanism that meets the requirements of this title and is approved by the Secretary.

[(c) REQUIREMENTS.—

[(1) PERIOD.—The Secretary may award grants under this title for periods of 1 year.

[(2) LIMITATION.—No State may receive more than one grant under this title.

[(d) FEDERAL SHARE.—The Federal share of the cost of the alternative financing program shall not be more than 50 percent.

[(e) CONSTRUCTION.—Nothing in this section shall be construed as affecting the authority of a State to establish an alternative financing program under title I.

### **[SEC. 302. AMOUNT OF GRANTS.**

[(a) IN GENERAL.—

[(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 308 for any fiscal year that are not reserved under section 308(b), the Secretary shall make a grant in an amount of not more than \$105,000 to each eligible outlying area.

[(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States from allotments made in accordance with the requirements described in paragraph (3).

[(3) ALLOTMENTS.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1)—

[(A) the Secretary shall allot \$500,000 to each State; and

[(B) from the remainder of the funds—

[(i) the Secretary shall allot to each State an amount that bears the same ratio to 80 percent of the

remainder as the population of the State bears to the population of all States; and

[(ii) the Secretary shall allot to each State with a population density that is not more than 10 percent greater than the population density of the United States (according to the most recently available census data) an equal share from 20 percent of the remainder.

[(b) INSUFFICIENT FUNDS.—If the funds appropriated under this title for a fiscal year are insufficient to fund the activities described in the acceptable applications submitted under this title for such year, a State whose application was approved for such year but that did not receive a grant under this title may update the application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

[(c) DEFINITIONS.—In subsection (a):

[(1) OUTLYING AREA.—The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

[(2) STATE.—The term “State” does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

#### **[SEC. 303. APPLICATIONS AND PROCEDURES.**

[(a) ELIGIBILITY.—States that receive or have received grants under section 101 and comply with subsection (b) shall be eligible to compete for grants under this title.

[(b) APPLICATION.—To be eligible to compete for a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

[(1) an assurance that the State will provide the non-Federal share of the cost of the alternative financing program in cash, from State, local, or private sources;

[(2) an assurance that the alternative financing program will continue on a permanent basis;

[(3) an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control;

[(4) an assurance that the funds made available through the grant to support the alternative financing program will be used to supplement and not supplant other Federal, State, and local public funds expended to provide alternative financing mechanisms;

[(5) an assurance that the State will ensure that—

[(A) all funds that support the alternative financing program, including funds repaid during the life of the program, will be placed in a permanent separate account and identified and accounted for separately from any other fund;

[(B) if the organization administering the program invests funds within this account, the organization will invest the funds in low-risk securities in which a regulated insurance company may invest under the law of the State; and

[(C) the organization will administer the funds with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person;

[(6) an assurance that—

[(A) funds comprised of the principal and interest from the account described in paragraph (5) will be available to support the alternative financing program; and

[(B) any interest or investment income that accrues on or derives from such funds after such funds have been placed under the control of the organization administering the alternative financing program, but before such funds are distributed for purposes of supporting the program, will be the property of the organization administering the program; and

[(7) an assurance that the percentage of the funds made available through the grant that is used for indirect costs shall not exceed 10 percent.

[(c) LIMIT.—The interest and income described in subsection (b)(6)(B) shall not be taken into account by any officer or employee of the Federal Government for purposes of determining eligibility for any Federal program.

**[SEC. 304. CONTRACTS WITH COMMUNITY-BASED ORGANIZATIONS.**

[(a) IN GENERAL.—A State that receives a grant under this title shall enter into a contract with a community-based organization (including a group of such organizations) that has individuals with disabilities involved in organizational decisionmaking at all organizational levels, to administer the alternative financing program.

[(b) PROVISIONS.—The contract shall—

[(1) include a provision requiring that the program funds, including the Federal and non-Federal shares of the cost of the program, be administered in a manner consistent with the provisions of this title;

[(2) include any provision the Secretary requires concerning oversight and evaluation necessary to protect Federal financial interests; and

[(3) require the community-based organization to enter into a contract, to expand opportunities under this title and facilitate administration of the alternative financing program, with—

[(A) commercial lending institutions or organizations; or

[(B) State financing agencies.

