

108TH CONGRESS
2D SESSION

H. R. 4278

To amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2004

Mr. McKEON (for himself and Mr. BOEHNER) introduced the following bill;
which was referred to the Committee on Education and the Workforce

A BILL

To amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Access to
5 Assistive Technology for Individuals with Disabilities Act
6 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.
4 3001 et seq.) is amended to read as follows:

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

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

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

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

“Sec. 2. Findings and purposes.

“Sec. 3. Definitions.

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

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

“Sec. 6. Administrative provisions.

“Sec. 7. National activities.

“Sec. 8. Authorization of appropriations.

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

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

12 “(1) Disability is a natural part of the human
13 experience and in no way diminishes the right of in-
14 dividuals to—

15 “(A) live independently;

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

18 “(C) benefit from an education;

19 “(D) pursue meaningful careers; and

20 “(E) enjoy full inclusion and integration in
21 the economic, political, social, cultural, and edu-

1 cational mainstream of society in the United
2 States.

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

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

22 “(4) Over the last 15 years, the Federal Gov-
23 ernment has invested in the development of state-
24 wide comprehensive systems to help individuals with
25 disabilities gain access to assistive technology devices

1 and services. This partnership with States provided
2 an important service to individuals with disabilities
3 by strengthening the capacity of each State to assist
4 individuals with disabilities of all ages with their as-
5 sistive technology needs.

6 “(5) Substantial progress has been made in the
7 development of assistive technology devices, includ-
8 ing adaptations to existing devices that facilitate ac-
9 tivities of daily living, that significantly benefit indi-
10 viduals with disabilities of all ages. These devices
11 and adaptations increase the involvement, and re-
12 duce expenditures associated with, programs and ac-
13 tivities that facilitate communication, ensure inde-
14 pendent living and functioning, enable early child-
15 hood development, support educational achievement,
16 provide and enhance employment options, and enable
17 full participation in community living for individuals
18 with disabilities.

19 “(6) Despite the success of the Federal-State
20 partnership in providing access to assistive tech-
21 nology and services, there is a continued need to
22 provide information about the availability of assistive
23 technology, advances in improving accessibility and
24 functionality of assistive technology, and appropriate
25 methods to secure and utilize assistive technology in

1 order to maximize their independence and participa-
2 tion of individuals with disabilities in society.

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

4 “(1) to ensure that States provide assistive
5 technology to individuals with disabilities through
6 comprehensive statewide programs of technology-re-
7 lated assistance, for individuals with disabilities of
8 all ages, that are designed to—

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

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

20 “(C) increase the capacity of public agen-
21 cies and private entities to provide and pay for
22 assistive technology devices and assistive tech-
23 nology services on a statewide basis for individ-
24 uals with disabilities of all ages;

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

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

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

20 “(G) increase awareness and knowledge of
21 the benefits of assistive technology devices and
22 assistive technology services among targeted in-
23 dividuals; and

24 “(2) to provide States with financial assistance
25 that supports programs designed to maximize the

1 ability of individuals with disabilities and their fam-
2 ily members, guardians, advocates, and authorized
3 representatives to obtain assistive technology devices
4 and assistive technology services.

5 **“SEC. 3. DEFINITIONS.**

6 “In this Act:

7 “(1) **ADVOCACY SERVICES.**—The term ‘advocacy
8 services’, except as used as part of the term
9 ‘protection and advocacy services’, means services
10 provided to assist individuals with disabilities and
11 their family members, guardians, advocates, and au-
12 thorized representatives in accessing assistive tech-
13 nology devices and assistive technology services.

14 “(2) **ASSISTIVE TECHNOLOGY.**—The term ‘as-
15 sistive technology’ means technology designed to be
16 utilized in an assistive technology device or assistive
17 technology service.

18 “(3) **ASSISTIVE TECHNOLOGY DEVICE.**—The
19 term ‘assistive technology device’ means any item,
20 piece of equipment, or product system, whether ac-
21 quired commercially, modified, or customized, that is
22 used to increase, maintain, or improve functional ca-
23 pabilities of individuals with disabilities.

