

***In the Senate of the United States,***

*September 30, 2004.*

*Resolved*, That the bill from the House of Representatives (H.R. 4278) entitled “An Act 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.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2       *This Act may be cited as the “Assistive Technology Act*  
3 *of 2004”.*

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

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

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

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

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

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

“Sec. 2. Findings and purposes.

“Sec. 3. Definitions.

“Sec. 4. State grants for assistive technology.

“Sec. 5. State grants for protection and advocacy services related to assist-  
 ive technology.

“Sec. 6. National activities.

“Sec. 7. Administrative provisions.

“Sec. 8. Authorization of appropriations.

10 **“SEC. 2. FINDINGS AND PURPOSES.**

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

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

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

20 *“(A) live independently;*

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

3           “(C) benefit from an education;

4           “(D) pursue meaningful careers; and

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

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

16          “(4) As technology has come to play an increas-  
17          ingly important role in the lives of all persons in the  
18          United States, in the conduct of business, in the func-  
19          tioning of government, in the fostering of communica-  
20          tion, in the conduct of commerce, and in the provi-  
21          sion of education, its impact upon the lives of indi-  
22          viduals with disabilities in the United States has been  
23          comparable to its impact upon the remainder of the  
24          citizens of the United States. Any development in  
25          mainstream technology will have profound implica-

1        *tions for individuals with disabilities in the United*  
2        *States.*

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

21                *“(6) Over the last 15 years, the Federal Govern-*  
22       *ment has invested in the development of comprehen-*  
23       *sive statewide programs of technology-related assist-*  
24       *ance, which have proven effective in assisting individ-*  
25       *uals with disabilities in accessing assistive technology*

1 *devices and assistive technology services. This part-*  
2 *nership between the Federal Government and the*  
3 *States provided an important service to individuals*  
4 *with disabilities by strengthening the capacity of each*  
5 *State to assist individuals with disabilities of all ages*  
6 *meet their assistive technology needs.*

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

17 *“(8) The combination of significant recent*  
18 *changes in Federal policy (including changes to sec-*  
19 *tion 508 of the Rehabilitation Act of 1973 (29 U.S.C.*  
20 *794d), accessibility provisions of the Help America*  
21 *Vote Act of 2002 (42 U.S.C. 15301 et seq.), and the*  
22 *amendments made to the Elementary and Secondary*  
23 *Education Act of 1965 (20 U.S.C. 6301 et seq.) by the*  
24 *No Child Left Behind Act of 2001) and the rapid and*  
25 *unending evolution of technology require a Federal-*

1     *State investment in State assistive technology systems*  
2     *to continue to ensure that individuals with disabili-*  
3     *ties reap the benefits of the technological revolution*  
4     *and participate fully in life in their communities.*

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

6             “(1) *to support State efforts to improve the pro-*  
7     *vision of assistive technology to individuals with dis-*  
8     *abilities through comprehensive statewide programs of*  
9     *technology-related assistance, for individuals with dis-*  
10    *abilities of all ages, that are designed to—*

11             “(A) *increase the availability of, funding*  
12     *for, access to, provision of, and training about*  
13     *assistive technology devices and assistive tech-*  
14     *nology services;*

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

22             “(C) *increase the capacity of public agen-*  
23     *cies and private entities to provide and pay for*  
24     *assistive technology devices and assistive tech-*

1           *nology services on a statewide basis for individ-*  
2           *uals with disabilities of all ages;*

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

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

16           “(F) *increase the awareness and facilitate*  
17           *the change of laws, regulations, policies, prac-*  
18           *tices, procedures, and organizational structures,*  
19           *that facilitate the availability or provision of as-*  
20           *istive technology devices and assistive technology*  
21           *services; and*

22           “(G) *increase awareness and knowledge of*  
23           *the benefits of assistive technology devices and*  
24           *assistive technology services among targeted indi-*

1            *viduals and entities and the general population;*  
2            *and*

3            *“(2) to provide States with financial assistance*  
4            *that supports programs designed to maximize the*  
5            *ability of individuals with disabilities and their fam-*  
6            *ily members, guardians, advocates, and authorized*  
7            *representatives to obtain assistive technology devices*  
8            *and assistive technology services.*

9    **“SEC. 3. DEFINITIONS.**

10          *“In this Act:*

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

16                          *“(A) a program providing residential, sup-*  
17                          *portive, or employment services, or employment-*  
18                          *related services, to individuals with disabilities;*

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

23                          *“(C) a program carried out by an employ-*  
24                          *ment support agency connected to adult voca-*  
25                          *tional rehabilitation, such as a one-stop partner,*

1           *as defined in section 101 of the Workforce Invest-*  
2           *ment Act of 1998 (29 U.S.C. 2801); and*

3           “(D) *a program carried out by another or-*  
4           *ganization or vender licensed or registered by the*  
5           *designated State agency, as defined in section 7*  
6           *of the Rehabilitation Act of 1973 (29 U.S.C.*  
7           *705).*

8           “(2) *AMERICAN INDIAN CONSORTIUM.—The term*  
9           *‘American Indian consortium’ means an entity that*  
10           *is an American Indian Consortium (as defined in*  
11           *section 102 of Developmental Disabilities Assistance*  
12           *and Bill of Rights Act of 2000 (42 U.S.C. 15002)),*  
13           *and that is established to provide protection and ad-*  
14           *vocacy services for purposes of receiving funding*  
15           *under subtitle C of title I of such Act (42 U.S.C.*  
16           *15041 et seq.).*

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

21           “(4) *ASSISTIVE TECHNOLOGY DEVICE.—The term*  
22           *‘assistive technology device’ means any item, piece of*  
23           *equipment, or product system, whether acquired com-*  
24           *mercially, modified, or customized, that is used to in-*

1 *crease, maintain, or improve functional capabilities*  
2 *of individuals with disabilities.*

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

8 “(A) *the evaluation of the assistive tech-*  
9 *nology needs of an individual with a disability,*  
10 *including a functional evaluation of the impact*  
11 *of the provision of appropriate assistive tech-*  
12 *nology and appropriate services to the indi-*  
13 *vidual in the customary environment of the indi-*  
14 *vidual;*

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

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

23 “(D) *coordination and use of necessary*  
24 *therapies, interventions, or services with assistive*  
25 *technology devices, such as therapies, interven-*

1            *tions, or services associated with education and*  
2            *rehabilitation plans and programs;*

3            *“(E) training or technical assistance for an*  
4            *individual with a disability or, where appro-*  
5            *priate, the family members, guardians, advo-*  
6            *cates, or authorized representatives of such an*  
7            *individual;*

8            *“(F) training or technical assistance for*  
9            *professionals (including individuals providing*  
10           *education and rehabilitation services and entities*  
11           *that manufacture or sell assistive technology de-*  
12           *vices), employers, providers of employment and*  
13           *training services, or other individuals who pro-*  
14           *vide services to, employ, or are otherwise sub-*  
15           *stantially involved in the major life functions of*  
16           *individuals with disabilities; and*

17           *“(G) a service consisting of expanding the*  
18           *availability of access to technology, including*  
19           *electronic and information technology, to indi-*  
20           *viduals with disabilities.*

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

24           *“(A) result in laws, regulations, policies,*  
25           *practices, procedures, or organizational struc-*

1           *tures that promote consumer-responsive pro-*  
2           *grams or entities; and*

3           “(B) *facilitate and increase access to, provi-*  
4           *sion of, and funding for, assistive technology de-*  
5           *vices and assistive technology services, in order*  
6           *to empower individuals with disabilities to*  
7           *achieve greater independence, productivity, and*  
8           *integration and inclusion within the community*  
9           *and the workforce.*

10           “(7) *COMPREHENSIVE STATEWIDE PROGRAM OF*  
11           *TECHNOLOGY-RELATED ASSISTANCE.—The term ‘com-*  
12           *prehensive statewide program of technology-related as-*  
13           *sistance’ means a consumer-responsive program of*  
14           *technology-related assistance for individuals with dis-*  
15           *abilities, implemented by a State, and equally avail-*  
16           *able to all individuals with disabilities residing in*  
17           *the State, regardless of their type of disability, age,*  
18           *income level, or location of residence in the State, or*  
19           *the type of assistive technology device or assistive*  
20           *technology service required.*

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

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

1           “(i) respect for individual dignity, per-  
2           sonal responsibility, self-determination, and  
3           pursuit of meaningful careers, based on in-  
4           formed choice, of individuals with disabili-  
5           ties;

6           “(ii) respect for the privacy, rights,  
7           and equal access (including the use of acces-  
8           sible formats) of such individuals;

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

11          “(iv) support for the involvement in  
12          decisions of a family member, a guardian,  
13          an advocate, or an authorized representa-  
14          tive, if an individual with a disability re-  
15          quests, desires, or needs such involvement;  
16          and

17          “(v) support for individual and sys-  
18          tems advocacy and community involvement;  
19          and

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

23                 “(i) is easily accessible to, and usable  
24                 by, individuals with disabilities and, when  
25                 appropriate, their family members, guard-

1           *ians, advocates, or authorized representa-*  
2           *tives;*

3           “(ii) *responds to the needs of individ-*  
4           *uals with disabilities in a timely and ap-*  
5           *propriate manner; and*

6           “(iii) *facilitates the full and meaning-*  
7           *ful participation of individuals with dis-*  
8           *abilities (including individuals from under-*  
9           *represented populations and rural popu-*  
10           *lations) and their family members, guard-*  
11           *ians, advocates, and authorized representa-*  
12           *tives, in—*

