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# H. R. 4278

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IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Health, Education, Labor, and  
Pensions

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## 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.

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

12 “(b) **TABLE OF CONTENTS.**—The table of contents  
13 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.

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

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

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

19 “(A) live independently;

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

1           “(C) benefit from an education;

2           “(D) pursue meaningful careers; and

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

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

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

1           “(4) Over the last 15 years, the Federal Gov-  
2           ernment has invested in the development of state-  
3           wide comprehensive systems to help individuals with  
4           disabilities gain access to assistive technology devices  
5           and services. This partnership with States provided  
6           an important service to individuals with disabilities  
7           by strengthening the capacity of each State to assist  
8           individuals with disabilities of all ages with their as-  
9           sistive technology needs.

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

23           “(6) Despite the success of the Federal-State  
24           partnership in providing access to assistive tech-  
25           nology and services, there is a continued need to

1 provide information about the availability of assistive  
2 technology, advances in improving accessibility and  
3 functionality of assistive technology, and appropriate  
4 methods to secure and utilize assistive technology in  
5 order to maximize their independence and participa-  
6 tion of individuals with disabilities in society.

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

8 “(1) to support State efforts to improve the  
9 provision of assistive technology to individuals with  
10 disabilities through comprehensive statewide pro-  
11 grams of technology-related assistance, for individ-  
12 uals with disabilities of all ages, that are designed  
13 to—

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

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

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

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

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

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

1           “(G) increase awareness and knowledge of  
2           the benefits of assistive technology devices and  
3           assistive technology services among targeted in-  
4           dividuals and the general population; and

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

11 **“SEC. 3. DEFINITIONS.**

12          “In this Act:

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

20           “(2) **AMERICAN INDIAN CONSORTIUM.**—The  
21           term ‘American Indian Consortium’ has the meaning  
22           given the term in section 102(1) of the Develop-  
23           mental Disabilities Assistance and Bill of Rights Act  
24           of 2000 and that is established to provide protection

1 and advocacy services for purposes of receiving fund-  
2 ing under subtitle C of title I of such Act.

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

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

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

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

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

5           “(C) services consisting of selecting, de-  
6 signing, fitting, customizing, adapting, apply-  
7 ing, maintaining, repairing, or replacing assist-  
8 ive technology devices;

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

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

19           “(F) training or technical assistance for  
20 professionals (including individuals providing  
21 education and rehabilitation services), employ-  
22 ers, or other individuals who provide services to,  
23 employ, or are otherwise substantially involved  
24 in the major life functions of individuals with  
25 disabilities.

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

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

8                   “(B) facilitate and increase access to, pro-  
9                   vision of, and funding for, assistive technology  
10                  devices and assistive technology services,

11           in order to empower individuals with disabilities to  
12           achieve greater independence, productivity, and inte-  
13           gration and inclusion within the community and the  
14           workforce.

15           “(7) COMPREHENSIVE STATEWIDE PROGRAM OF  
16           TECHNOLOGY-RELATED ASSISTANCE.—The term  
17           ‘comprehensive statewide program of technology-re-  
18           lated assistance’ means a consumer-responsive pro-  
19           gram of technology-related assistance for individuals  
20           with disabilities, implemented by a State, and equal-  
21           ly available to all individuals with disabilities resid-  
22           ing in the State, regardless of their type of dis-  
23           ability, age, income level, or location of residence in  
24           the State, or the type of assistive technology device  
25           or assistive technology service required.

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

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

6                   “(i) respect for individual dignity, per-  
7                   sonal responsibility, self-determination, and  
8                   pursuit of meaningful careers, based on in-  
9                   formed choice, of individuals with disabili-  
10                  ties;

11                   “(ii) respect for the privacy, rights,  
12                   and equal access (including the use of ac-  
13                   cessible formats) of such individuals;

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

16                   “(iv) support for the involvement in  
17                   decisions of a family member, a guardian,  
18                   an advocate, or an authorized representa-  
19                   tive, if an individual with a disability re-  
20                   quests, desires, or needs such involvement;  
21                   and

22                   “(v) support for individual and sys-  
23                   tems advocacy and community involve-  
24                   ment; and

1           “(B) with respect to an entity, program, or  
2 activity, means that the entity, program, or ac-  
3 tivity—

4           “(i) is easily accessible to, and usable  
5 by, individuals with disabilities and, when  
6 appropriate, their family members, guard-  
7 ians, advocates, or authorized representa-  
8 tives;