**[SEC. 305. GRANT ADMINISTRATION REQUIREMENTS.**

[A State that receives a grant under this title and any community-based organization that enters into a contract with the State under this title, shall submit to the Secretary, pursuant to a schedule established by the Secretary (or if the Secretary does not establish a schedule, within 12 months after the date that the State receives the grant), each of the following policies or procedures for administration of the alternative financing program:

[(1) A procedure to review and process in a timely manner requests for financial assistance for immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to

need, eligibility, and determination of the specific assistive technology device or service to be financed through the program.

[(2) A policy and procedure to assure that access to the alternative financing program shall be given to consumers regardless of type of disability, age, income level, location of residence in the State, or type of assistive technology device or assistive technology service for which financing is requested through the program.

[(3) A procedure to assure consumer-controlled oversight of the program.

**[SEC. 306. INFORMATION AND TECHNICAL ASSISTANCE.**

[(a) IN GENERAL.—The Secretary shall provide information and technical assistance to States under this title, which shall include—

[(1) providing assistance in preparing applications for grants under this title;

[(2) assisting grant recipients under this title to develop and implement alternative financing programs; and

[(3) providing any other information and technical assistance the Secretary determines to be appropriate to assist States to achieve the objectives of this title.

[(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, and cooperative agreements with public or private agencies and organizations, including institutions of higher education, with sufficient documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing programs carried out under this title.

**[SEC. 307. ANNUAL REPORT.**

[Not later than December 31 of each year, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the progress of each alternative financing program funded under this title toward achieving the objectives of this title. The report shall include information on—

[(1) the number of grant applications received and approved by the Secretary under this title, and the amount of each grant awarded under this title;

[(2) the ratio of funds provided by each State for the alternative financing program of the State to funds provided by the Federal Government for the program;

[(3) the type of alternative financing mechanisms used by each State and the community-based organization with which each State entered into a contract, under the program; and

[(4) the amount of assistance given to consumers through the program (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population).

**[SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this title \$10,000,000 for fiscal year 1999 and such sums as may be necessary for fiscal year 2000.

[(b) RESERVATION.—Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve 2 percent for the purpose of providing information and technical assistance to States under section 306.

## **[TITLE IV—REPEAL AND CONFORMING AMENDMENTS**

**[SEC. 401. REPEAL.**

[The Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is repealed.

**[SEC. 402. CONFORMING AMENDMENTS.**

[(a) DEFINITIONS.—Section 6 of the Rehabilitation Act of 1973 (as amended by section 403 of the Workforce Investment Act of 1998) is amended—

[(1) in paragraph (3), by striking “section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2))” and inserting “section 3 of the Assistive Technology Act of 1998”; and

[(2) in paragraph (4), by striking “section 3(3) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(3))” and inserting “section 3 of the Assistive Technology Act of 1998”.

[(b) RESEARCH AND OTHER COVERED ACTIVITIES.—Section 204(b)(3) of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1998) is amended—

[(1) in subparagraph (C)(i), by striking “the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)” and inserting “the Assistive Technology Act of 1998”; and

[(2) in subparagraph (G)(i), by striking “the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)” and inserting “the Assistive Technology Act of 1998”.

[(c) PROTECTION AND ADVOCACY.—Section 509(a)(2) of the Rehabilitation Act of 1973 (as amended by section 408 of the Workforce Investment Act of 1998) is amended by striking “the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)” and inserting “the Assistive Technology Act of 1998”.]

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

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

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

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

Sec. 2. *Findings and purposes.*

Sec. 3. *Definitions.*

Sec. 4. *Grants to States for purchase of assistive technology devices and assistive technology services.*



*Sec. 5. Grants to States for protection and advocacy related to assistive technology.*

*Sec. 6. Administrative provisions.*

*Sec. 7. National activities.*

*Sec. 8. Authorization of appropriations.*

## **SEC. 2. FINDINGS AND PURPOSES.**

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

*(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—*

*(A) live independently;*

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

*(C) benefit from an education;*

*(D) pursue meaningful careers; and*

*(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.*

*(2) Technology is one of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is one of the main factors underlying the strength and vibrancy of the economy of the United States.*

*(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.*

*(4) Over the last 15 years, the Federal Government has invested in the development of statewide comprehensive systems to help individuals with disabilities gain access to assistive technology devices and services. This partnership with States provided an important service to individuals with disabilities by strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.*

*(5) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. These devices and adaptations increase the involvement, and reduce expenditures associated with, programs and activities that facilitate communication, ensure independent living and functioning, enable early childhood development, support educational achievement, provide and enhance employment options, and enable full participation in community living and recreation for individuals with disabilities.*