24 “(4) **ASSISTIVE TECHNOLOGY SERVICE.**—The
25 term ‘assistive technology service’ means any service

1 that directly assists an individual with a disability in
2 the selection, acquisition, or use of an assistive tech-
3 nology device. Such term includes—

4 “(A) the evaluation of the assistive tech-
5 nology needs of an individual with a disability,
6 including a functional evaluation of the impact
7 of the provision of appropriate assistive tech-
8 nology and appropriate services to the indi-
9 vidual in the customary environment of the in-
10 dividual;

11 “(B) services consisting of purchasing,
12 leasing, or otherwise providing for the acquisi-
13 tion of assistive technology devices by individ-
14 uals with disabilities;

15 “(C) services consisting of selecting, de-
16 signing, fitting, customizing, adapting, apply-
17 ing, maintaining, repairing, or replacing assist-
18 ive technology devices;

19 “(D) coordination and use of necessary
20 therapies, interventions, or services with assist-
21 ive technology devices, such as therapies, inter-
22 ventions, or services associated with education
23 and rehabilitation plans and programs;

24 “(E) training or technical assistance for an
25 individual with disabilities, or, where appro-

1 appropriate, the family members, guardians, advo-
2 cates, or authorized representatives of such an
3 individual; and

4 “(F) training or technical assistance for
5 professionals (including individuals providing
6 education and rehabilitation services), employ-
7 ers, or other individuals who provide services to,
8 employ, or are otherwise substantially involved
9 in the major life functions of individuals with
10 disabilities.

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

14 “(A) result in laws, regulations, policies,
15 practices, procedures, or organizational struc-
16 tures that promote consumer-responsive pro-
17 grams or entities; and

18 “(B) facilitate and increase access to, pro-
19 vision of, and funding for, assistive technology
20 devices and assistive technology services,
21 in order to empower individuals with disabilities to
22 achieve greater independence, productivity, and inte-
23 gration and inclusion within the community and the
24 workforce.

1 “(6) COMPREHENSIVE STATEWIDE PROGRAM OF
2 TECHNOLOGY-RELATED ASSISTANCE.—The term
3 ‘comprehensive statewide program of technology-re-
4 lated assistance’ means a consumer-responsive pro-
5 gram of technology-related assistance for individuals
6 with disabilities, implemented by a State, and equal-
7 ly available to all individuals with disabilities resid-
8 ing in the State, regardless of their type of dis-
9 ability, age, income level, or location of residence in
10 the State, or the type of assistive technology device
11 or assistive technology service required.

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

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

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

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

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

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

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

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

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

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

23 “(iii) facilitates the full and meaning-
24 ful participation of individuals with disabil-
25 ities (including individuals from underrep-

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

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

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

16 “(8) DISABILITY.—The term ‘disability’ means
17 a condition of an individual that is considered to be
18 a disability or handicap for the purposes of any Fed-
19 eral law other than this Act or for the purposes of
20 the law of the State in which the individual resides.

21 “(9) INDIVIDUAL WITH A DISABILITY; INDIVID-
22 UALS WITH DISABILITIES.—

23 “(A) INDIVIDUAL WITH A DISABILITY.—

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

1 “(i) who has a disability; and

2 “(ii) who is or would be enabled by an
3 assistive technology device or an assistive
4 technology service to minimize deteriora-
5 tion in functioning, to maintain a level of
6 functioning, or to achieve a greater level of
7 functioning in any major life activity.

8 “(B) INDIVIDUALS WITH DISABILITIES.—

9 The term ‘individuals with disabilities’ means
10 more than one individual with a disability.

11 “(10) INSTITUTION OF HIGHER EDUCATION.—

12 The term ‘institution of higher education’ has the
13 meaning given such term in section 101 of the High-
14 er Education Act of 1965 (20 U.S.C. 1141(a)), and
15 includes a community college receiving funding
16 under the Tribally Controlled Community College
17 Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

18 “(11) PROTECTION AND ADVOCACY SERV-
19 ICES.—The term ‘protection and advocacy services’
20 means services that—

21 “(A) are described in part C of the Devel-
22 opmental Disabilities Assistance and Bill of
23 Rights Act (42 U.S.C. 6041 et seq.), the Pro-
24 tection and Advocacy for Mentally Ill Individ-
25 uals Act of 1986 (42 U.S.C. 10801 et seq.), or

1 section 509 of the Rehabilitation Act of 1973;
2 and

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

6 “(12) SECRETARY.—The term ‘Secretary’
7 means the Secretary of Education.

8 “(13) STATE.—

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

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

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

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

1 Commonwealth of the Northern Mariana
2 Islands.

3 “(14) TARGETED INDIVIDUALS.—The term
4 ‘targeted individuals’ means—

5 “(A) individuals with disabilities of all ages
6 and their family members, guardians, advo-
7 cates, and authorized representatives;

8 “(B) individuals who work for public or
9 private entities (including insurers or managed
10 care providers), that have contact with individ-
11 uals with disabilities;

12 “(C) educators and related services per-
13 sonnel;

14 “(D) technology experts (including engi-
15 neers);

16 “(E) health and allied health professionals;

17 “(F) employers; and

18 “(G) other appropriate individuals and en-
19 tities.