13           “(I) *decisions relating to the pro-*  
14           *vision of assistive technology devices*  
15           *and assistive technology services to*  
16           *such individuals; and*

17           “(II) *decisions related to the*  
18           *maintenance, improvement, and eval-*  
19           *uation of the comprehensive statewide*  
20           *program of technology-related assist-*  
21           *ance, including decisions that affect ca-*  
22           *pacitv building and advocacy activi-*  
23           *ties.*

24           “(9) *DISABILITY.—The term ‘disability’ means a*  
25           *condition of an individual that is considered to be a*

1 *disability or handicap for the purposes of any Fed-*  
2 *eral law other than this Act or for the purposes of the*  
3 *law of the State in which the individual resides.*

4 “(10) *INDIVIDUAL WITH A DISABILITY; INDIVID-*  
5 *UALS WITH DISABILITIES.—*

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

9 “(i) *who has a disability; and*

10 “(ii) *who is or would be enabled by an*  
11 *assistive technology device or an assistive*  
12 *technology service to minimize deterioration*  
13 *in functioning, to maintain a level of func-*  
14 *tioning, or to achieve a greater level of func-*  
15 *tioning in any major life activity.*

16 “(B) *INDIVIDUALS WITH DISABILITIES.—*

17 *The term ‘individuals with disabilities’ means*  
18 *more than 1 individual with a disability.*

19 “(11) *INSTITUTION OF HIGHER EDUCATION.—*

20 *The term ‘institution of higher education’ has the*  
21 *meaning given such term in section 101(a) of the*  
22 *Higher Education Act of 1965 (20 U.S.C. 1001(a)),*  
23 *and includes a community college receiving funding*  
24 *under the Tribally Controlled College or University*  
25 *Assistance Act of 1978 (25 U.S.C. 1801 et seq.).*

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

4                   “(A) *are described in subtitle C of title I of*  
5                   *the Developmental Disabilities Assistance and*  
6                   *Bill of Rights Act of 2000 (42 U.S.C. 15041 et*  
7                   *seq.), the Protection and Advocacy for Individ-*  
8                   *uals with Mental Illness Act (42 U.S.C. 10801 et*  
9                   *seq.), or section 509 of the Rehabilitation Act of*  
10                   *1973 (29 U.S.C. 794e); and*

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

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

16           “(14) *STATE.*—

17                   “(A) *IN GENERAL.*—*Except as provided in*  
18                   *subparagraph (B), the term ‘State’ means each*  
19                   *of the 50 States of the United States, the District*  
20                   *of Columbia, the Commonwealth of Puerto Rico,*  
21                   *the United States Virgin Islands, Guam, Amer-*  
22                   *ican Samoa, and the Commonwealth of the*  
23                   *Northern Mariana Islands.*

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

1                   “(i) *OUTLYING AREA*.—The term ‘out-  
2                   lying area’ means the United States Virgin  
3                   Islands, Guam, American Samoa, and the  
4                   Commonwealth of the Northern Mariana Is-  
5                   lands.

6                   “(ii) *STATE*.—The term ‘State’ does  
7                   not include the United States Virgin Is-  
8                   lands, Guam, American Samoa, and the  
9                   Commonwealth of the Northern Mariana Is-  
10                  lands.

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

14                  “(16) *TARGETED INDIVIDUALS AND ENTITIES*.—  
15                  The term ‘targeted individuals and entities’ means—

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

19                         “(B) underrepresented populations, includ-  
20                         ing the aging workforce;

21                         “(C) individuals who work for public or  
22                         private entities (including centers for inde-  
23                         pendent living described in part C of title VII of  
24                         the Rehabilitation Act of 1973 (29 U.S.C. 796f  
25                         et seq.), insurers, or managed care providers)

1           *that have contact, or provide services to, with in-*  
2           *dividuals with disabilities;*

3           “(D) *educators at all levels (including pro-*  
4           *viders of early intervention services, elementary*  
5           *schools, secondary schools, community colleges,*  
6           *and vocational and other institutions of higher*  
7           *education) and related services personnel;*

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

10          “(F) *health, allied health, and rehabilita-*  
11          *tion professionals and hospital employees (in-*  
12          *cluding discharge planners);*

13          “(G) *employers, especially small business*  
14          *employers, and providers of employment and*  
15          *training services;*

16          “(H) *entities that manufacture or sell as-*  
17          *sistive technology devices;*

18          “(I) *entities that carry out community pro-*  
19          *grams designed to develop essential community*  
20          *services in rural and urban areas; and*

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

23          “(17) *TECHNOLOGY-RELATED ASSISTANCE.—The*  
24          *term ‘technology-related assistance’ means assistance*  
25          *provided through capacity building and advocacy ac-*

1 *tivities that accomplish the purposes described in sec-*  
2 *tion 2(b).*

3 “(18) *UNDERREPRESENTED POPULATION.*—*The*  
4 *term ‘underrepresented population’ means a popu-*  
5 *lation that is typically underrepresented in service*  
6 *provision, and includes populations such as persons*  
7 *who have low-incidence disabilities, persons who are*  
8 *minorities, poor persons, persons with limited*  
9 *English proficiency, older individuals, or persons*  
10 *from rural areas.*

11 “(19) *UNIVERSAL DESIGN.*—*The term ‘universal*  
12 *design’ means a concept or philosophy for designing*  
13 *and delivering products and services that are usable*  
14 *by people with the widest possible range of functional*  
15 *capabilities, which include products and services that*  
16 *are directly accessible (without requiring assistive*  
17 *technologies) and products and services that are inter-*  
18 *operable with assistive technologies.*

19 **“SEC. 4. STATE GRANTS FOR ASSISTIVE TECHNOLOGY.**

20 “(a) *GRANTS TO STATES.*—*The Secretary shall award*  
21 *grants under subsection (b) to States to maintain com-*  
22 *prehensive statewide programs of technology-related assist-*  
23 *ance to support programs that are designed to maximize*  
24 *the ability of individuals with disabilities across the human*  
25 *lifespan and across the wide array of disabilities, and their*

1 *family members, guardians, advocates, and authorized rep-*  
2 *resentatives, to obtain assistive technology, and that are de-*  
3 *signed to increase access to assistive technology.*

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

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

10 “(2) *CALCULATION OF STATE GRANTS.*—

11 “(A) *BASE YEAR.*—*Except as provided in*  
12 *subparagraphs (B) and (C), the Secretary shall*  
13 *allot to each State and outlying area for a fiscal*  
14 *year an amount that is not less than the amount*  
15 *the State or outlying area received under the*  
16 *grants provided under section 101 of this Act (as*  
17 *in effect on the day before the date of enactment*  
18 *of the Assistive Technology Act of 2004) for fiscal*  
19 *year 2004.*

20 “(B) *RATABLE REDUCTION.*—

21 “(i) *IN GENERAL.*—*If funds made*  
22 *available to carry out this section for any*  
23 *fiscal year are insufficient to make the al-*  
24 *lotments required for each State and out-*  
25 *lying area under subparagraph (A) for such*

1           *fiscal year, the Secretary shall ratably re-*  
2           *duce the allotments for such fiscal year.*

3           “(ii) *ADDITIONAL FUNDS.—If, after the*  
4           *Secretary makes the reductions described in*  
5           *clause (i), additional funds become avail-*  
6           *able to carry out this section for the fiscal*  
7           *year, the Secretary shall ratably increase*  
8           *the allotments, until the Secretary has allot-*  
9           *ted the entire base year amount.*

10          “(C) *HIGHER APPROPRIATION YEARS.—Ex-*  
11          *cept as provided in subparagraph (D), for a fis-*  
12          *cal year for which the amount of funds made*  
13          *available to carry out this section is greater than*  
14          *the base year amount, the Secretary shall—*

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

17                 “(ii) *from a portion of the remainder*  
18                 *of the funds after the Secretary makes the*  
19                 *allotments described in clause (i), the Sec-*  
20                 *retary shall—*

21                         “(I) *from 50 percent of the por-*  
22                         *tion, allot to each State or outlying*  
23                         *area an equal amount; and*

24                         “(II) *from 50 percent of the por-*  
25                         *tion, allot to each State or outlying*

1            *area an amount that bears the same*  
2            *relationship to such 50 percent as the*  
3            *population of the State or outlying*  
4            *area bears to the population of all*  
5            *States and outlying areas,*

6            *until each State has received an allotment*  
7            *of not less than \$410,000 and each outlying*  
8            *area has received an allotment of \$125,000*  
9            *under clause (i) and this clause;*

10            *“(iii) from the remainder of the funds*  
11            *after the Secretary makes the allotments de-*  
12            *scribed in clause (ii), the Secretary shall—*

13            *“(I) from 80 percent of the re-*  
14            *mainder allot to each State an amount*  
15            *that bears the same relationship to*  
16            *such 80 percent as the population of*  
17            *the State bears to the population of all*  
18            *States; and*

19            *“(II) from 20 percent of the re-*  
20            *mainder, allot to each State an equal*  
21            *amount.*

22            *“(D) SPECIAL RULE FOR FISCAL YEAR*  
23            *2005.—Notwithstanding subparagraph (C), if the*  
24            *amount of funds made available to carry out this*  
25            *section for fiscal year 2005 is greater than the*

1           *base year amount, the Secretary may award*  
2           *grants on a competitive basis for periods of 1*  
3           *year to States or outlying areas in accordance*  
4           *with the requirements of title III of this Act (as*  
5           *in effect on the day before the date of enactment*  
6           *of the Assistive Technology Act of 2004) to de-*  
7           *velop, support, expand, or administer an alter-*  
8           *native financing program.*

9           “(E) *BASE YEAR AMOUNT.*—*In this para-*  
10          *graph, the term ‘base year amount’ means the*  
11          *total amount received by all States and outlying*  
12          *areas under the grants described in subpara-*  
13          *graph (A) for fiscal year 2004.*

14          “(c) *LEAD AGENCY, IMPLEMENTING ENTITY, AND AD-*  
15          *VISORY COUNCIL.*—

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

18                         “(A) *LEAD AGENCY.*—

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

22   “(I) *to control and administer the*  
23   *funds made available through the grant*  
24   *awarded to the State under this sec-*  
25   *tion; and*

1           “(II) to submit the application  
2 described in subsection (d) on behalf of  
3 the State, to ensure conformance with  
4 Federal and State accounting require-  
5 ments.