*(6) Despite the success of the Federal-State partnership in providing access to assistive technology and services, there is a continued need to provide information about the availability of assistive technology, advances in improving accessibility and functionality of assistive technology, and appropriate methods*

*to secure and utilize assistive technology in order to maximize their independence and participation of individuals with disabilities in society.*

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

*(1) to support State efforts to improve the provision of assistive technology to individuals with disabilities through comprehensive statewide programs of technology-related assistance, for individuals with disabilities of all ages, that are designed to—*

*(A) increase the availability of, funding for, access to, provision of, and training about assistive technology devices and assistive technology services;*

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

*(C) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;*

*(D) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;*

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

*(F) increase the awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and*

*(G) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and the general population; and*

*(2) to provide States with financial assistance that supports programs designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.*

### **SEC. 3. DEFINITIONS.**

*In this Act:*

*(1) ADVOCACY SERVICES.—The term “advocacy services”, except as used as part of the term “protection and advocacy services”, means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.*

(2) *AMERICAN INDIAN CONSORTIUM.*—The term “American Indian Consortium” has the meaning given the term in section 102(1) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and that is established to provide protection and advocacy services for purposes of receiving funding under subtitle C of title I of such Act.

(3) *ASSISTIVE TECHNOLOGY.*—The term “assistive technology” means technology designed to be utilized in an assistive technology device or assistive technology service.

(4) *ASSISTIVE TECHNOLOGY DEVICE.*—The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

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

(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(6) *CAPACITY BUILDING AND ADVOCACY ACTIVITIES.*—The term “capacity building and advocacy activities” means efforts that—

(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services,

in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

(7) *COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.*—The term “comprehensive statewide pro-

*gram of technology-related assistance” means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.*

(8) *CONSUMER-RESPONSIVE.*—The term “consumer-responsive”—

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

(i) *respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;*

(ii) *respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;*

(iii) *inclusion, integration, and full participation of such individuals in society;*

(iv) *support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and*

(v) *support for individual and systems advocacy and community involvement; and*

(B) *with respect to an entity, program, or activity, means that the entity, program, or activity—*

(i) *is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;*

(ii) *responds to the needs of individuals with disabilities in a timely and appropriate manner; and*

(iii) *facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—*

(I) *decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and*

(II) *decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.*

(9) *DISABILITY.*—The term “disability” means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

(10) *INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.*—

(A) *INDIVIDUAL WITH A DISABILITY.*—The term “individual with a disability” means any individual of any age, race, or ethnicity—

(i) who has a disability; and

(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

(B) *INDIVIDUALS WITH DISABILITIES.*—The term “individuals with disabilities” means more than one individual with a disability.

(11) *INSTITUTION OF HIGHER EDUCATION.*—The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(12) *PROTECTION AND ADVOCACY SERVICES.*—The term “protection and advocacy services” means services that—

(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

(13) *SECRETARY.*—The term “Secretary” means the Secretary of Education.

(14) *STATE.*—

(A) *IN GENERAL.*—Except as provided in subparagraph (B), the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(B) *OUTLYING AREAS.*—In sections 4(c) and 5(b):

(i) *OUTLYING AREA.*—The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(ii) *STATE.*—The term “State” does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(15) *TARGETED INDIVIDUALS.*—The term “targeted individuals” means—

(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

(C) educators and related services personnel;

(D) technology experts (including engineers);

- (E) health and allied health professionals;
- (F) employers; and
- (G) other appropriate individuals and entities.

(16) **TECHNOLOGY-RELATED ASSISTANCE.**—The term “technology-related assistance” means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (G) of section 2(b)(1).

(17) **UNDERREPRESENTED POPULATION.**—The term “underrepresented population” means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

(18) **UNIVERSAL DESIGN.**—The term “universal design” means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

**SEC. 4. GRANTS TO STATES FOR PURCHASE OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.**

(a) **GRANTS TO STATES.**—The Secretary shall award grants, in accordance with this section, to States to maintain comprehensive statewide programs of technology related assistance to support programs that are designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

(b) **USE OF FUNDS.**—

(1) **IN GENERAL.**—

(A) **REQUIRED ACTIVITIES.**—Except as provided in subparagraph (C), any State that receives a grant under this section shall use a portion of the funds made available through the grant to carry out the activities described in subparagraphs (A) and (B) of paragraph (2).