9           “(ii) responds to the needs of individ-  
10 uals with disabilities in a timely and appro-  
11 priate manner; and

12           “(iii) facilitates the full and meaning-  
13 ful participation of individuals with disabil-  
14 ities (including individuals from underrep-  
15 resented populations and rural popu-  
16 lations) and their family members, guard-  
17 ians, advocates, and authorized representa-  
18 tives, in—

19           “(I) decisions relating to the pro-  
20 vision of assistive technology devices  
21 and assistive technology services to  
22 such individuals; and

23           “(II) decisions related to the  
24 maintenance, improvement, and eval-  
25 uation of the comprehensive statewide

1 program of technology-related assist-  
2 ance, including decisions that affect  
3 capacity building and advocacy activi-  
4 ties.

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

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

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

15 “(i) who has a disability; and

16 “(ii) who is or would be enabled by an  
17 assistive technology device or an assistive  
18 technology service to minimize deteriora-  
19 tion in functioning, to maintain a level of  
20 functioning, or to achieve a greater level of  
21 functioning in any major life activity.

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

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

8           “(12) PROTECTION AND ADVOCACY SERV-  
9           ICES.—The term ‘protection and advocacy services’  
10          means services that—

11                 “(A) are described in part C of the Devel-  
12                 opmental Disabilities Assistance and Bill of  
13                 Rights Act (42 U.S.C. 6041 et seq.), the Pro-  
14                 tection and Advocacy for Mentally Ill Individ-  
15                 uals Act of 1986 (42 U.S.C. 10801 et seq.), or  
16                 section 509 of the Rehabilitation Act of 1973;  
17                 and

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

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

23          “(14) STATE.—

24                 “(A) IN GENERAL.—Except as provided in  
25                 subparagraph (B), the term ‘State’ means each

1 of the several States of the United States, the  
2 District of Columbia, the Commonwealth of  
3 Puerto Rico, the United States Virgin Islands,  
4 Guam, American Samoa, and the Common-  
5 wealth of the Northern Mariana Islands.

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

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

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

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

20 “(A) individuals with disabilities of all ages  
21 and their family members, guardians, advo-  
22 cates, and authorized representatives;

23 “(B) individuals who work for public or  
24 private entities (including insurers or managed

1 care providers), that have contact with individ-  
2 uals with disabilities;

3 “(C) educators and related services per-  
4 sonnel;

5 “(D) technology experts (including engi-  
6 neers);

7 “(E) health and allied health professionals;

8 “(F) employers; and

9 “(G) other appropriate individuals and en-  
10 tities.

11 “(16) TECHNOLOGY-RELATED ASSISTANCE.—

12 The term ‘technology-related assistance’ means as-  
13 sistance provided through capacity building and ad-  
14 vocacy activities that accomplish the purposes de-  
15 scribed in any of subparagraphs (A) through (G) of  
16 section 2(b)(1).

17 “(17) UNDERREPRESENTED POPULATION.—

18 The term ‘underrepresented population’ means a  
19 population that is typically underrepresented in serv-  
20 ice provision, and includes populations such as per-  
21 sons who have low-incidence disabilities, persons who  
22 are minorities, poor persons, persons with limited-  
23 English proficiency, older individuals, or persons  
24 from rural areas.

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

9   **“SEC. 4. GRANTS TO STATES FOR PURCHASE OF ASSISTIVE**  
10                           **TECHNOLOGY DEVICES AND ASSISTIVE TECH-**  
11                           **NOLOGY SERVICES.**

12           “(a) GRANTS TO STATES.—The Secretary shall  
13           award grants, in accordance with this section, to States  
14           to maintain comprehensive statewide programs of tech-  
15           nology related assistance to support programs that are de-  
16           signed to maximize the ability of individuals with disabil-  
17           ities and their family members, guardians, advocates, and  
18           authorized representatives to obtain assistive technology  
19           devices and assistive technology services.

20           “(b) USE OF FUNDS.—

21                   “(1) IN GENERAL.—

22                           “(A) REQUIRED ACTIVITIES.—Except as  
23                           provided in subparagraph (C), any State that  
24                           receives a grant under this section shall use a  
25                           portion of the funds made available through the

1 grant to carry out the activities described in  
2 subparagraphs (A) and (B) of paragraph (2).