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

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

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

24           “(III) coordinating efforts related  
25 to the active, timely, and meaningful

1                    *participation by individuals with dis-*  
2                    *abilities and their family members,*  
3                    *guardians, advocates, or authorized*  
4                    *representatives, and other appropriate*  
5                    *individuals, with respect to activities*  
6                    *carried out through the grant.*

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

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

17                   “(i) *IN GENERAL.—On obtaining the*  
18                   *approval of the Secretary, the Governor*  
19                   *may redesignate the lead agency, or the im-*  
20                   *plementing entity, if the Governor shows to*  
21                   *the Secretary good cause why the entity des-*  
22                   *ignated as the lead agency, or the imple-*  
23                   *menting entity, respectively, should not*  
24                   *serve as that agency or entity, respectively.*

1           *The Governor shall make the showing in the*  
2           *application described in subsection (d).*

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

11           “(2) *ADVISORY COUNCIL.*—

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

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

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

23                   “(I) *individuals with disabilities*  
24                   *that use assistive technology or the*

1 *family members or guardians of the in-*  
2 *dividuals;*

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

11 *“(III) a representative of a State*  
12 *center for independent living described*  
13 *in part C of title VII of the Rehabilita-*  
14 *tion Act of 1973 (29 U.S.C. 796f et*  
15 *seq.);*

16 *“(IV) a representative of the State*  
17 *workforce investment board established*  
18 *under section 111 of the Workforce In-*  
19 *vestment Act of 1998 (29 U.S.C. 2821);*

20 *“(V) a representative of the State*  
21 *educational agency, as defined in sec-*  
22 *tion 9101 of the Elementary and Sec-*  
23 *ondary Education Act of 1965 (20*  
24 *U.S.C. 7801); and*

1                   “(VI) *representatives of other*  
2                   *State agencies, public agencies, or pri-*  
3                   *vate organizations, as determined by*  
4                   *the State.*

5                   “(ii) *MAJORITY.—*

6                   “(I) *IN GENERAL.—A majority,*  
7                   *not less than 51 percent, of the mem-*  
8                   *bers of the advisory council, shall be*  
9                   *members appointed under clause (i)(I).*

10                  “(II) *REPRESENTATIVES OF*  
11                  *AGENCIES.—Members appointed under*  
12                  *subclauses (II) through (VI) of clause*  
13                  *(i) shall not count toward the majority*  
14                  *membership requirement established in*  
15                  *subclause (I).*

16                  “(iii) *REPRESENTATION.—The advi-*  
17                  *sory council shall be geographically rep-*  
18                  *resentative of the State and reflect the diver-*  
19                  *sity of the State with respect to race, eth-*  
20                  *nicity, types of disabilities across the age*  
21                  *span, and users of types of services that an*  
22                  *individual with a disability may receive.*

23                  “(C) *EXPENSES.—The members of the advi-*  
24                  *sory council shall receive no compensation for*  
25                  *their service on the advisory council, but shall be*

1           *reimbursed for reasonable and necessary expenses*  
2           *actually incurred in the performance of official*  
3           *duties for the advisory council.*

4           “(D) *PERIOD.*—*The members of the State*  
5           *advisory council shall be appointed not later*  
6           *than 120 days after the date of enactment of the*  
7           *Assistive Technology Act of 2004.*

8           “(E) *IMPACT ON EXISTING STATUTES,*  
9           *RULES, OR POLICIES.*—*Nothing in this para-*  
10          *graph shall be construed to affect State statutes,*  
11          *rules, or official policies relating to advisory*  
12          *bodies for State assistive technology programs or*  
13          *require changes to governing bodies of incor-*  
14          *porated agencies who carry out State assistive*  
15          *technology programs.*

16          “(d) *APPLICATION.*—

17               “(1) *IN GENERAL.*—*Any State that desires to re-*  
18               *ceive a grant under this section shall submit an ap-*  
19               *plication to the Secretary, at such time, in such man-*  
20               *ner, and containing such information as the Sec-*  
21               *retary may require.*

22               “(2) *LEAD AGENCY AND IMPLEMENTING ENTI-*  
23               *TY.*—*The application shall contain information iden-*  
24               *tifying and describing the lead agency referred to in*  
25               *subsection (c)(1)(A). The application shall contain in-*

1 *formation identifying and describing the imple-*  
2 *menting entity referred to in subsection (c)(1)(B), if*  
3 *the Governor of the State designates such an entity.*

4 “(3) *MEASURABLE GOALS.—The application*  
5 *shall include—*

6 “(A) *measurable goals, and a timeline for*  
7 *meeting the goals, that the State has set for ad-*  
8 *ressing the assistive technology needs of individ-*  
9 *uals with disabilities in the State related to—*

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

16 “(ii) *employment, including goals in-*  
17 *volving the State vocational rehabilitation*  
18 *program carried out under title I of the Re-*  
19 *habilitation Act of 1973 (29 U.S.C. 720 et*  
20 *seq.);*

21 “(iii) *telecommunication and informa-*  
22 *tion technology; and*

23 “(iv) *community living; and*

1           “(B) information describing how the State  
2           will quantifiably measure the goals to determine  
3           whether the goals have been achieved.

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

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

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

19           “(5) IMPLEMENTATION.—The application shall  
20           include a description of—

21           “(A) how the State will implement each of  
22           the required activities described in subsection (e),  
23           except as provided in subsection (e)(6)(A); and

24           “(B) how the State will allocate and utilize  
25           grant funds to implement the activities, includ-

1            *ing describing proposed budget allocations and*  
2            *planned procedures for tracking expenditures for*  
3            *activities described in paragraphs (2) and (3) of*  
4            *subsection (e).*

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

7                    *“(A) the State will annually collect data re-*  
8                    *lated to the required activities implemented by*  
9                    *the State under this section in order to prepare*  
10                   *the progress reports required under subsection*  
11                   *(f);*

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

13                            *“(i) will be expended in accordance*  
14                            *with this section; and*

15                            *“(ii) will be used to supplement, and*  
16                            *not supplant, funds available from other*  
17                            *sources for technology-related assistance, in-*  
18                            *cluding the provision of assistive technology*  
19                            *devices and assistive technology services;*

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

22                   *“(D) the State will adopt such fiscal control*  
23                   *and accounting procedures as may be necessary*  
24                   *to ensure proper disbursement of and accounting*  
25                   *for the funds received through the grant;*

1           “(E) the physical facility of the lead agency  
2 and implementing entity, if any, meets the re-  
3 quirements of the Americans with Disabilities  
4 Act of 1990 (42 U.S.C. 12101 et seq.) regarding  
5 accessibility for individuals with disabilities;

6           “(F) a public agency or an individual with  
7 a disability holds title to any property pur-  
8 chased with funds received under the grant and  
9 administers that property;

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

17           “(H) the State will—

18           “(i) prepare reports to the Secretary in  
19 such form and containing such information  
20 as the Secretary may require to carry out  
21 the Secretary’s functions under this Act;  
22 and

23           “(ii) keep such records and allow ac-  
24 cess to such records as the Secretary may  
25 require to ensure the correctness and

1                   *verification of information provided to the*  
2                   *Secretary under this subparagraph.*

3                   “(7) *STATE SUPPORT.*—*The application shall in-*  
4                   *clude a description of the activities described in para-*  
5                   *graphs (2) and (3) of subsection (e) that the State*  
6                   *will support with State funds.*

7                   “(e) *USE OF FUNDS.*—

8                   “(1) *IN GENERAL.*—

9                   “(A) *REQUIRED ACTIVITIES.*—*Except as*  
10                  *provided in subparagraph (B) and paragraph*  
11                  *(6), any State that receives a grant under this*  
12                  *section shall use a portion of the funds made*  
13                  *available through the grant to carry out activi-*  
14                  *ties described in paragraphs (2) and (3).*

15                  “(B) *STATE OR NON-FEDERAL FINANCIAL*  
16                  *SUPPORT.*—*A State shall not be required to use*  
17                  *a portion of the funds made available through*  
18                  *the grant to carry out the category of activities*  
19                  *described in subparagraph (A), (B), (C), or (D)*  
20                  *of paragraph (2) if, in that State—*

21                         “(i) *financial support is provided from*  
22                         *State or other non-Federal resources or enti-*  
23                         *ties for that category of activities; and*