20 “(15) TECHNOLOGY-RELATED ASSISTANCE.—

21 The term ‘technology-related assistance’ means as-
22 sistance provided through capacity building and ad-
23 vocacy activities that accomplish the purposes de-
24 scribed in any of subparagraphs (A) through (G) of
25 section 2(b)(1).

1 “(16) UNDERREPRESENTED POPULATION.—
2 The term ‘underrepresented population’ means a
3 population that is typically underrepresented in serv-
4 ice provision, and includes populations such as per-
5 sons who have low-incidence disabilities, persons who
6 are minorities, poor persons, persons with limited-
7 English proficiency, older individuals, or persons
8 from rural areas.

9 “(17) UNIVERSAL DESIGN.—The term ‘uni-
10 versal design’ means a concept or philosophy for de-
11 signing and delivering products and services that are
12 usable by people with the widest possible range of
13 functional capabilities, which include products and
14 services that are directly usable (without requiring
15 assistive technologies) and products and services
16 that are made usable with assistive technologies.

17 **“SEC. 4. GRANTS TO STATES FOR PURCHASE OF ASSISTIVE**
18 **TECHNOLOGY DEVICES AND ASSISTIVE TECH-**
19 **NOLOGY SERVICES.**

20 “(a) GRANTS TO STATES.—The Secretary shall
21 award grants, in accordance with this section, to States
22 to support programs that are designed to maximize the
23 ability of individuals with disabilities and their family
24 members, guardians, advocates, and authorized represent-

1 atives to obtain assistive technology devices and assistive
2 technology services.

3 “(b) USE OF FUNDS.—

4 “(1) IN GENERAL.—

5 “(A) REQUIRED ACTIVITY.—Any State
6 that receives a grant under this section shall
7 use the funds made available through the grant
8 to carry out the activities described in para-
9 graph (2)(A).

10 “(B) DISCRETIONARY ACTIVITIES.—Any
11 State that receives a grant under this section
12 may use the funds made available through the
13 grant to carry out the activities described in
14 subparagraphs (B), (C), or (D) of paragraph
15 (2).

16 “(2) STATE-LEVEL ACTIVITIES.—

17 “(A) STATE FINANCE SYSTEMS.—The
18 State shall support activities to increase access
19 to, and funding for, assistive technology devices
20 and assistive technology services, including the
21 development of systems to provide assistive
22 technology devices and assistive technology
23 services to individuals with disabilities of all
24 ages, and that pay for such devices and serv-
25 ices, such as—

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

6 “(ii) the establishment of alternative
7 State or privately funded systems of sub-
8 sidies for the provision of assistive tech-
9 nology devices or assistive technology serv-
10 ices, such as—

11 “(I) a low-interest loan fund;

12 “(II) an interest buy-down pro-
13 gram;

14 “(III) a revolving loan fund;

15 “(IV) a loan guarantee or insur-
16 ance program;

17 “(V) a program operated by a
18 partnership among private entities for
19 the purchase, lease, or other acquisi-
20 tion of assistive technology devices or
21 assistive technology services; or

22 “(VI) another mechanism ap-
23 proved by the Secretary.

24 “(B) DEVICE LOAN PROGRAMS.—The
25 State shall directly, or in collaboration with

1 public or private entities, carry out device loan
2 programs that support the short-term loan of
3 assistive technology devices to individuals, em-
4 ployers, public agencies, public accommodations,
5 or others seeking to meet the needs of targeted
6 individuals, in order to comply with the Individ-
7 uals with Disabilities Education Act, the Ameri-
8 cans with Disabilities Act of 1990, and section
9 504 of the Rehabilitation Act of 1973.

10 “(C) DEVICE REUTILIZATION PRO-
11 GRAMS.—The State shall directly, or in collabo-
12 ration with public or private entities, carry out
13 assistive technology device reutilization pro-
14 grams that provide for the exchange, recycling,
15 or other reutilization of assistive technology de-
16 vices, which may include redistribution through
17 device and equipment loans, rentals, or gifts.

18 “(D) DEVICE DEMONSTRATION PRO-
19 GRAM.—The State shall directly, or in collabo-
20 ration with public or private entities, carry out
21 assistive technology device demonstration pro-
22 grams that provide for the ability of targeted
23 individuals to learn about the use and operation
24 of assistive technology devices.

25 “(3) STATE LEADERSHIP ACTIVITIES.—

1 “(A) IN GENERAL.—Any State that re-
2 ceives a grant under this section may use up to
3 25 percent of the funds made available through
4 the grant to carry out the activities described in
5 subparagraph (B).