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

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

18 “(2) STATE-LEVEL ACTIVITIES.—

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

1           ages, and that pay for such devices and serv-  
2           ices, such as—

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

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

13                           “(I) a low-interest loan fund;

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

16                           “(III) a revolving loan fund;

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

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

24                           “(VI) another mechanism ap-  
25                           proved by the Secretary.

1           “(B) DEVICE LOAN PROGRAMS.—The  
2 State shall directly, or in collaboration with  
3 public or private entities, carry out device loan  
4 programs that support the short-term loan of  
5 assistive technology devices to individuals, em-  
6 ployers, public agencies, public accommodations,  
7 or others seeking to meet the needs of targeted  
8 individuals, including to comply with the Indi-  
9 viduals with Disabilities Education Act, the  
10 Americans with Disabilities Act of 1990, and  
11 section 504 of the Rehabilitation Act of 1973.

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

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

1 individuals to learn about the use and operation  
2 of assistive technology devices.

3 “(3) STATE LEADERSHIP ACTIVITIES.—

4 “(A) IN GENERAL.—Any State that re-  
5 ceives a grant under this section may use up to  
6 40 percent of the funds made available through  
7 the grant to carry out the activities described in  
8 subparagraph (B).

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

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

16 “(I) the development and dis-  
17 semination of information relating  
18 to—

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

22 “(bb) the appropriateness  
23 of, cost of, availability of, evalua-  
24 tion of, and access to, assistive

1 technology devices and assistive  
2 technology services; and

3 “(cc) the benefits of assist-  
4 ive technology devices and assist-  
5 ive technology services with re-  
6 spect to enhancing the capacity  
7 of individuals with disabilities of  
8 all ages to perform activities of  
9 daily living;

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

22 “(III) the development and dis-  
23 semination, to targeted individuals, of  
24 information about State efforts re-  
25 lated to assistive technology; and

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

7                   “(ii) technical assistance and training  
8                   on—

9                   “(I) the development of training  
10                  materials and the conduct of training  
11                  in the use of assistive technology de-  
12                  vices and assistive technology services;

13                  “(II) providing technical assist-  
14                  ance, including technical assistance  
15                  concerning how—

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

23                  “(bb) to increase consumer  
24                  participation regarding assistive

1 technology devices and assistive  
2 technology services; and

3 “(III) the enhancement of the as-  
4 sistive technology skills and com-  
5 petencies of—

6 “(aa) individuals who work  
7 for public or private entities (in-  
8 cluding insurers and managed  
9 care providers), who have contact  
10 with individuals with disabilities;

11 “(bb) educators and related  
12 services personnel;

13 “(cc) technology experts (in-  
14 cluding engineers);

15 “(dd) health and allied  
16 health professionals;

17 “(ee) employers; and

18 “(ff) other appropriate per-  
19 sonnel; and

20 “(iii) outreach and support to state-  
21 wide and community-based organizations  
22 that provide assistive technology devices  
23 and assistive technology services to individ-  
24 uals with disabilities or that assist individ-  
25 uals with disabilities in using assistive

1           technology devices and assistive technology  
2           services, including a focus on organizations  
3           assisting individuals from underrep-  
4           resented populations and rural populations,  
5           and further including support such as out-  
6           reach to consumer organizations and  
7           groups in the State to coordinate efforts to  
8           assist individuals with disabilities of all  
9           ages and their family members, guardians,  
10          advocates, or authorized representatives, to  
11          obtain funding for, access to, and informa-  
12          tion on evaluation of assistive technology  
13          devices and assistive technology services.

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

1           nology devices and assistive technology services  
2           to, such individuals.

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

7           “(5) PROHIBITION.—Funds made available  
8           through a grant to a State under this section shall  
9           not be used for direct payment for an assistive tech-  
10          nology device for an individual with a disability.

11          “(6) STATE FLEXIBILITY.—

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

17                 “(B) SPECIAL RULE.—Notwithstanding  
18                 paragraph (3)(A), any State which exercises its  
19                 authority under subparagraph (A) may not use  
20                 more than 30 percent of the funds made avail-  
21                 able through the grant to carry out the activi-  
22                 ties described in paragraph (3)(B).

23          “(c) AMOUNT OF FINANCIAL ASSISTANCE.—

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

1 year for grants under this section, the Secretary  
2 shall make a grant in an amount of not more than  
3 \$105,000 to each eligible outlying area.