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

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

6           “(2) *STATE-LEVEL ACTIVITIES.*—

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

19           “(i) *support for the development of sys-*  
20           *tems for the purchase, lease, or other acqui-*  
21           *sition of, or payment for, assistive tech-*  
22           *nology devices and assistive technology serv-*  
23           *ices; or*

24           “(ii) *support for the development of*  
25           *State-financed or privately financed alter-*

1           *native financing systems of subsidies (which*  
2           *may include conducting an initial 1-year*  
3           *feasibility study of, improving, admin-*  
4           *istering, operating, providing capital for, or*  
5           *collaborating with an entity with respect to,*  
6           *such a system) for the provision of assistive*  
7           *technology devices, such as—*

8                     *“(I) a low-interest loan fund;*

9                     *“(II) an interest buy-down pro-*  
10                    *gram;*

11                    *“(III) a revolving loan fund;*

12                    *“(IV) a loan guarantee or insur-*  
13                    *ance program;*

14                    *“(V) a program providing for the*  
15                    *purchase, lease, or other acquisition of*  
16                    *assistive technology devices or assistive*  
17                    *technology services; or*

18                    *“(VI) another mechanism that is*  
19                    *approved by the Secretary.*

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

21                    *The State shall directly, or in collaboration with*  
22                    *public or private entities, carry out assistive*  
23                    *technology device reutilization programs that*  
24                    *provide for the exchange, repair, recycling, or*  
25                    *other reutilization of assistive technology devices,*

1           *which may include redistribution through device*  
2           *sales, loans, rentals, or donations.*

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

16           “(D) *DEVICE DEMONSTRATIONS.*—

17           “(i) *IN GENERAL.*—*The State shall di-*  
18           *rectly, or in collaboration with public and*  
19           *private entities, such as one-stop partners,*  
20           *as defined in section 101 of the Workforce*  
21           *Investment Act of 1998 (29 U.S.C. 2801),*  
22           *demonstrate a variety of assistive technology*  
23           *devices and assistive technology services (in-*  
24           *cluding assisting individuals in making in-*  
25           *formed choices regarding, and providing ex-*

1            *periences with, the devices and services),*  
 2            *using personnel who are familiar with such*  
 3            *devices and services and their applications.*

4            “(i)    *COMPREHENSIVE    INFORMA-*  
 5            *TION.—The State shall directly, or through*  
 6            *referrals, provide to individuals, to the ex-*  
 7            *tent practicable, comprehensive information*  
 8            *about State and local assistive technology*  
 9            *venders, providers, and repair services.*

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

11            “(A) *IN GENERAL.—A State that receives a*  
 12            *grant under this section shall use a portion of*  
 13            *not more than 40 percent of the funds made*  
 14            *available through the grant to carry out the ac-*  
 15            *tivities described in subparagraph (B). From*  
 16            *that portion, the State shall use at least 5 per-*  
 17            *cent of the portion for activities described in sub-*  
 18            *paragraph (B)(i)(III).*

19            “(B) *REQUIRED ACTIVITIES.—*

20            “(i) *TRAINING AND TECHNICAL ASSIST-*  
 21            *ANCE.—*

22            “(I) *IN GENERAL.—The State*  
 23            *shall directly, or provide support to*  
 24            *public or private entities with dem-*  
 25            *onstrated expertise in collaborating*

1           *with public or private agencies that*  
2           *serve individuals with disabilities, to*  
3           *develop and disseminate training ma-*  
4           *terials, conduct training, and provide*  
5           *technical assistance, for individuals*  
6           *from local settings statewide, including*  
7           *representatives of State and local edu-*  
8           *cational agencies, other State and local*  
9           *agencies, early intervention programs,*  
10          *adult service programs, hospitals and*  
11          *other health care facilities, institutions*  
12          *of higher education, and businesses.*

13                   “(II) *AUTHORIZED ACTIVITIES.*—  
14           *In carrying out activities under sub-*  
15           *clause (I), the State shall carry out ac-*  
16           *tivities that enhance the knowledge,*  
17           *skills, and competencies of individuals*  
18           *from local settings described in sub-*  
19           *clause (I), which may include—*

20                           “(aa)   *general awareness*  
21                           *training on the benefits of assist-*  
22                           *ive technology and the Federal,*  
23                           *State, and private funding sources*  
24                           *available to assist targeted indi-*

1 *viduals and entities in acquiring*  
2 *assistive technology;*  
3 *“(bb) skills-development*  
4 *training in assessing the need for*  
5 *assistive technology devices and*  
6 *assistive technology services;*  
7 *“(cc) training to ensure the*  
8 *appropriate application and use*  
9 *of assistive technology devices, as-*  
10 *sistive technology services, and ac-*  
11 *cessible technology for e-govern-*  
12 *ment functions;*  
13 *“(dd) training in the impor-*  
14 *tance of multiple approaches to*  
15 *assessment and implementation*  
16 *necessary to meet the individual-*  
17 *ized needs of individuals with dis-*  
18 *abilities; and*  
19 *“(ee) technical training on*  
20 *integrating assistive technology*  
21 *into the development and imple-*  
22 *mentation of service plans, in-*  
23 *cluding any education, health,*  
24 *discharge, Olmstead, employment,*

1            *or other plan required under Fed-*  
2            *eral or State law.*

3            “(III) *TRANSITION ASSISTANCE*  
4            *TO INDIVIDUALS WITH DISABILITIES.—*  
5            *The State shall directly, or provide*  
6            *support to public or private entities to,*  
7            *develop and disseminate training ma-*  
8            *terials, conduct training, facilitate ac-*  
9            *cess to assistive technology, and pro-*  
10           *vide technical assistance, to assist—*

11                    “(aa) *students with disabil-*  
12                    *ities, within the meaning of the*  
13                    *Individuals with Disabilities*  
14                    *Education Act (20 U.S.C. 1400 et*  
15                    *seq.), that receive transition serv-*  
16                    *ices; and*

17                    “(bb) *adults who are individ-*  
18                    *uals with disabilities maintaining*  
19                    *or transitioning to community*  
20                    *living.*

21                    “(ii) *PUBLIC-AWARENESS ACTIVI-*  
22                    *TIES.—*

23                    “(I) *IN GENERAL.—The State*  
24                    *shall conduct public-awareness activi-*  
25                    *ties designed to provide information to*

1           *targeted individuals and entities relat-*  
2           *ing to the availability, benefits, appro-*  
3           *priateness, and costs of assistive tech-*  
4           *nology devices and assistive technology*  
5           *services, including—*

6                     *“(aa) the development of pro-*  
7                     *cedures for providing direct com-*  
8                     *munication between providers of*  
9                     *assistive technology and targeted*  
10                    *individuals and entities, which*  
11                    *may include partnerships with*  
12                    *entities in the statewide and local*  
13                    *workforce investment systems es-*  
14                    *tablished under the Workforce In-*  
15                    *vestment Act of 1998 (29 U.S.C.*  
16                    *2801 et seq.), State vocational re-*  
17                    *habilitation centers, public and*  
18                    *private employers, or elementary*  
19                    *and secondary public schools;*

20                    *“(bb) the development and*  
21                    *dissemination, to targeted indi-*  
22                    *viduals and entities, of informa-*  
23                    *tion about State efforts related to*  
24                    *assistive technology; and*

1                   “(cc) the distribution of ma-  
2                   terials to appropriate public and  
3                   private agencies that provide so-  
4                   cial, medical, educational, em-  
5                   ployment, and transportation  
6                   services to individuals with dis-  
7                   abilities.

8                   “(II)           COLLABORATION.—The  
9                   State shall collaborate with entities  
10                  that receive awards under paragraphs  
11                  (1) and (3) of section 6(b) to carry out  
12                  public-awareness activities focusing on  
13                  infants, toddlers, children, transition-  
14                  age youth, employment-age adults, sen-  
15                  iors, and employers.

16                  “(III)   STATEWIDE INFORMATION  
17                  AND REFERRAL SYSTEM.—

18                       “(aa)   IN   GENERAL.—The  
19                       State shall directly, or in collabo-  
20                       ration with public or private  
21                       (such as nonprofit) entities, pro-  
22                       vide for the continuation and en-  
23                       hancement of a statewide infor-  
24                       mation and referral system de-

1 signed to meet the needs of tar-  
2 geted individuals and entities.

3 “(bb) *CONTENT.*—*The system*  
4 *shall deliver information on as-*  
5 *istive technology devices, assistive*  
6 *technology services (with specific*  
7 *data regarding provider avail-*  
8 *ability within the State), and the*  
9 *availability of resources, includ-*  
10 *ing funding through public and*  
11 *private sources, to obtain assistive*  
12 *technology devices and assistive*  
13 *technology services. The system*  
14 *shall also deliver information on*  
15 *the benefits of assistive technology*  
16 *devices and assistive technology*  
17 *services with respect to enhancing*  
18 *the capacity of individuals with*  
19 *disabilities of all ages to perform*  
20 *activities of daily living.*

21 “(iii) *COORDINATION AND COLLABORA-*  
22 *TION.*—*The State shall coordinate activities*  
23 *described in paragraph (2) and this para-*  
24 *graph, among public and private entities*  
25 *that are responsible for policies, procedures,*

1            *or funding for the provision of assistive*  
2            *technology devices and assistive technology*  
3            *services to individuals with disabilities,*  
4            *service providers, and others to improve ac-*  
5            *cess to assistive technology devices and as-*  
6            *sistive technology services for individuals*  
7            *with disabilities of all ages in the State.*

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

12           “(5) *PROHIBITION.*—*Funds made available*  
13           *through a grant to a State under this section shall*  
14           *not be used for direct payment for an assistive tech-*  
15           *nology device for an individual with a disability.*

16           “(6) *STATE FLEXIBILITY.*—

17           “(A) *IN GENERAL.*—*Notwithstanding para-*  
18           *graph (1)(A) and subject to subparagraph (B), a*  
19           *State may use funds that the State receives*  
20           *under a grant awarded under this section to*  
21           *carry out any 2 or more of the activities de-*  
22           *scribed in paragraph (2).*

23           “(B) *SPECIAL RULE.*—*Notwithstanding*  
24           *paragraph (3)(A), any State that exercises its*  
25           *authority under subparagraph (A)—*

1           “(i) shall carry out each of the re-  
2           quired activities described in paragraph  
3           (3)(B); and

4           “(ii) shall use not more than 30 per-  
5           cent of the funds made available through the  
6           grant to carry out the activities described in  
7           paragraph (3)(B).