6 “(B) REQUIRED ACTIVITIES.—The State
7 shall support, including—

8 “(i) public awareness activities de-
9 signed to provide information to targeted
10 individuals relating to the availability and
11 benefits of assistive technology devices and
12 assistive technology services, including—

13 “(I) the development and dis-
14 semination of information relating
15 to—

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

19 “(bb) the appropriateness
20 of, cost of, availability of, evalua-
21 tion of, and access to, assistive
22 technology devices and assistive
23 technology services; and

24 “(cc) the benefits of assist-
25 ive technology devices and assist-

1 ive technology services with re-
2 spect to enhancing the capacity
3 of individuals with disabilities of
4 all ages to perform activities of
5 daily living;

6 “(II) the development of proce-
7 dures for providing direct communica-
8 tion between providers of assistive
9 technology and targeted individuals,
10 which may include partnerships with
11 the State and local workforce invest-
12 ment system established under the
13 Workforce Investment Act of 1998,
14 State vocational rehabilitation centers,
15 public and private employers, or ele-
16 mentary and secondary public schools;
17 and

18 “(III) the development and dis-
19 semination, to targeted individuals, of
20 information about State efforts re-
21 lated to assistive technology; and

22 “(IV) the distribution of mate-
23 rials to appropriate public and private
24 agencies that provide social, medical,
25 educational, employment, and trans-

1 portation services to individuals with
2 disabilities.

3 “(ii) technical assistance and training
4 on—

5 “(I) the development of training
6 materials and the conduct of training
7 in the use of assistive technology de-
8 vices and assistive technology services;

9 “(II) providing technical assist-
10 ance, including technical assistance
11 concerning how—

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

19 “(bb) to increase consumer
20 participation regarding assistive
21 technology devices and assistive
22 technology services; and

23 “(III) the enhancement of the as-
24 sistive technology skills and com-
25 petencies of—

1 “(aa) individuals who work
2 for public or private entities (in-
3 cluding insurers and managed
4 care providers), who have contact
5 with individuals with disabilities;
6 “(bb) educators and related
7 services personnel;
8 “(cc) technology experts (in-
9 cluding engineers);
10 “(dd) health and allied
11 health professionals;
12 “(ee) employers; and
13 “(ff) other appropriate per-
14 sonnel; and
15 “(iii) outreach and support to state-
16 wide and community-based organizations
17 that provide assistive technology devices
18 and assistive technology services to individ-
19 uals with disabilities or that assist individ-
20 uals with disabilities in using assistive
21 technology devices and assistive technology
22 services, including a focus on organizations
23 assisting individuals from underrep-
24 resented populations and rural populations,
25 and further including support such as out-

1 reach to consumer organizations and
2 groups in the State to coordinate efforts to
3 assist individuals with disabilities of all
4 ages and their family members, guardians,
5 advocates, or authorized representatives, to
6 obtain funding for, access to, and informa-
7 tion on evaluation of assistive technology
8 devices and assistive technology services.

9 “(C) AUTHORIZED ACTIVITIES.—The State
10 may support the operation and administration
11 of the activities in paragraph (2), through inter-
12 agency coordination to develop and promote the
13 adoption of policies that improve access to as-
14 sistive technology devices and assistive tech-
15 nology services for individuals with disabilities
16 of all ages in the State and that result in im-
17 proved coordination among public and private
18 entities that are responsible or have the author-
19 ity to be responsible, for policies, procedures, or
20 funding for, or the provision of assistive tech-
21 nology devices and assistive technology services
22 to, such individuals.

23 “(c) AMOUNT OF FINANCIAL ASSISTANCE.—

24 “(1) GRANTS TO OUTLYING AREAS.—From the
25 funds appropriated under section 8(a) and available

1 under section 8(b)(3) for any fiscal year for grants
2 under this section, the Secretary shall make a grant
3 in an amount of not more than \$105,000 to each eli-
4 gible outlying area.

5 “(2) GRANTS TO STATES.—From the funds de-
6 scribed in paragraph (1) that are not used to make
7 grants under paragraph (1), the Secretary shall
8 make grants to States in accordance with the re-
9 quirements described in paragraph (3).

10 “(3) CALCULATION OF STATE GRANTS.—

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

17 “(B) MINIMUM ALLOTMENT.—A State
18 shall receive an amount under a grant for a fis-
19 cal year that is not less than the amount the
20 State received under the grant provided under
21 title I of this Act (as in effect on the day before
22 the date of the enactment of the Improving Ac-
23 cess to Assistive Technology for Individuals
24 with Disabilities Act of 2004) for fiscal year
25 2004.