(B) **DISCRETIONARY ACTIVITIES.**—Any State that receives a grant under this section may use the funds made available through the grant to carry out the activities described in subparagraph (C) or (D) of paragraph (2).

(C) **SPECIAL RULE.**—Any State in which financial support for the activities described in subparagraph (A) or (B) of paragraph (2) is provided from State or other resources shall not be required to expend the funds provided under the grant to carry out the activities described in subparagraph (A) or (B), as the case may be. Such financial support shall be comparable to the amount of the grant the State would otherwise have expended for such activities.

(2) **STATE-LEVEL ACTIVITIES.**—

(A) **STATE FINANCE SYSTEMS.**—The State shall support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including the development of systems to provide assistive tech-

nology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—

(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision of assistive technology devices and assistive technology services; or

(ii) the establishment of alternative State or privately funded systems of subsidies for the provision of assistive technology devices or assistive technology services, such as—

(I) a low-interest loan fund;

(II) an interest buy-down program;

(III) a revolving loan fund;

(IV) a loan guarantee or insurance program;

(V) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

(VI) another mechanism approved by the Secretary.

(B) *DEVICE LOAN PROGRAMS.*—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that support the short-term loan of assistive technology devices to individuals, employers, public agencies, public accommodations, or others seeking to meet the needs of targeted individuals, including to comply with the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, and section 504 of the Rehabilitation Act of 1973.

(C) *DEVICE REUTILIZATION PROGRAMS.*—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, recycling, or other reutilization of assistive technology devices, which may include redistribution through device and equipment loans, rentals, or gifts.

(D) *DEVICE DEMONSTRATION PROGRAM.*—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device demonstration programs that provide for the ability of targeted individuals to learn about the use and operation of assistive technology devices.

(3) *STATE LEADERSHIP ACTIVITIES.*—

(A) *IN GENERAL.*—Any State that receives a grant under this section may use up to 40 percent of the funds made available through the grant to carry out the activities described in subparagraph (B).

(B) *REQUIRED ACTIVITIES.*—The State shall support—

(i) public awareness activities designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services, including—

(I) the development and dissemination of information relating to—

(aa) the nature of assistive technology devices and assistive technology services;

(bb) the appropriateness of, cost of, availability of, evaluation of, and access to, assistive technology devices and assistive technology services; and

(cc) the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living;

(II) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals, which may include partnerships with the State and local workforce investment system established under the Workforce Investment Act of 1998, State vocational rehabilitation centers, public and private employers, or elementary and secondary public schools; and

(III) the development and dissemination, to targeted individuals, of information about State efforts related to assistive technology; and

(IV) the distribution of materials to appropriate public and private agencies that provide social, medical, educational, employment, and transportation services to individuals with disabilities;

(ii) technical assistance and training on—

(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services;

(II) providing technical assistance, including technical assistance concerning how—

(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law; and

(bb) to increase consumer participation regarding assistive technology devices and assistive technology services; and

(III) the enhancement of the assistive technology skills and competencies of—

(aa) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

(bb) educators and related services personnel;

(cc) technology experts (including engineers);

(dd) health and allied health professionals;

(ee) employers; and

(ff) other appropriate personnel; and

(iii) outreach and support to statewide and community-based organizations that provide assistive tech-



nology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented populations and rural populations, and further including support such as outreach to consumer organizations and groups in the State to coordinate efforts to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

(C) **AUTHORIZED ACTIVITIES.**—The State may support the operation and administration of the activities in paragraph (2), through interagency coordination to develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

(4) **INDIRECT COSTS.**—Not more than 10 percent of the funds made available through a grant to a State under this section may be used for indirect costs.

(5) **PROHIBITION.**—Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

(6) **STATE FLEXIBILITY.**—

(A) **IN GENERAL.**—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that it receives under a grant under this section to carry out any of the activities described in paragraph (2).

(B) **SPECIAL RULE.**—Notwithstanding paragraph (3)(A), any State which exercises its authority under subparagraph (A) may not use more than 30 percent of the funds made available through the grant to carry out the activities described in paragraph (3)(B).

(c) **AMOUNT OF FINANCIAL ASSISTANCE.**—

(1) **GRANTS TO OUTLYING AREAS.**—From the funds appropriated under section 8(a) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than \$105,000 to each eligible outlying area.