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

9 “(3) CALCULATION OF STATE GRANTS.—

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

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

25 “(C) RATABLE REDUCTIONS.—

1           “(i) IN GENERAL.—If amounts made  
2           available to carry out this section for any  
3           fiscal year are insufficient to meet the min-  
4           imum allotment requirement for each State  
5           under subparagraph (B) for such fiscal  
6           year, the Secretary shall ratably reduce  
7           such amounts for such fiscal year.

8           “(ii) ADDITIONAL FUNDS.—If addi-  
9           tional funds become available for making  
10          payments described under this subsection  
11          for any such fiscal year, the amounts that  
12          were reduced under clause (i) shall be in-  
13          creased on the same basis as such amounts  
14          were reduced.

15          “(d) LEAD AGENCY.—

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

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

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

4           “(B) A commission, council, or other offi-  
5 cial body appointed by the Governor.

6           “(C) A public-private partnership or con-  
7 sortium.

8           “(D) A public agency (including the office  
9 of the Governor, a State oversight office, a  
10 State agency, a public institution of higher edu-  
11 cation, or other public entity).

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

14           “(F) An organization described in section  
15 501(c)(3) of Internal Revenue Code of 1986  
16 and exempt from tax under section 501(a) of  
17 that Act.

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

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

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

1           “(B) administering and supervising the use  
2 of amounts made available under the grant re-  
3 ceived by the State under this section;

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

7           “(ii) coordinating, maintaining, and evalu-  
8 ating the comprehensive statewide program of  
9 technology-related assistance among public  
10 agencies and between public agencies and pri-  
11 vate entities, including coordinating efforts re-  
12 lated to entering into interagency agreements;  
13 and

14           “(iii) coordinating efforts, especially efforts  
15 carried out with entities that provide protection  
16 and advocacy services described in section 5, re-  
17 lated to the active, timely, and meaningful par-  
18 ticipation by individuals with disabilities and  
19 their family members, guardians, advocates, or  
20 authorized representatives, and other appro-  
21 priate individuals, with respect to activities car-  
22 ried out under the grant;

23           “(D) delegating, in whole or in part, any  
24 responsibilities described in subparagraph (A),

1 (B), or (C) to one or more appropriate offices,  
2 agencies, entities, or individuals; and

3 “(E) establishing a partnership or partner-  
4 ships with private providers of social, medical,  
5 educational, employment, and transportation  
6 services to individuals with disabilities.

7 “(4) CHANGE IN LEAD AGENCY.—The Governor  
8 may change the lead agency of the State (to an  
9 agency other than the lead agency of the State as  
10 of the date of the enactment of the Improving Ac-  
11 cess to Assistive Technology for Individuals with  
12 Disabilities Act of 2004) if the Governor provides a  
13 justification in the application to the Secretary for  
14 such action. Nothing in this subsection shall be con-  
15 strued to require the Governor of a State to change  
16 the lead agency of the State to an agency other than  
17 the lead agency of such State as of the date of the  
18 enactment of the Improving Access to Assistive  
19 Technology for Individuals with Disabilities Act of  
20 2004.

21 “(e) STATE APPLICATION.—

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

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

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

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

8                           “(i) the measurable goals the State  
9                           has set for addressing the assistive tech-  
10                          nology needs of individuals with disabilities  
11                          in the State, including any measurable  
12                          goals, and a timeline for meeting such  
13                          goals, related to—

14                                   “(I) education, including goals  
15                                   involving the provision of assistive  
16                                   technology to individuals with disabili-  
17                                   ties that receive services under the  
18                                   Individuals with Disabilities Edu-  
19                                   cation Act;

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

1                   “(III) telecommunication and in-  
2                   formation technology; and

3                   “(IV) community living; and

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

7                   “(C) INVOLVEMENT OF INDIVIDUALS WITH  
8                   DISABILITIES OF ALL AGES AND THEIR FAMI-  
9                   LIES.—A description of how individuals with  
10                  disabilities of all ages and their families—

11                  “(i) were involved in selecting—

12                   “(I) the goals;

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

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

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

20                  “(D) STATE SUPPORT.—A description of  
21                  those activities described in subsection (b)(2)  
22                  that the State will support under the grant, in-  
23                  cluding at a minimum the State’s plans to pro-  
24                  vide financial support, consistent with sub-

1 section (b)(1), for the activities described in  
2 subparagraphs (A) and (B) of such subsection.