1 “(d) LEAD AGENCY.—

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

7 “(2) ELIGIBLE ENTITIES.—For purposes of
8 paragraph (1), the Governor of the State may des-
9 ignate one of the following:

10 “(A) the State agency responsible for the
11 administration of vocational rehabilitation in
12 the State;

13 “(B) a commission, council, or other offi-
14 cial body appointed by the Governor;

15 “(C) a public-private partnership or con-
16 sortium;

17 “(D) a public agency (including the office
18 of the Governor, a State oversight office, a
19 State agency, a public institution of higher edu-
20 cation, or other public entity);

21 “(E) a council established under Federal
22 or State law;

23 “(F) an organization described in section
24 501(c)(3) of Internal Revenue Code of 1986

1 and exempt from tax under section 501(a) of
2 that Act; or

3 “(G) another appropriate office, agency,
4 entity, or organization.

5 “(3) DUTIES OF THE LEAD AGENCY.—The du-
6 ties of the lead agency shall include—

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

9 “(B) administering and supervising the use
10 of amounts made available under the grant re-
11 ceived by the State under this section;

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

15 “(ii) coordinating, maintaining, and evalu-
16 ating the comprehensive statewide program of
17 technology-related assistance among public
18 agencies and between public agencies and pri-
19 vate entities, including coordinating efforts re-
20 lated to entering into interagency agreements;
21 and

22 “(iii) coordinating efforts, especially efforts
23 carried out with entities that provide protection
24 and advocacy services described in section 5, re-
25 lated to the active, timely, and meaningful par-

1 ticipation by individuals with disabilities and
2 their family members, guardians, advocates, or
3 authorized representatives, and other appro-
4 priate individuals, with respect to activities car-
5 ried out under the grant;

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

10 “(E) establishing a partnership or partner-
11 ships with private providers of social, medical,
12 educational, employment, and transportation
13 services to individuals with disabilities.

14 “(e) STATE APPLICATION.—

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

19 “(2) CONTENT.—Each application shall con-
20 tain, at a minimum, the following information:

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

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

1 “(i) the measurable goals the State
2 has set for addressing the assistive tech-
3 nology needs of individuals with disabilities
4 in the State, including any measurable
5 goals related to—

6 “(I) education, including goals
7 involving the provision of assistive
8 technology to individuals with disabil-
9 ities that receive services under the
10 Individuals with Disabilities Edu-
11 cation Act;

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

17 “(III) telecommunication and in-
18 formation technology; and

19 “(IV) community living; and

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

23 “(C) INVOLVEMENT OF INDIVIDUALS WITH
24 DISABILITIES OF ALL AGES AND THEIR FAMI-

1 LIES.—A description of how individuals with
2 disabilities of all ages and their families—

3 “(i) were involved in selecting—

4 “(I) the goals;

5 “(II) the activities to be under-
6 taken in achieving the goals; and

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

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

12 “(D) STATE SUPPORT.—A description of
13 those activities described in subsection (b)(2)
14 that the State will support under the grant, in-
15 cluding at a minimum the State’s plans to pro-
16 vide sufficient administrative support for such
17 activities.

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

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

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

6 “(a) GRANTS TO STATES.—The Secretary shall make
7 a grant to an entity in each State to support protection
8 and advocacy services through the systems established to
9 provide protection and advocacy services under the Devel-
10 opmental Disabilities Assistance and Bill of Rights Act
11 (42 U.S.C. 6000 et seq.) for the purposes of assisting in
12 the acquisition, utilization, or maintenance of assistive
13 technology or assistive technology services for individuals
14 with disabilities.

15 “(b) AMOUNT OF FINANCIAL ASSISTANCE.—

16 “(1) GRANTS TO OUTLYING AREAS.—From the
17 funds appropriated under section 8(a) and reserved
18 under section 8(b)(1) for any fiscal year, the Sec-
19 retary shall make a grant in an amount of not more
20 than \$30,000 to each eligible system within an out-
21 lying area.

22 “(2) GRANTS TO STATES.—For any fiscal year,
23 after reserving funds to make grants under para-
24 graph (1), the Secretary shall make allotments from
25 the remainder of the funds described in paragraph

1 (1) in accordance with paragraph (3) to eligible sys-
2 tems within States to support protection and advoca-
3 cacy services as described in subsection (a). The
4 Secretary shall make grants to the eligible systems
5 from the allotments.

6 “(3) SYSTEMS WITHIN STATES.—

7 “(A) POPULATION BASIS.—Except as pro-
8 vided in subparagraphs (B) and (C), from such
9 remainder for each fiscal year, the Secretary
10 shall make an allotment to the eligible system
11 within a State of an amount bearing the same
12 ratio to such remainder as the population of the
13 State bears to the population of all States.