(2) **GRANTS TO STATES.**—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

(3) **CALCULATION OF STATE GRANTS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Secretary shall allocate funds to each State for a fiscal year in an amount that bears the same ratio as the population of the State bears to the population of all States.

(B) *MINIMUM ALLOTMENT.*—A State shall receive an amount under a grant for a fiscal year that is not less than the amount the State received under the grant provided under title I of this Act (as in effect on the day before the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004) for fiscal year 2004.

(C) *RATABLE REDUCTIONS.*—

(i) *IN GENERAL.*—If amounts made available to carry out this section for any fiscal year are insufficient to meet the minimum allotment requirement for each State under subparagraph (B) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

(ii) *ADDITIONAL FUNDS.*—If additional funds become available for making payments described under this subsection for any such fiscal year, the amounts that were reduced under clause (i) shall be increased on the same basis as such amounts were reduced.

(d) *LEAD AGENCY.*—

(1) *DESIGNATION.*—To be eligible to receive a grant under this section, the Governor of the State shall designate in accordance with paragraph (2) a lead agency to administer the grant under this section.

(2) *ELIGIBLE ENTITIES.*—For purposes of paragraph (1), the Governor of the State may designate one of the following:

(A) The State agency responsible for the administration of vocational rehabilitation in the State.

(B) A commission, council, or other official body appointed by the Governor.

(C) A public-private partnership or consortium.

(D) A public agency (including the office of the Governor, a State oversight office, a State agency, a public institution of higher education, or other public entity).

(E) A council established under Federal or State law.

(F) An organization described in section 501(c)(3) of Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Act.

(G) Another appropriate office, agency, entity, or organization.

(3) *DUTIES OF THE LEAD AGENCY.*—The duties of the lead agency shall include—

(A) submitting the application described in subsection (e) on behalf of the State;

(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

(C)(i) coordinating efforts related to, and supervising the preparation of, the application described in subsection (e);

(ii) coordinating, maintaining, and evaluating the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

(iii) coordinating efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 5, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant;

(D) delegating, in whole or in part, any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals; and

(E) establishing a partnership or partnerships with private providers of social, medical, educational, employment, and transportation services to individuals with disabilities.

(4) *CHANGE IN LEAD AGENCY.*—The Governor may change the lead agency of the State (to an agency other than the lead agency of the State as of the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004) if the Governor provides a justification in the application to the Secretary for such action. Nothing in this subsection shall be construed to require the Governor of a State to change the lead agency of the State to an agency other than the lead agency of such State as of the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004.

(e) *STATE APPLICATION.*—

(1) *SUBMISSION.*—Any State that desires to receive a grant under this section shall submit to the Secretary an application at such time and in such manner as the Secretary may specify.

(2) *CONTENT.*—Each application shall contain, at a minimum, the following information:

(A) *PLANNED ACTIVITIES.*—A description of those activities described in subsection (b)(2) that the State will carry out under the grant.

(B) *MEASURABLE GOALS.*—A description of—

(i) the measurable goals the State has set for addressing the assistive technology needs of individuals with disabilities in the State, including any measurable goals, and a timeline for meeting such goals, related to—

(I) education, including goals involving the provision of assistive technology to individuals with disabilities that receive services under the Individuals with Disabilities Education Act;

(II) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

(III) telecommunication and information technology; and

(IV) community living; and

(ii) how the State will quantifiably measure the goals to determine whether the goals have been achieved.

(C) *INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES.*—A description of how individuals with disabilities of all ages and their families—

(i) were involved in selecting—

- (I) the goals;
- (II) the activities to be undertaken in achieving the goals; and
- (III) the measures to be used in judging if the goals have been achieved; and
- (ii) will be involved in measuring whether the goals have been achieved.

(D) *STATE SUPPORT.*—A description of those activities described in subsection (b)(2) that the State will support under the grant, including at a minimum the State's plans to provide financial support, consistent with subsection (b)(1), for the activities described in subparagraphs (A) and (B) of such subsection.

(E) *ASSURANCE.*—An assurance that the physical location of the entity responsible for conducting the State activities under this Act meets the requirements of the Americans with Disabilities Act of 1990 regarding accessibility for individuals with disabilities.

(F) *OTHER INFORMATION.*—Such other information as the Secretary may reasonably require.