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

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

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

13 **“(a) GRANTS TO STATES.—**

14 **“(1) IN GENERAL.—**The Secretary shall make a  
15 grant to an entity in each State to support protec-  
16 tion and advocacy services through the systems es-  
17 tablished to provide protection and advocacy services  
18 under the Developmental Disabilities Assistance and  
19 Bill of Rights Act (42 U.S.C. 6000 et seq.) for the  
20 purposes of assisting in the acquisition, utilization,  
21 or maintenance of assistive technology or assistive  
22 technology services for individuals with disabilities.

23 **“(2) SPECIAL RULE.—**Notwithstanding para-  
24 graph (1), for a State that, on the day before the  
25

1 date of the enactment of the Improving Access to  
2 Assistive Technology for Individuals with Disabilities  
3 Act of 2004, was described in section 102(a)(2) of  
4 this Act, the Secretary shall make the grant to the  
5 lead agency designated under section 4(d). The lead  
6 agency shall determine how the funds made available  
7 under this section shall be divided among the enti-  
8 ties that were providing protection and advocacy  
9 services in that State on that day, and distribute the  
10 funds to the entities. In distributing the funds, the  
11 lead agency shall not establish any further eligibility  
12 or procedural requirements for an entity in that  
13 State that supports protection and advocacy services  
14 through the systems established to provide protec-  
15 tion and advocacy services under the Developmental  
16 Disabilities Assistance and Bill of Rights Act of  
17 2000 (42 U.S.C. 15001 et seq.). Such an entity  
18 shall comply with the same requirements (including  
19 reporting and enforcement requirements) as any  
20 other entity that received funding under paragraph  
21 (1).

22 “(b) AMOUNT OF FINANCIAL ASSISTANCE.—

23 “(1) GRANTS TO OUTLYING AREAS AND AMER-  
24 ICAN INDIAN CONSORTIUM.—

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

6           “(B) AMERICAN INDIAN CONSORTIUM.—  
7           From the funds appropriated under section 8(b)  
8           for any fiscal year, the Secretary shall make a  
9           grant in an amount of not more than \$30,000  
10          to the American Indian Consortium to provide  
11          services in the same manner as an eligible sys-  
12          tem described under this section. If the amount  
13          appropriated under section 8(b) for a fiscal year  
14          exceeds the amount appropriated under such  
15          section for the preceding fiscal year, then the  
16          amount referred to in the preceding sentence  
17          shall be increased for such fiscal year by the  
18          same percentage as such amount appropriated  
19          under section 8(b) exceeds the amount appro-  
20          priated under such section for the preceding fis-  
21          cal year.

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 in accordance with para-

1 graph (3) to eligible systems within States to sup-  
2 port protection and advocacy services as described in  
3 subsection (a). The Secretary shall make grants to  
4 the eligible systems from the allotments.

5 “(3) SYSTEMS WITHIN STATES.—

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

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

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

1 out the provisions of this section to all other systems  
2 in the same proportion such amounts were first allo-  
3 cated to such systems.

4 “(5) CARRYOVER.—Any amount paid to an eli-  
5 gible system for a fiscal year under this section that  
6 remains unobligated at the end of such fiscal year  
7 shall remain available to such system for obligation  
8 during the subsequent fiscal year, except that pro-  
9 gram income generated from such amount shall re-  
10 main available for two additional fiscal years and  
11 may only be used to improve the awareness of indi-  
12 viduals with disabilities on the accessibility of assist-  
13 ive technology and assisting such individuals in the  
14 acquisition, utilization, or maintenance of assistive  
15 technology or assistive technology services.

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

21 “(1) conducting consumer-responsive activities,  
22 including activities that will lead to increased access,  
23 for individuals with disabilities, to funding for assist-  
24 ive technology devices and assistive technology serv-  
25 ices;

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

4           “(3) engaging in formal representation for indi-  
5           viduals with disabilities to secure systems change,  
6           and in advocacy activities to secure assistive tech-  
7           nology and assistive technology services for individ-  
8           uals with disabilities;

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

17          “(5) coordinating activities with protection and  
18          advocacy services funded through sources other than  
19          this Act, and coordinating activities with the capac-  
20          ity building and advocacy activities carried out by  
21          the lead agency; and

22          “(6) effectively allocating carryover funds de-  
23          scribed in subsection (b)(5) to improve the aware-  
24          ness of individuals with disabilities on the accessi-  
25          bility of assistive technology and assisting them in

1 the acquisition, utilization, or maintenance of assist-  
2 ive technology or assistive technology services.