14 “(B) MINIMUMS.—Subject to the avail-
15 ability of appropriations to carry out this sec-
16 tion, the allotment to any system under sub-
17 paragraph (A) shall be not less than \$50,000,
18 and the allotment to any system under this
19 paragraph for any fiscal year that is less than
20 \$50,000 shall be increased to \$50,000.

21 “(4) REALLOTMENT.—Whenever the Secretary
22 determines that any amount of an allotment under
23 paragraph (3) to a system within a State for any fis-
24 cal year will not be expended by such system in car-
25 rying out the provisions of this section, the Sec-

1 retary shall make such amount available for carrying
2 out the provisions of this section to one or more of
3 the systems that the Secretary determines will be
4 able to use additional amounts during such year for
5 carrying out such provisions. Any amount made
6 available to a system for any fiscal year pursuant to
7 the preceding sentence shall, for the purposes of this
8 section, be regarded as an increase in the allotment
9 of the system (as determined under the preceding
10 provisions of this section) for such year.

11 “(c) REPORT TO SECRETARY.—An entity that re-
12 ceives a grant under this section shall annually prepare
13 and submit to the Secretary a report that contains such
14 information as the Secretary may require, including docu-
15 mentation of the progress of the entity in—

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

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

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

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

4 “(4) developing and implementing strategies to
5 enhance the long-term abilities of individuals with
6 disabilities and their family members, guardians, ad-
7 vocates, and authorized representatives to advocate
8 the provision of assistive technology devices and as-
9 sistive technology services to which the individuals
10 with disabilities are entitled under law other than
11 this Act; and

12 “(5) coordinating activities with protection and
13 advocacy services funded through sources other than
14 this Act, and coordinating activities with the capac-
15 ity building and advocacy activities carried out by
16 the lead agency.

17 “(d) REPORTS AND UPDATES TO STATE AGEN-
18 CIES.—An entity that receives a grant under this section
19 shall prepare and submit to the lead agency the report
20 described in subsection (c) and quarterly updates con-
21 cerning the activities described in subsection (c).

22 “(e) COORDINATION.—On making a grant under this
23 section to an entity in a State, the Secretary shall solicit
24 and consider the opinions of the lead agency of the State
25 designated under section 4(d) with respect to efforts at

1 coordination, collaboration, and promoting outcomes be-
2 tween the lead agency and the entity that receives the
3 grant under this section.

4 **“SEC. 6. ADMINISTRATIVE PROVISIONS.**

5 “(a) REVIEW OF PARTICIPATING ENTITIES.—

6 “(1) IN GENERAL.—The Secretary shall assess
7 the extent to which entities that receive grants pur-
8 suant to this Act are complying with the applicable
9 requirements of this Act and achieving the measur-
10 able goals that are consistent with the requirements
11 of the grant programs under which the entities ap-
12 plied for the grants.

13 “(2) PROVISION OF INFORMATION.—To assist
14 the Secretary in carrying out the responsibilities of
15 the Secretary under this section, the Secretary may
16 require States to provide relevant information, in-
17 cluding the information required under subsection
18 (c).

19 “(b) CORRECTIVE ACTION AND SANCTIONS.—

20 “(1) CORRECTIVE ACTION.—If the Secretary
21 determines that an entity fails to substantially com-
22 ply with the requirements of this Act with respect to
23 a grant program, the Secretary shall assist the enti-
24 ty through technical assistance funded under section

1 7 or other means, within 90 days after such deter-
2 mination, to develop a corrective action plan.

3 “(2) SANCTIONS.—An entity that fails to de-
4 velop and comply with a corrective action plan as de-
5 scribed in paragraph (1) during a fiscal year shall
6 be subject to one of the following corrective actions
7 selected by the Secretary:

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

11 “(B) Reduction in funding for the fol-
12 lowing year under the grant program.

13 “(C) Required redesignation of the lead
14 agency designated under section 4(d) or an en-
15 tity responsible for administering the grant pro-
16 gram.

17 “(3) APPEALS PROCEDURES.—The Secretary
18 shall establish appeals procedures for entities that
19 are found to be in noncompliance with the require-
20 ments of this Act.

21 “(4) SECRETARIAL ACTIONS.—The Secretary
22 shall notify the Committee on Health, Education,
23 Labor and Pensions of the Senate and the Com-
24 mittee on Education and the Workforce of the
25 House of Representatives of each action taken by

1 the Secretary under paragraph (1) or (2). As part
2 of the annual report required under subsection (c),
3 the Secretary shall describe each such action taken
4 under paragraph (1) or (2) and the outcomes of
5 each such action.