8           “(f) ANNUAL PROGRESS REPORTS.—

9           “(1) DATA COLLECTION.—States shall partici-  
10          pate in data collection as required by law, including  
11          data collection required for preparation of the reports  
12          described in paragraph (2).

13          “(2) REPORTS.—

14               “(A) IN GENERAL.—Each State shall pre-  
15               pare and submit to the Secretary an annual  
16               progress report on the activities funded under  
17               this Act, at such time, and in such manner, as  
18               the Secretary may require.

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

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

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

9                   “(I) the number of applications  
10                   for assistance received;

11                   “(II) the number of applications  
12                   approved and rejected;

13                   “(III) the default rate for the fi-  
14                   nancing activities;

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

17                   “(V) the range and average in-  
18                   come of approved applicants for the fi-  
19                   nancing activities; and

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

23           “(iii) the number, type, and length of  
24           time of loans of assistive technology devices  
25           provided to individuals with disabilities,

1            *employers, public agencies, or public accom-*  
2            *modations through the device loan program*  
3            *described in subsection (e)(2)(C), and an*  
4            *analysis of the individuals with disabilities*  
5            *who have benefited from the device loan pro-*  
6            *gram;*

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

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

23           *“(vi)(I) the number and general char-*  
24           *acteristics of individuals who participated*  
25           *in training under subsection (e)(3)(B)(i)*

1           *(such as individuals with disabilities, par-*  
2           *ents, educators, employers, providers of em-*  
3           *ployment services, health care workers,*  
4           *counselors, other service providers, or ven-*  
5           *dors) and the topics of such training; and*

6           *“(II) to the extent practicable, the geo-*  
7           *graphic distribution of individuals who*  
8           *participated in the training;*

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

12          *“(viii) the number of individuals as-*  
13          *sisted through the public-awareness activi-*  
14          *ties and statewide information and referral*  
15          *system described in subsection (e)(3)(B)(i);*

16          *“(ix) the outcomes of any improvement*  
17          *initiatives carried out by the State as a re-*  
18          *sult of activities funded under this section,*  
19          *including a description of any written poli-*  
20          *cies, practices, and procedures that the*  
21          *State has developed and implemented re-*  
22          *garding access to, provision of, and funding*  
23          *for, assistive technology devices, and assist-*  
24          *ive technology services, in the contexts of*  
25          *education, health care, employment, commu-*

1            *nity living, and information technology and*  
2            *telecommunications, including e-govern-*  
3            *ment;*

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

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

20    **“SEC. 5. STATE GRANTS FOR PROTECTION AND ADVOCACY**  
21                    **SERVICES RELATED TO ASSISTIVE TECH-**  
22                    **NOLOGY.**

23            “(a) *GRANTS.—*

24            “(1) *IN GENERAL.—The Secretary shall make*  
25            *grants under subsection (b) to protection and advo-*

1        *cacy systems in each State for the purpose of enabling*  
2        *such systems to assist in the acquisition, utilization,*  
3        *or maintenance of assistive technology devices or as-*  
4        *istive technology services for individuals with dis-*  
5        *abilities.*

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

13           “(b) *GRANTS.*—

14           “(1) *RESERVATION.*—*For each fiscal year, the*  
15       *Secretary shall reserve such sums as may be necessary*  
16       *to carry out paragraph (4).*

17           “(2) *POPULATION BASIS.*—*From the funds ap-*  
18       *propriated under section 8(b) for a fiscal year and re-*  
19       *maining after the reservation required by paragraph*  
20       *(1) has been made, the Secretary shall make a grant*  
21       *to a protection and advocacy system within each*  
22       *State in an amount bearing the same ratio to the re-*  
23       *maining funds as the population of the State bears to*  
24       *the population of all States.*

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

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

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

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

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

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

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

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

3 “(d) *CERTAIN STATES.*—

4 “(1) *GRANT TO LEAD AGENCY.*—*Notwithstanding*  
5 *any other provision of this section, with respect to a*  
6 *State that, on November 12, 1998, was described in*  
7 *section 102(f)(1) of the Technology-Related Assistance*  
8 *for Individuals With Disabilities Act of 1988, the Sec-*  
9 *retary shall pay the amount of the grant described in*  
10 *subsection (a), and made under subsection (b), to the*  
11 *lead agency designated under section 4(c)(1) for the*  
12 *State.*

13 “(2) *DISTRIBUTION OF FUNDS.*—*A lead agency*  
14 *to which a grant amount is paid under paragraph*  
15 *(1) shall determine the manner in which funds made*  
16 *available through the grant will be allocated among*  
17 *the entities that were providing protection and advo-*  
18 *cacy services in that State on the date described in*  
19 *such paragraph, and shall distribute funds to such en-*  
20 *tities. In distributing such funds, the lead agency*  
21 *shall not establish any additional eligibility or proce-*  
22 *dural requirements for an entity in the State that*  
23 *supports protection and advocacy services through a*  
24 *protection and advocacy system. Such an entity shall*  
25 *comply with the same requirements (including report-*

1        *ing and enforcement requirements) as any other enti-*  
2        *ty that receives funding under this section.*

3            “(3) *APPLICATION OF PROVISIONS.—Except as*  
4        *provided in this subsection, the provisions of this sec-*  
5        *tion shall apply to the grant in the same manner,*  
6        *and to the same extent, as the provisions apply to a*  
7        *grant to a system.*

8            “(e) *CARRYOVER.—Any amount paid to an eligible*  
9        *system for a fiscal year under this section that remains un-*  
10       *obligated at the end of such fiscal year shall remain avail-*  
11       *able to such system for obligation during the subsequent fis-*  
12       *cal year. Program income generated from such amount*  
13       *shall remain available for 2 additional fiscal years after*  
14       *the year in which such amount was paid to an eligible sys-*  
15       *tem and may only be used to improve the awareness of indi-*  
16       *viduals with disabilities about the accessibility of assistive*  
17       *technology and assist such individuals in the acquisition,*  
18       *utilization, or maintenance of assistive technology devices*  
19       *or assistive technology services.*

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

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

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

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

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

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

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

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

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

19           **“SEC. 6. NATIONAL ACTIVITIES.**

20           “(a) *IN GENERAL.—In order to support activities de-*  
21           *signed to improve the administration of this Act, the Sec-*  
22           *retary, under subsection (b)—*

23                   “(1) *may award, on a competitive basis, grants,*  
24           *contracts, and cooperative agreements to entities to*

1 *support activities described in paragraphs (1) and (2)*  
2 *of subsection (b); and*

3 *“(2) shall award, on a competitive basis, grants,*  
4 *contracts, and cooperative agreements to entities to*  
5 *support activities described in paragraphs (3), (4),*  
6 *and (5) of subsection (b).*

7 *“(b) AUTHORIZED ACTIVITIES.—*

8 *“(1) NATIONAL PUBLIC-AWARENESS TOOLKIT.—*

9 *“(A) NATIONAL PUBLIC-AWARENESS TOOL-*  
10 *KIT.—The Secretary may award a 1-time grant,*  
11 *contract, or cooperative agreement to an eligible*  
12 *entity to support a training and technical assist-*  
13 *ance program that—*

14 *“(i) expands public-awareness efforts to*  
15 *reach targeted individuals and entities;*

16 *“(ii) contains appropriate accessible*  
17 *multimedia materials to reach targeted in-*  
18 *dividuals and entities, for dissemination to*  
19 *State assistive technology programs; and*

20 *“(iii) in coordination with State as-*  
21 *istive technology programs, provides mean-*  
22 *ingful and up-to-date information to tar-*  
23 *geted individuals and entities about the*  
24 *availability of assistive technology devices*  
25 *and assistive technology services.*

1           “(B) *ELIGIBLE ENTITY.*—*To be eligible to*  
2 *receive the grant, contract, or cooperative agree-*  
3 *ment, an entity shall develop a partnership*  
4 *that—*

5                   “(i) *shall consist of—*

6                           “(I) *a lead agency or imple-*  
7 *menting entity for a State assistive*  
8 *technology program or an organization*  
9 *or association that represents imple-*  
10 *menting entities for State assistive*  
11 *technology programs;*

12                           “(II) *a private or public entity*  
13 *from the media industry;*

14                           “(III) *a private entity from the*  
15 *assistive technology industry; and*

16                           “(IV) *a private employer or an*  
17 *organization or association that rep-*  
18 *resents private employers;*

19                           “(ii) *may include other entities deter-*  
20 *mined by the Secretary to be necessary; and*