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

8 “(e) COORDINATION.—On making a grant under this  
9 section to an entity in a State, the Secretary shall solicit  
10 and consider the opinions of the lead agency of the State  
11 designated under section 4(d) with respect to efforts at  
12 coordination, collaboration, and promoting outcomes be-  
13 tween the lead agency and the entity that receives the  
14 grant under this section.

15 **“SEC. 6. ADMINISTRATIVE PROVISIONS.**

16 “(a) GENERAL ADMINISTRATION.—Notwithstanding  
17 any other provision of law, the Rehabilitation Services Ad-  
18 ministration in the Office of Special Education and Reha-  
19 bilitative Services of the Department of Education shall  
20 be responsible for the administration of this Act.

21 “(b) REVIEW OF PARTICIPATING ENTITIES.—

22 “(1) IN GENERAL.—The Secretary shall assess  
23 the extent to which entities that receive grants pur-  
24 suant to this Act are complying with the applicable  
25 requirements of this Act and achieving the quantifi-

1 able, measurable goals that are consistent with the  
2 requirements of the grant programs under which the  
3 entities applied for the grants.

4 “(2) PROVISION OF INFORMATION.—To assist  
5 the Secretary in carrying out the responsibilities of  
6 the Secretary under this section, the Secretary may  
7 require States to provide relevant information, in-  
8 cluding the information required under subsection  
9 (d).

10 “(c) CORRECTIVE ACTION AND SANCTIONS.—

11 “(1) CORRECTIVE ACTION.—If the Secretary  
12 determines that an entity fails to substantially com-  
13 ply with the requirements of this Act or to substan-  
14 tially make progress towards meeting the goals es-  
15 tablished under section 4(e)(2)(B) with respect to a  
16 grant program, the Secretary shall assist the entity  
17 through technical assistance funded under section 7  
18 or other means, within 90 days after such deter-  
19 mination, to develop a corrective action plan.

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

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

4           “(B) Reduction in the amount of funding  
5 that may be used for indirect costs under sec-  
6 tion 4(b)(4) for the following year under the  
7 grant program.

8           “(C) Required redesignation of the lead  
9 agency designated under section 4(d) or an en-  
10 tity responsible for administering the grant pro-  
11 gram.

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

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

23           “(5) PUBLIC NOTIFICATION.—The Secretary  
24 shall notify the public by posting on the Internet  
25 website of the Department of Education of each ac-

1       tion taken by the Secretary under paragraph (1) or  
2       (2). As a part of such notification, the Secretary  
3       shall describe each such action taken under para-  
4       graph (1) or (2) and the outcomes of each such ac-  
5       tion.

6       “(d) ANNUAL REPORT.—

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

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

18                      “(A) the type of alternative financing  
19                      mechanisms used by each State under the pro-  
20                      gram;

21                      “(B) the amount and type of assistance  
22                      given to consumers (who shall be classified by  
23                      age, type of disability, type of assistive tech-  
24                      nology device or assistive technology service fi-  
25                      nanced through the program, geographic dis-

1           tribution within the State, gender, and whether  
2           the consumers are part of an underrepresented  
3           population or rural population), including—

4                   “(i) the number of applications for as-  
5                   sistance received;

6                   “(ii) the number of applications ap-  
7                   proved and rejected;

8                   “(iii) the default rate;

9                   “(iv) the range and average interest  
10                  rate;

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

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

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

21                  “(D) the number, type, estimated value,  
22                  and scope of device reutilization programs, in-  
23                  cluding an analysis of the individuals with dis-  
24                  abilities that have benefited from the device  
25                  loan program;

1           “(E) the number and type of equipment  
2           demonstrations provided, including an analysis  
3           of individuals with disabilities who have bene-  
4           fited from the program;

5           “(F) a summary of the State plans and  
6           annual reports submitted by the States, includ-  
7           ing an analysis of the progress of the States in  
8           meeting their goals established in the State ap-  
9           plication;

10           “(G) the number of individuals who re-  
11           ceived training and the topics of such training;

12           “(H) the frequency and nature of technical  
13           assistance provided to State and local govern-  
14           mental agencies and other entities; and

15           “(I) the outcomes of interagency coordina-  
16           tion and collaboration activities carried out by  
17           the State, as applicable, that support access to  
18           assistive technology including the type, purpose,  
19           and source of leveraged funding or other con-  
20           tributed resources from public and private enti-  
21           ties.