6 “(5) PUBLIC NOTIFICATION.—The Secretary
7 shall notify the public, through publication in the
8 Federal Register and by posting on the Internet
9 website of the Department of Education, of each ac-
10 tion taken by the Secretary under paragraph (1) or
11 (2). As a part of such notification, the Secretary
12 shall describe each such action taken under para-
13 graph (1) or (2) and the outcomes of each such ac-
14 tion.

15 “(c) ANNUAL REPORT.—

16 “(1) IN GENERAL.—Not later than December
17 31 of each year, the Secretary shall prepare, and
18 submit to the President and to the Committee on
19 Education and the Workforce of the House of Rep-
20 resentatives and the Committee on Health, Edu-
21 cation, Labor, and Pensions of the Senate, a report
22 on the activities funded under this Act to improve
23 the access of individuals with disabilities to assistive
24 technology devices and assistive technology services.

1 “(2) CONTENTS.—Such report shall include in-
2 formation on—

3 “(A) the type of alternative financing
4 mechanisms used by each State and the com-
5 munity-based organization with which each
6 State entered into a contract, under the pro-
7 gram;

8 “(B) the amount and type of assistance
9 given to consumers (who shall be classified by
10 age, type of disability, type of assistive tech-
11 nology device or assistive technology service fi-
12 nanced through the program, geographic dis-
13 tribution within the State, gender, and whether
14 the consumers are part of an underrepresented
15 population or rural population), including—

16 “(i) the number of applications for as-
17 sistance received;

18 “(ii) the number of applications ap-
19 proved and rejected;

20 “(iii) the default rate;

21 “(iv) the range and average interest
22 rate;

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

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

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

9 “(D) the number, type, estimated value,
10 and scope of device reutilization programs, in-
11 cluding an analysis of the individuals with dis-
12 abilities that have benefited from the device
13 loan program;

14 “(E) the number and type of equipment
15 demonstrations provided, including an analysis
16 of individuals with disabilities who have bene-
17 fited from the program;

18 “(F) a summary of the State plans and
19 annual reports submitted by the States, includ-
20 ing an analysis of the progress of the States in
21 meeting their goals established in the State ap-
22 plication;

23 “(G) the number of individuals who re-
24 ceived training and the topics of such training;
25 and

1 “(H) the frequency and nature of technical
2 assistance provided to State and local govern-
3 mental agencies and other entities.

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

9 **“SEC. 7. NATIONAL ACTIVITIES.**

10 “(a) IN GENERAL.—Through grants, contracts, or
11 cooperative agreements, awarded on a competitive basis,
12 the Secretary is authorized to provide technical assistance
13 to entities, principally entities funded under section 4 or
14 5.

15 “(b) INPUT.—In designing the program to be funded
16 under this section, and in deciding the differences in func-
17 tion between national and regionally based technical as-
18 sistance efforts carried out through the program, the Sec-
19 retary shall consider the input of the directors of com-
20 prehensive statewide programs of technology-related as-
21 sistance and other individuals the Secretary determines to
22 be appropriate, especially—

23 “(1) individuals with disabilities who use assist-
24 ive technology and understand the barriers to the ac-

1 quisition of such technology and assistive technology
2 services;

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

5 “(3) individuals employed by protection and ad-
6 vocacy systems funded under section 5.

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

12 “(1) NATIONAL PUBLIC INTERNET SITE.—

13 “(A) ESTABLISHMENT OF INTERNET
14 SITE.—The Secretary shall fund the establish-
15 ment and maintenance of a National Public
16 Internet Site for the purposes of providing to
17 individuals with disabilities and the general
18 public technical assistance and information on
19 increased access to assistive technology devices,
20 assistive technology services, and other dis-
21 ability-related resources.

22 “(B) ELIGIBLE ENTITY.—To be eligible to
23 receive a grant or enter into a contract or coop-
24 erative agreement under subsection (a) to es-
25 tablish and maintain the Internet site, an entity

1 shall be an institution of higher education that
2 emphasizes research and engineering, has a
3 multidisciplinary research center, and has dem-
4 onstrated expertise in—

5 “(i) working with assistive technology
6 and intelligent agent interactive informa-
7 tion dissemination systems;

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

10 “(iii) delivering education, informa-
11 tion, and referral services to individuals
12 with disabilities, including technology-
13 based curriculum development services for
14 adults with low-level reading skills;

15 “(iv) developing cooperative partner-
16 ships with the private sector, particularly
17 with private sector computer software,
18 hardware, and Internet services entities;
19 and

20 “(v) developing and designing ad-
21 vanced Internet sites.

22 “(C) FEATURES OF INTERNET SITE.—The
23 National Public Internet Site described in sub-
24 paragraph (A) shall contain the following fea-
25 tures:

1 “(i) AVAILABILITY OF INFORMATION
2 AT ANY TIME.—The site shall be designed
3 so that any member of the public may ob-
4 tain information posted on the site at any
5 time.