21                           “(iii) *may include other entities deter-*  
22 *mined by the applicant to be appropriate.*

23           “(2) *RESEARCH AND DEVELOPMENT.*—

24                   “(A) *IN GENERAL.*—*The Secretary may*  
25 *award grants, contracts, or cooperative agree-*

1            *ments to eligible entities to carry out research*  
2            *and development of assistive technology that con-*  
3            *sists of—*

4            *“(i) developing standards for reli-*  
5            *ability and accessibility of assistive tech-*  
6            *nology, and standards for interoperability*  
7            *(including open standards) of assistive tech-*  
8            *nology with information technology, tele-*  
9            *communications products, and other assist-*  
10           *ive technology; or*

11           *“(ii) developing assistive technology*  
12           *that benefits individuals with disabilities or*  
13           *developing technologies or practices that re-*  
14           *sult in the adaptation, maintenance, serv-*  
15           *icing, or improvement of assistive tech-*  
16           *nology devices.*

17           *“(B) ELIGIBLE ENTITIES.—Entities eligible*  
18           *to receive a grant, contract, or cooperative agree-*  
19           *ment under this paragraph shall include—*

20           *“(i) providers of assistive technology*  
21           *services and assistive technology devices;*

22           *“(ii) institutions of higher education,*  
23           *including University Centers for Excellence*  
24           *in Developmental Disabilities Education,*  
25           *Research, and Service authorized under sub-*

1            *title D of title I of the Developmental Dis-*  
2            *abilities Assistance and Bill of Rights Act*  
3            *of 2000 (42 U.S.C. 15061 et seq.), or such*  
4            *institutions offering rehabilitation engineer-*  
5            *ing programs, computer science programs,*  
6            *or information technology programs;*

7            *“(iii) manufacturers of assistive tech-*  
8            *nology devices; and*

9            *“(iv) professionals, individuals, orga-*  
10           *nizations, and agencies providing services*  
11           *or employment to individuals with disabil-*  
12           *ities.*

13           *“(C) COLLABORATION.—An entity that re-*  
14           *ceives a grant, contract, or cooperative agreement*  
15           *under this paragraph shall, in developing and*  
16           *implementing the project carried out through the*  
17           *grant, contract, or cooperative agreement coordi-*  
18           *nate activities with the lead agency for the State*  
19           *assistive technology program (or a national or-*  
20           *ganization that represents such programs) and*  
21           *the State advisory council described in section*  
22           *4(c)(2) (or a national organization that rep-*  
23           *resents such councils).*

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

1           “(A) *TRAINING AND TECHNICAL ASSISTANCE*  
2           *EFFORTS.*—*The Secretary shall award a grant,*  
3           *contract, or cooperative agreement to an entity*  
4           *to support a training and technical assistance*  
5           *program that—*

6                   “(i) *addresses State-specific informa-*  
7                   *tion requests concerning assistive technology*  
8                   *from entities funded under this Act and*  
9                   *public entities not funded under this Act,*  
10                  *including—*

11                           “(I) *requests for information on*  
12                           *effective approaches to Federal-State*  
13                           *coordination of programs for individ-*  
14                           *uals with disabilities, related to im-*  
15                           *proving funding for or access to assist-*  
16                           *ive technology devices and assistive*  
17                           *technology services for individuals with*  
18                           *disabilities of all ages;*

19                           “(II) *requests for state-of-the-art,*  
20                           *or model, Federal, State, and local*  
21                           *laws, regulations, policies, practices,*  
22                           *procedures, and organizational struc-*  
23                           *tures, that facilitate, and overcome*  
24                           *barriers to, funding for, and access to,*

1 *assistive technology devices and assist-*  
2 *ive technology services;*

3 *“(III) requests for information on*  
4 *effective approaches to developing, im-*  
5 *plementing, evaluating, and sustaining*  
6 *activities described in sections 4 and 5*  
7 *and related to improving funding for*  
8 *or access to assistive technology devices*  
9 *and assistive technology services for in-*  
10 *dividuals with disabilities of all ages,*  
11 *and requests for assistance in devel-*  
12 *oping corrective action plans;*

13 *“(IV) requests for examples of*  
14 *policies, practices, procedures, regula-*  
15 *tions, or judicial decisions that have*  
16 *enhanced or may enhance access to*  
17 *funding for assistive technology devices*  
18 *and assistive technology services for in-*  
19 *dividuals with disabilities;*

20 *“(V) requests for information on*  
21 *effective approaches to the development*  
22 *of consumer-controlled systems that in-*  
23 *crease access to, funding for, and*  
24 *awareness of, assistive technology de-*

1 *vices and assistive technology services;*  
2 *and*

3 *“(VI) other requests for training*  
4 *and technical assistance from entities*  
5 *funded under this Act and public and*  
6 *private entities not funded under this*  
7 *Act;*

8 *“(ii) assists targeted individuals and*  
9 *entities by disseminating information*  
10 *about—*

11 *“(I) Federal, State, and local*  
12 *laws, regulations, policies, practices,*  
13 *procedures, and organizational struc-*  
14 *tures, that facilitate, and overcome*  
15 *barriers to, funding for, and access to,*  
16 *assistive technology devices and assist-*  
17 *ive technology services, to promote*  
18 *fuller independence, productivity, and*  
19 *inclusion in society for individuals*  
20 *with disabilities of all ages; and*

21 *“(II) technical assistance activi-*  
22 *ties undertaken under clause (i);*

23 *“(iii) provides State-specific, regional,*  
24 *and national training and technical assist-*  
25 *ance concerning assistive technology to enti-*

1            *ties funded under this Act, other entities*  
2            *funded under this Act, and public and pri-*  
3            *vate entities not funded under this Act,*  
4            *including—*

5                    *“(I) annually providing a forum*  
6                    *for exchanging information concerning,*  
7                    *and promoting program and policy*  
8                    *improvements in, required activities of*  
9                    *the State assistive technology pro-*  
10                   *grams;*

11                   *“(II) facilitating onsite and elec-*  
12                   *tronic information sharing using state-*  
13                   *of-the-art Internet technologies such as*  
14                   *real-time        online        discussions,*  
15                   *multipoint video conferencing, and*  
16                   *web-based audio/video broadcasts, on*  
17                   *emerging topics that affect State assist-*  
18                   *ive technology programs;*

19                   *“(III) convening experts from*  
20                   *State assistive technology programs to*  
21                   *discuss and make recommendations*  
22                   *with regard to national emerging*  
23                   *issues of importance to individuals*  
24                   *with assistive technology needs;*

1           “(IV) *sharing best practice and*  
2           *evidence-based practices among State*  
3           *assistive technology programs;*

4           “(V) *maintaining an accessible*  
5           *website that includes a link to State*  
6           *assistive technology programs, appro-*  
7           *prate Federal departments and agen-*  
8           *cies, and private associations and de-*  
9           *veloping a national toll-free number*  
10           *that links callers from a State with the*  
11           *State assistive technology program in*  
12           *their State;*

13           “(VI) *developing or utilizing ex-*  
14           *isting (as of the date of the award in-*  
15           *volved) model cooperative volume-pur-*  
16           *chasing mechanisms designed to reduce*  
17           *the financial costs of purchasing assist-*  
18           *ive technology for required and discre-*  
19           *tionary activities identified in section*  
20           *4, and reducing duplication of activi-*  
21           *ties among State assistive technology*  
22           *programs; and*

23           “(VII) *providing access to experts*  
24           *in the areas of banking, microlending,*  
25           *and finance, for entities funded under*

1           *this Act, through site visits, telecon-*  
2           *ferences, and other means, to ensure*  
3           *access to information for entities that*  
4           *are carrying out new programs or pro-*  
5           *grams that are not making progress in*  
6           *achieving the objectives of the pro-*  
7           *grams; and*

8           *“(iv) includes such other activities as*  
9           *the Secretary may require.*

10           *“(B) ELIGIBLE ENTITIES.—To be eligible to*  
11           *receive a grant, contract, or cooperative agree-*  
12           *ment under this paragraph, an entity shall have*  
13           *(directly or through grant or contract)—*

14           *“(i) experience and expertise in ad-*  
15           *ministering programs, including developing,*  
16           *implementing, and administering the re-*  
17           *quired and discretionary activities described*  
18           *in sections 4 and 5, and providing technical*  
19           *assistance; and*

20           *“(ii) documented experience in and*  
21           *knowledge about banking, finance, and*  
22           *microlending.*

23           *“(C) COLLABORATION.—In developing and*  
24           *providing training and technical assistance*  
25           *under this paragraph, including activities iden-*

1           *tified as priorities, a recipient of a grant, con-*  
2           *tract, or cooperative agreement under this para-*  
3           *graph shall collaborate with other organizations,*  
4           *in particular—*

5                     “(i) *organizations representing indi-*  
6                     *viduals with disabilities;*

7                     “(ii) *national organizations rep-*  
8                     *resenting State assistive technology pro-*  
9                     *grams;*

10                    “(iii) *organizations representing State*  
11                    *officials and agencies engaged in the deliv-*  
12                    *ery of assistive technology;*

13                    “(iv) *the data-collection and reporting*  
14                    *providers described in paragraph (5); and*

15                    “(v) *other providers of national pro-*  
16                    *grams or programs of national significance*  
17                    *funded under this Act.*