**SEC. 5. GRANTS TO STATES FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.**

(a) *GRANTS TO STATES.*—The Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

(b) *AMOUNT OF FINANCIAL ASSISTANCE.*—

(1) *GRANTS TO OUTLYING AREAS AND AMERICAN INDIAN CONSORTIUM.*—

(A) *OUTLYING AREAS.*—From the funds appropriated under section 8(b) for any fiscal year, the Secretary shall make a grant in an amount of not more than \$30,000 to each eligible system within an outlying area.

(B) *AMERICAN INDIAN CONSORTIUM.*—From the funds appropriated under section 8(b) for any fiscal year, the Secretary shall make a grant in an amount of not more than \$30,000 to the American Indian Consortium to provide services in the same manner as an eligible system described under this section. If the amount appropriated under section 8(b) for a fiscal year exceeds the amount appropriated under such section for the preceding fiscal year, then the amount referred to in the preceding sentence shall be increased for such fiscal year by the same percentage as such amount appropriated under section 8(b) exceeds the amount appropriated under such section for the preceding fiscal year.

(2) *GRANTS TO STATES.*—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds in accordance with paragraph (3) to eligible systems within States to support protection and advocacy services as described in subsection (a).

*The Secretary shall make grants to the eligible systems from the allotments.*

*(3) SYSTEMS WITHIN STATES.—*

*(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each fiscal year, the Secretary shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.*

*(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, the allotment to any system under subparagraph (A) shall be not less than \$50,000, and the allotment to any system under this paragraph for any fiscal year that is less than \$50,000 shall be increased to \$50,000.*

*(4) REALLOTMENT.—Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provisions of this section to all other systems in the same proportion such amounts were first allocated to such systems.*

*(5) CARRYOVER.—Any amount paid to an eligible system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year, except that program income generated from such amount shall remain available for two additional fiscal years and may only be used to improve the awareness of individuals with disabilities on the accessibility of assistive technology and assisting such individuals in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.*

*(c) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—*

*(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;*

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

*(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;*

*(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act;*

*(5) coordinating activities with protection and advocacy services funded through sources other than this Act, and coordi-*

nating activities with the capacity building and advocacy activities carried out by the lead agency; and

(6) effectively allocating carryover funds described in subsection (b)(5) to improve the awareness of individuals with disabilities on the accessibility of assistive technology and assisting them in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.

(d) **REPORTS AND UPDATES TO STATE AGENCIES.**—An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

(e) **COORDINATION.**—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 4(d) with respect to efforts at coordination, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

#### **SEC. 6. ADMINISTRATIVE PROVISIONS.**

(a) **GENERAL ADMINISTRATION.**—Notwithstanding any other provision of law, the Rehabilitation Services Administration in the Office of Special Education and Rehabilitative Services of the Department of Education shall be responsible for the administration of this Act.

(b) **REVIEW OF PARTICIPATING ENTITIES.**—

(1) **IN GENERAL.**—The Secretary shall assess the extent to which entities that receive grants pursuant to this Act are complying with the applicable requirements of this Act and achieving the quantifiable, measurable goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

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

(c) **CORRECTIVE ACTION AND SANCTIONS.**—

(1) **CORRECTIVE ACTION.**—If the Secretary determines that an entity fails to substantially comply with the requirements of this Act or to substantially make progress towards meeting the goals established under section 4(e)(2)(B) with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section 7 or other means, within 90 days after such determination, to develop a corrective action plan.

(2) **SANCTIONS.**—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to one of the following corrective actions selected by the Secretary:

(A) Partial or complete withholding of funds under the grant program until such plan is developed and implemented.

(B) Reduction in the amount of funding that may be used for indirect costs under section 4(b)(4) for the following year under the grant program.

(C) Required redesignation of the lead agency designated under section 4(d) or an entity responsible for administering the grant program.

(3) *APPEALS PROCEDURES.*—The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this Act or have not substantially made progress towards meeting the goals established under section 4(e)(2)(B).