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

14 “(iii) RESOURCES.—

15 “(I) LIBRARY ON ASSISTIVE
16 TECHNOLOGY.—The site shall include
17 access to a comprehensive working li-
18 brary on assistive technology for all
19 environments, including home, work-
20 place, transportation, and other envi-
21 ronments.

22 “(II) RESOURCES FOR A NUMBER
23 OF DISABILITIES.—The site shall in-
24 clude resources relating to the largest
25 possible number of disabilities, includ-

1 ing resources relating to low-level
2 reading skills.

3 “(iv) LINKS TO PRIVATE SECTOR RE-
4 SOURCES AND INFORMATION.—To the ex-
5 tent feasible, the site shall be linked to rel-
6 evant private sector resources and informa-
7 tion, under agreements developed between
8 the institution of higher education and co-
9 operating private sector entities.

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

13 “(i) how to plan, develop, implement,
14 and evaluate activities to further extend
15 comprehensive statewide programs of tech-
16 nology-related assistance, including the de-
17 velopment and replication of effective ap-
18 proaches to—

19 “(I) providing information and
20 referral services;

21 “(II) promoting interagency co-
22 ordination of training and service de-
23 livery among public and private enti-
24 ties;

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

4 “(IV) mounting successful public
5 awareness activities;

6 “(V) improving capacity building
7 in service delivery;

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

10 “(VII) improving evaluation
11 strategies, research, and data collec-
12 tion;

13 “(ii) effective approaches to the devel-
14 opment of consumer-controlled systems
15 that increase access to, funding for, and
16 awareness of, assistive technology devices
17 and assistive technology services;

18 “(iii) successful approaches to increas-
19 ing the availability of public and private
20 funding for and access to the provision of
21 assistive technology devices and assistive
22 technology services by appropriate State
23 agencies; and

24 “(iv) demonstration sites where indi-
25 viduals may try out assistive technology.

1 “(2) TECHNICAL ASSISTANCE EFFORTS.—The
2 Secretary shall, on a competitive basis, make grants
3 to, or enter into cooperative agreements with, eligi-
4 ble entities—

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

9 “(i) requests for state-of-the-art, or
10 model, Federal, State, and local laws, regu-
11 lations, policies, practices, procedures, and
12 organizational structures, that facilitate,
13 and overcome barriers to, funding for, and
14 access to, assistive technology devices and
15 assistive technology services;

16 “(ii) requests for examples of policies,
17 practices, procedures, regulations, or
18 judicial decisions that have enhanced or
19 may enhance access to funding for assist-
20 ive technology devices and assistive tech-
21 nology services for individuals with disabil-
22 ities;

23 “(iii) requests for information on ef-
24 fective approaches to Federal-State coordi-
25 nation of programs for individuals with

1 disabilities, related to improving funding
2 for or access to assistive technology devices
3 and assistive technology services for indi-
4 viduals with disabilities of all ages;

5 “(iv) requests for information on ef-
6 fective approaches to the development of
7 consumer-controlled systems that increase
8 access to, funding for, and awareness of,
9 assistive technology devices and assistive
10 technology services;

11 “(v) other requests for technical as-
12 sistance from other entities funded under
13 this Act and public entities not funded
14 under this Act; and

15 “(vi) other assignments specified by
16 the Secretary, including assisting entities
17 described in section 6(b) to develop correc-
18 tive action plans; and

19 “(B) to assist targeted individuals by dis-
20 seminating information about—

21 “(i) Federal, State, and local laws,
22 regulations, policies, practices, procedures,
23 and organizational structures, that facili-
24 tate, and overcome barriers to, funding for,
25 and access to, assistive technology devices

1 and assistive technology services, to pro-
2 mote fuller independence, productivity, and
3 inclusion in society for individuals with dis-
4 abilities of all ages; and

5 “(ii) technical assistance activities un-
6 dertaken under subparagraph (A).

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

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

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

19 “(a) IN GENERAL.—There are authorized to be ap-
20 propriated to carry out this Act such sums as may be nec-
21 essary for each of fiscal years 2005 through 2010.

22 “(b) ALLOCATION OF FUNDS.—Of the amount appro-
23 priated pursuant to the authorization of appropriations
24 under subsection (a) for a fiscal year—

1 “(1) up to \$4,419,000 shall be reserved to pro-
2 vide grants under section 5;

3 “(2) up to \$1,235,000 shall be reserved to pro-
4 vide grants under section 7; and

5 “(3) the remainder shall be used to provide
6 grants under section (4).”.

○