18                    “(4) *NATIONAL INFORMATION INTERNET SYS-*  
19                    *TEM.—*

20                    “(A) *IN GENERAL.—The Secretary shall*  
21                    *award a grant, contract, or cooperative agree-*  
22                    *ment to an entity to renovate, update, and*  
23                    *maintain the National Public Internet Site es-*  
24                    *tablished under this Act (as in effect on the day*

1           *before the date of enactment of the Assistive*  
2           *Technology Act of 2004).*

3           “(B) *FEATURES OF INTERNET SITE.—The*  
4           *National Public Internet Site shall contain the*  
5           *following features:*

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

10                   “(ii) *INNOVATIVE AUTOMATED INTEL-*  
11                   *LIGENT AGENT.—The site shall be con-*  
12                   *structed with an innovative automated in-*  
13                   *telligent agent that is a diagnostic tool for*  
14                   *assisting users in problem definition and*  
15                   *the selection of appropriate assistive tech-*  
16                   *nology devices and assistive technology serv-*  
17                   *ices resources.*

18                   “(iii) *RESOURCES.—*

19                           “(I) *LIBRARY ON ASSISTIVE*  
20                           *TECHNOLOGY.—The site shall include*  
21                           *access to a comprehensive working li-*  
22                           *brary on assistive technology for all en-*  
23                           *vironments, including home, work-*  
24                           *place, transportation, and other envi-*  
25                           *ronments.*

1                   “(II) *INFORMATION ON ACCOMMO-*  
2                   *DATING INDIVIDUALS WITH DISABIL-*  
3                   *ITIES.—The site shall include access to*  
4                   *evidence-based research and best prac-*  
5                   *tices concerning how assistive tech-*  
6                   *nology can be used to accommodate in-*  
7                   *dividuals with disabilities in the areas*  
8                   *of education, employment, health care,*  
9                   *community living, and telecommuni-*  
10                  *cations and information technology.*

11                  “(III) *RESOURCES FOR A NUMBER*  
12                  *OF DISABILITIES.—The site shall in-*  
13                  *clude resources relating to the largest*  
14                  *possible number of disabilities, includ-*  
15                  *ing resources relating to low-level read-*  
16                  *ing skills.*

17                  “(iv) *LINKS TO PRIVATE-SECTOR RE-*  
18                  *SOURCES AND INFORMATION.—To the extent*  
19                  *feasible, the site shall be linked to relevant*  
20                  *private-sector resources and information,*  
21                  *under agreements developed between the re-*  
22                  *cipient of the grant, contract, or cooperative*  
23                  *agreement and cooperating private-sector*  
24                  *entities.*

1           “(v) *LINKS TO PUBLIC-SECTOR RE-*  
2           *SOURCES AND INFORMATION.—To the extent*  
3           *feasible, the site shall be linked to relevant*  
4           *public-sector resources and information,*  
5           *such as the Internet sites of the Office of*  
6           *Special Education and Rehabilitation Serv-*  
7           *ices of the Department of Education, the Of-*  
8           *fice of Disability Employment Policy of the*  
9           *Department of Labor, the Small Business*  
10           *Administration, the Architectural and*  
11           *Transportation Barriers Compliance Board,*  
12           *the Technology Administration of the De-*  
13           *partment of Commerce, the Jobs Accommo-*  
14           *dation Network funded by the Office of Dis-*  
15           *ability Employment Policy of the Depart-*  
16           *ment of Labor, and other relevant sites.*

17           “(vi) *MINIMUM LIBRARY COMPO-*  
18           *NENTS.—At a minimum, the site shall*  
19           *maintain updated information on—*

20                   “(I) *State assistive technology*  
21                   *program demonstration sites where in-*  
22                   *dividuals may try out assistive tech-*  
23                   *nology devices;*

24                   “(II) *State assistive technology*  
25                   *program device loan program sites*

1                    *where individuals may borrow assist-*  
2                    *ive technology devices;*

3                    *“(III) State assistive technology*  
4                    *program device reutilization program*  
5                    *sites;*

6                    *“(IV) alternative financing pro-*  
7                    *grams or State financing systems oper-*  
8                    *ated through, or independently of,*  
9                    *State assistive technology programs,*  
10                   *and other sources of funding for assist-*  
11                   *ive technology devices; and*

12                   *“(V) various programs, including*  
13                   *programs with tax credits, available to*  
14                   *employers for hiring or accommodating*  
15                   *employees who are individuals with*  
16                   *disabilities.*

17                   *“(C) ELIGIBLE ENTITY.—To be eligible to*  
18                   *receive a grant, contract, or cooperative agree-*  
19                   *ment under this paragraph, an entity shall be a*  
20                   *nonprofit organization, for-profit organization,*  
21                   *or institution of higher education, that—*

22                   *“(i) emphasizes research and engineer-*  
23                   *ing;*

24                   *“(ii) has a multidisciplinary research*  
25                   *center; and*

1 “(iii) has demonstrated expertise in—

2 “(I) working with assistive tech-  
3 nology and intelligent agent interactive  
4 information dissemination systems;

5 “(II) managing libraries of assist-  
6 ive technology and disability-related  
7 resources;

8 “(III) delivering to individuals  
9 with disabilities education, informa-  
10 tion, and referral services, including  
11 technology-based curriculum-develop-  
12 ment services for adults with low-level  
13 reading skills;

14 “(IV) developing cooperative part-  
15 nerships with the private sector, par-  
16 ticularly with private-sector computer  
17 software, hardware, and Internet serv-  
18 ices entities; and

19 “(V) developing and designing ad-  
20 vanced Internet sites.

21 “(5) DATA-COLLECTION AND REPORTING ASSIST-  
22 ANCE.—

23 “(A) IN GENERAL.—The Secretary shall  
24 award grants, contracts, and cooperative agree-  
25 ments to entities to assist the entities in carrying

1           *out State assistive technology programs in devel-*  
2           *oping and implementing effective data-collection*  
3           *and reporting systems that—*

4                   “(i) *focus on quantitative and quali-*  
5                   *tative data elements;*

6                   “(ii) *measure the outcomes of the re-*  
7                   *quired activities described in section 4 that*  
8                   *are implemented by the States and the*  
9                   *progress of the States toward achieving the*  
10                  *measurable goals described in section*  
11                  *4(d)(3);*

12                  “(iii) *provide States with the necessary*  
13                  *information required under this Act or by*  
14                  *the Secretary for reports described in sec-*  
15                  *tion 4(f)(2); and*

16                  “(iv) *help measure the accrued benefits*  
17                  *of the activities to individuals who need as-*  
18                  *sistive technology.*

19                  “(B) *ELIGIBLE ENTITIES.—To be eligible to*  
20                  *receive a grant, contract, or cooperative agree-*  
21                  *ment under this paragraph, an entity shall have*  
22                  *personnel with—*

23                   “(i) *documented experience and exper-*  
24                   *tise in administering State assistive tech-*  
25                   *nology programs;*

1                   “(ii) *experience in collecting and ana-*  
2                   *lyzing data associated with implementing*  
3                   *required and discretionary activities;*

4                   “(iii) *expertise necessary to identify*  
5                   *additional data elements needed to provide*  
6                   *comprehensive reporting of State activities*  
7                   *and outcomes; and*

8                   “(iv) *experience in utilizing data to*  
9                   *provide annual reports to State policy-*  
10                  *makers.*

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

16               “(d) *INPUT.—With respect to the activities described*  
17               *in subsection (b) to be funded under this section, including*  
18               *the national and regionally based training and technical*  
19               *assistance efforts carried out through the activities, in de-*  
20               *signing the activities the Secretary shall consider, and in*  
21               *providing the activities providers shall include, input of the*  
22               *directors of comprehensive statewide programs of tech-*  
23               *nology-related assistance, directors of alternative financing*  
24               *programs, and other individuals the Secretary determines*  
25               *to be appropriate, especially—*

1           “(1) *individuals with disabilities who use assist-*  
2           *ive technology and understand the barriers to the ac-*  
3           *quisition of such technology and assistive technology*  
4           *services;*

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

7           “(3) *individuals employed by protection and ad-*  
8           *vocacy systems funded under section 5;*

9           “(4) *relevant employees from Federal depart-*  
10          *ments and agencies, other than the Department of*  
11          *Education;*

12          “(5) *representatives of businesses; and*

13          “(6) *venders and public and private researchers*  
14          *and developers.*

15       **“SEC. 7. ADMINISTRATIVE PROVISIONS.**

16          “(a) *GENERAL ADMINISTRATION.—*

17               “(1) *IN GENERAL.—Notwithstanding any other*  
18               *provision of law, the Assistant Secretary for Special*  
19               *Education and Rehabilitative Services of the Depart-*  
20               *ment of Education, acting through the Rehabilitation*  
21               *Services Administration, shall be responsible for the*  
22               *administration of this Act.*

23               “(2) *COLLABORATION.—The Assistant Secretary*  
24               *for Special Education and Rehabilitative Services*  
25               *shall consult with the Office of Special Education*

1 *Programs, the Rehabilitation Services Administra-*  
2 *tion, and the National Institute on Disability and*  
3 *Rehabilitation Research in the Office of Special Edu-*  
4 *cation and Rehabilitative Services, and appropriate*  
5 *Federal entities in the administration of this Act.*

6 “(3) *ADMINISTRATION.*—*In administering this*  
7 *Act, the Rehabilitation Services Administration shall*  
8 *ensure that programs funded under this Act will ad-*  
9 *dress the needs of individuals with disabilities of all*  
10 *ages, whether the individuals will use the assistive*  
11 *technology to obtain or maintain employment, to ob-*  
12 *tain education, or for other reasons.*