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

(5) *PUBLIC NOTIFICATION.*—The Secretary shall notify the public by posting on the Internet website of the Department of Education of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

(d) *ANNUAL REPORT.*—

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

(2) *CONTENTS.*—Such report shall include information on—

(A) the type of alternative financing mechanisms used by each State under the program;

(B) the amount and type of assistance given to consumers (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population), including—

(i) the number of applications for assistance received;

(ii) the number of applications approved and rejected;

(iii) the default rate;

(iv) the range and average interest rate;

(v) the range and average income of approved loan applicants; and

(vi) the types and dollar amounts of assistive technology financed;

(C) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabilities, employers, public agencies, or public accommodations, including an analysis of the individuals with disabilities who have benefited from the device loan program;

(D) the number, type, estimated value, and scope of device reutilization programs, including an analysis of the individuals with disabilities that have benefited from the device loan program;

(E) the number and type of equipment demonstrations provided, including an analysis of individuals with disabilities who have benefited from the program;

(F) a summary of the State plans and annual reports submitted by the States, including an analysis of the progress of the States in meeting their goals established in the State application;

(G) the number of individuals who received training and the topics of such training;

(H) the frequency and nature of technical assistance provided to State and local governmental agencies and other entities; and

(I) the outcomes of interagency coordination and collaboration activities carried out by the State, as applicable, that support access to assistive technology including the type, purpose, and source of leveraged funding or other contributed resources from public and private entities.

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

#### **SEC. 7. NATIONAL ACTIVITIES.**

(a) **IN GENERAL.**—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to provide technical assistance to entities, principally entities funded under section 4 or 5.

(b) **INPUT.**—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

(2) family members, guardians, advocates, and authorized representatives of such individuals; and

(3) individuals employed by protection and advocacy systems funded under section 5.

(c) **AUTHORIZED ACTIVITIES.**—The Secretary shall support activities designed to maximize the impact and benefit of assistive technology devices and assistive technology services for individuals with disabilities, including the following activities:

(1) **NATIONAL PUBLIC INTERNET SITE.**—

(A) **ESTABLISHMENT OF INTERNET SITE.**—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

(B) **ELIGIBLE ENTITY.**—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an



entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

(i) working with assistive technology and intelligent agent interactive information dissemination systems;

(ii) managing libraries of assistive technology and disability-related resources;

(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

(v) developing and designing advanced Internet sites.

(C) **FEATURES OF INTERNET SITE.**—The National Public Internet Site described in subparagraph (A) shall contain the following features:

(i) **AVAILABILITY OF INFORMATION AT ANY TIME.**—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

(ii) **INNOVATIVE AUTOMATED INTELLIGENT AGENT.**—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

(iii) **RESOURCES.**—

(I) **LIBRARY ON ASSISTIVE TECHNOLOGY.**—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

(II) **RESOURCES FOR A NUMBER OF DISABILITIES.**—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

(iv) **LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION.**—To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

(D) **MINIMUM LIBRARY COMPONENTS.**—At a minimum, the Internet site shall maintain updated information on—

(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

(I) providing information and referral services;

(II) promoting interagency coordination of training and service delivery among public and private entities;

(III) conducting outreach to underrepresented populations and rural populations;

(IV) mounting successful public awareness activities;

(V) improving capacity building in service delivery;

(VI) training personnel from a variety of disciplines; and

(VII) improving evaluation strategies, research, and data collection;

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

(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

(iv) demonstration sites where individuals may try out assistive technology.

(2) **TECHNICAL ASSISTANCE EFFORTS.**—*The Secretary shall, on a competitive basis, make grants to, or enter into cooperative agreements with, eligible entities—*

(A) *to address State-specific information requests concerning assistive technology from other entities funded under this Act and public entities not funded under this Act, including—*

(i) *requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;*

(ii) *requests for examples of policies, practices, procedures, regulations, or judicial decisions that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;*

(iii) *requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;*

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

(v) *other requests for technical assistance from other entities funded under this Act and public entities not funded under this Act; and*

(vi) other assignments specified by the Secretary, including assisting entities described in section 6(b) to develop corrective action plans; and

(B) to assist targeted individuals by disseminating information about—

(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

(ii) technical assistance activities undertaken under subparagraph (A).

(d) **ELIGIBLE ENTITIES.**—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

(e) **APPLICATION.**—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

#### **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

(a) **STATE GRANTS FOR ASSISTIVE TECHNOLOGY; NATIONAL ACTIVITIES.**—There are authorized to be appropriated to carry out sections 4 and 7 of this Act \$21,524,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010. Of the amount appropriated pursuant to the authorization of appropriations under this subsection for a fiscal year, not more than \$1,235,000 may be made available to carry out section 7 of this Act.

(b) **STATE GRANTS FOR PROTECTION AND ADVOCACY.**—There are authorized to be appropriated to carry out section 5 of this Act \$4,419,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010.