13 “(4) *ORDERLY TRANSITION.*—

14 “(A) *IN GENERAL.*—*The Secretary shall*  
15 *take such steps as the Secretary determines to be*  
16 *appropriate to provide for the orderly transition*  
17 *to, and implementation of, programs authorized*  
18 *by this Act, from programs authorized by the As-*  
19 *istive Technology Act of 1998, as in effect on the*  
20 *day before the date of enactment of the Assistive*  
21 *Technology Act of 2004.*

22 “(B) *CESSATION OF EFFECTIVENESS.*—*Sub-*  
23 *paragraph (A) ceases to be effective on the date*  
24 *that is 6 months after the date of enactment of*  
25 *the Assistive Technology Act of 2004.*

1       “(b) *REVIEW OF PARTICIPATING ENTITIES.*—

2               “(1) *IN GENERAL.*—*The Secretary shall assess*  
3 *the extent to which entities that receive grants under*  
4 *this Act are complying with the applicable require-*  
5 *ments of this Act and achieving measurable goals that*  
6 *are consistent with the requirements of the grant pro-*  
7 *grams under which the entities received the grants.*

8               “(2) *PROVISION OF INFORMATION.*—*To assist the*  
9 *Secretary in carrying out the responsibilities of the*  
10 *Secretary under this section, the Secretary may re-*  
11 *quire States to provide relevant information, includ-*  
12 *ing the information required under subsection (d).*

13       “(c) *CORRECTIVE ACTION AND SANCTIONS.*—

14               “(1) *CORRECTIVE ACTION.*—*If the Secretary de-*  
15 *termines that an entity that receives a grant under*  
16 *this Act fails to substantially comply with the appli-*  
17 *cable requirements of this Act, or to make substantial*  
18 *progress toward achieving the measurable goals de-*  
19 *scribed in subsection (b)(1) with respect to the grant*  
20 *program, the Secretary shall assist the entity, through*  
21 *technical assistance funded under section 6 or other*  
22 *means, within 90 days after such determination, to*  
23 *develop a corrective action plan.*

24               “(2) *SANCTIONS.*—*If the entity fails to develop*  
25 *and comply with a corrective action plan described in*

1        *paragraph (1) during a fiscal year, the entity shall*  
2        *be subject to 1 of the following corrective actions se-*  
3        *lected by the Secretary:*

4                *“(A) Partial or complete termination of*  
5                *funding under the grant program, until the enti-*  
6                *ty develops and complies with such a plan.*

7                *“(B) Ineligibility to participate in the*  
8                *grant program in the following year.*

9                *“(C) Reduction in the amount of funding*  
10                *that may be used for indirect costs under section*  
11                *4 for the following year.*

12                *“(D) Required redesignation of the lead*  
13                *agency designated under section 4(c)(1) or an*  
14                *entity responsible for administering the grant*  
15                *program.*

16                *“(3) APPEALS PROCEDURES.—The Secretary*  
17                *shall establish appeals procedures for entities that are*  
18                *determined to be in noncompliance with the applica-*  
19                *ble requirements of this Act, or have not made sub-*  
20                *stantial progress toward achieving the measurable*  
21                *goals described in subsection (b)(1).*

22                *“(4) SECRETARIAL ACTION.—As part of the an-*  
23                *ual report required under subsection (d), the Sec-*  
24                *retary shall describe each such action taken under*

1 paragraph (1) or (2) and the outcomes of each such  
2 action.

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

10 “(d) *ANNUAL REPORT TO CONGRESS.*—

11 “(1) *IN GENERAL.*—Not later than December 31  
12 of each year, the Secretary shall prepare, and submit  
13 to the President and to the Committee on Education  
14 and the Workforce of the House of Representatives  
15 and the Committee on Health, Education, Labor, and  
16 Pensions of the Senate, a report on the activities  
17 funded under this Act to improve the access of indi-  
18 viduals with disabilities to assistive technology devices  
19 and assistive technology services.

20 “(2) *CONTENTS.*—Such report shall include—

21 “(A) a compilation and summary of the in-  
22 formation provided by the States in annual  
23 progress reports submitted under section 4(f);  
24 and

1           “(B) a summary of the State applications  
2           described in section 4(d) and an analysis of the  
3           progress of the States in meeting the measurable  
4           goals established in State applications under sec-  
5           tion 4(d)(3).

6           “(e) CONSTRUCTION.—Nothing in this section shall be  
7           construed to affect the enforcement authority of the Sec-  
8           retary, another Federal officer, or a court under part D  
9           of the General Education Provisions Act (20 U.S.C. 1234  
10          et seq.) or other applicable law.

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

16          “(g) RULE.—The Assistive Technology Act of 1998 (as  
17          in effect on the day before the date of enactment of the As-  
18          sistive Technology Act of 2004) shall apply to funds appro-  
19          priated under the Assistive Technology Act of 1998 for fiscal  
20          year 2004.

21          **“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

22          “(a) STATE GRANTS FOR ASSISTIVE TECHNOLOGY AND  
23          NATIONAL ACTIVITIES.—

24                  “(1) IN GENERAL.—There are authorized to be  
25          appropriated to carry out sections 4 and 6 such sums

1 *as may be necessary for each of fiscal years 2005*  
2 *through 2010.*

3 “(2) *RESERVATION.*—

4 “(A) *DEFINITION.*—*In this paragraph, the*  
5 *term ‘higher appropriation year’ means a fiscal*  
6 *year for which the amount appropriated under*  
7 *paragraph (1) and made available to carry out*  
8 *section 4 is at least \$665,000 greater than the*  
9 *amount that—*

10 “(i) *was appropriated under section*  
11 *105 of this Act (as in effect on October 1,*  
12 *2003) for fiscal year 2004; and*

13 “(ii) *was not reserved for grants under*  
14 *section 102 or 104 of this Act (as in effect*  
15 *on such date) for fiscal year 2004.*

16 “(B) *AMOUNT RESERVED FOR NATIONAL AC-*  
17 *TIVITIES.*—*Of the amount appropriated under*  
18 *paragraph (1) for a fiscal year—*

19 “(i) *not more than \$1,235,000 may be*  
20 *reserved to carry out section 6, except as*  
21 *provided in clause (ii); and*

22 “(ii) *for a higher appropriation*  
23 *year—*

1                   “(I) not more than \$1,900,000  
2                   may be reserved to carry out section 6;  
3                   and

4                   “(II) of the amount so reserved,  
5                   the portion exceeding \$1,235,000 shall  
6                   be used to carry out paragraphs (1)  
7                   and (2) of section 6(b).

8                   “(b) *STATE GRANTS FOR PROTECTION AND ADVOCACY*  
9                   *SERVICES RELATED TO ASSISTIVE TECHNOLOGY.*—There  
10                  are authorized to be appropriated to carry out section 5  
11                  \$4,419,000 for fiscal year 2005 and such sums as may be  
12                  necessary for each of fiscal years 2006 through 2010.”.

13                  **SEC. 3. CONFORMING AMENDMENTS.**

14                  (a) *DEVELOPMENTAL DISABILITIES ASSISTANCE AND*  
15                  *BILL OF RIGHTS ACT OF 2000.*—The *Developmental Dis-*  
16                  *abilities Assistance and Bill of Rights Act of 2000* (42  
17                  *U.S.C. 15001 et seq.*) is amended—

18                         (1) in section 124(c)(3)(B), by striking “section  
19                         101 or 102 of the *Assistive Technology Act of 1998*  
20                         (29 U.S.C. 3011, 3012)” and inserting “section 4 or  
21                         5 of the *Assistive Technology Act of 1998*”;

22                         (2) in section 125(c)(5)(G)(i), by striking “sec-  
23                         tion 101 or 102 of the *Assistive Technology Act of*  
24                         *1998* (29 U.S.C. 3011, 3012)” and inserting “section  
25                         4 or 5 of the *Assistive Technology Act of 1998*”;

1           (3) in section 143(a)(2)(D)(ii), by striking “sec-  
2           tion 101 or 102 of the Assistive Technology Act of  
3           1998 (29 U.S.C. 3011, 3012)” and inserting “section  
4           4 or 5 of the Assistive Technology Act of 1998”; and

5           (4) in section 154(a)(3)(E)(ii)(VI), by striking  
6           “section 101 or 102 of the Assistive Technology Act of  
7           1998 (29 U.S.C. 3011, 3012)” and inserting “section  
8           4 or 5 of the Assistive Technology Act of 1998”.

9           (b) REHABILITATION ACT OF 1973.—The Rehabilita-  
10          tion Act of 1973 (29 U.S.C. 701 et seq.) is amended—

11           (1) in section 203, by striking subsection (e) and  
12          inserting the following:

13          “(e) In this section—

14           “(1) the terms ‘assistive technology’ and ‘uni-  
15          versal design’ have the meanings given the terms in  
16          section 3 of the Assistive Technology Act of 1998; and

17           “(2) the term ‘targeted individuals’ has the  
18          meaning given the term ‘targeted individuals and en-  
19          tities’ in section 3 of the Assistive Technology Act of  
20          1998.”;

21           (2) in section 401(c)(2), by striking “targeted in-  
22          dividuals” and inserting “targeted individuals and  
23          entities”; and

1           (3) in section 502(d), by striking “targeted indi-  
2           viduals” and inserting “targeted individuals and en-  
3           tities”.

Attest:

*Secretary.*

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4278**

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**AMENDMENT**