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

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

3 **“SEC. 7. NATIONAL ACTIVITIES.**

4 “(a) IN GENERAL.—Through grants, contracts, or  
5 cooperative agreements, awarded on a competitive basis,  
6 the Secretary is authorized to provide technical assistance  
7 to entities, principally entities funded under section 4 or  
8 5.

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

17 “(1) individuals with disabilities who use assist-  
18 ive technology and understand the barriers to the ac-  
19 quisition of such technology and assistive technology  
20 services;

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

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

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

6           “(1) NATIONAL PUBLIC INTERNET SITE.—

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

16           “(B) ELIGIBLE ENTITY.—To be eligible to  
17 receive a grant or enter into a contract or coop-  
18 erative agreement under subsection (a) to es-  
19 tablish and maintain the Internet site, an entity  
20 shall be an institution of higher education that  
21 emphasizes research and engineering, has a  
22 multidisciplinary research center, and has dem-  
23 onstrated expertise in—

1           “(i) working with assistive technology  
2           and intelligent agent interactive informa-  
3           tion dissemination systems;

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

6           “(iii) delivering education, informa-  
7           tion, and referral services to individuals  
8           with disabilities, including technology-  
9           based curriculum development services for  
10          adults with low-level reading skills;

11          “(iv) developing cooperative partner-  
12          ships with the private sector, particularly  
13          with private sector computer software,  
14          hardware, and Internet services entities;  
15          and

16          “(v) developing and designing ad-  
17          vanced Internet sites.

18          “(C) FEATURES OF INTERNET SITE.—The  
19          National Public Internet Site described in sub-  
20          paragraph (A) shall contain the following fea-  
21          tures:

22                 “(i) AVAILABILITY OF INFORMATION  
23                 AT ANY TIME.—The site shall be designed  
24                 so that any member of the public may ob-

1           tain information posted on the site at any  
2           time.

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

11          “(iii) RESOURCES.—

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

19           “(II) RESOURCES FOR A NUMBER  
20           OF DISABILITIES.—The site shall in-  
21           clude resources relating to the largest  
22           possible number of disabilities, includ-  
23           ing resources relating to low-level  
24           reading skills.

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

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

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

17                   “(I) providing information and  
18                   referral services;

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

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

1                   “(IV) mounting successful public  
2 awareness activities;

3                   “(V) improving capacity building  
4 in service delivery;

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

7                   “(VII) improving evaluation  
8 strategies, research, and data collec-  
9 tion;

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

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

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

23                  “(2) TECHNICAL ASSISTANCE EFFORTS.—The  
24 Secretary shall, on a competitive basis, make grants

1 to, or enter into cooperative agreements with, eligi-  
2 ble entities—

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

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

14 “(ii) requests for examples of policies,  
15 practices, procedures, regulations, or judi-  
16 cial decisions that have enhanced or may  
17 enhance access to funding for assistive  
18 technology devices and assistive technology  
19 services for individuals with disabilities;

20 “(iii) requests for information on ef-  
21 fective approaches to Federal-State coordi-  
22 nation of programs for individuals with  
23 disabilities, related to improving funding  
24 for or access to assistive technology devices

1 and assistive technology services for indi-  
2 viduals with disabilities of all ages;

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

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

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

17 “(B) to assist targeted individuals by dis-  
18 seminating information about—

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

1 inclusion in society for individuals with dis-  
2 abilities of all ages; and

3 “(ii) technical assistance activities un-  
4 dertaken under subparagraph (A).

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

11 “(e) 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 **“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) STATE GRANTS FOR ASSISTIVE TECHNOLOGY;  
18 NATIONAL ACTIVITIES.—There are authorized to be ap-  
19 propriated to carry out sections 4 and 7 of this Act  
20 \$21,524,000 for fiscal year 2005 and such sums as may  
21 be necessary for each of fiscal years 2006 through 2010.  
22 Of the amount appropriated pursuant to the authorization  
23 of appropriations under this subsection for a fiscal year,  
24 not more than \$1,235,000 may be made available to carry  
25 out section 7 of this Act.

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

Passed the House of Representatives June 14, 2004.

Attest:

JEFF TRANDAHL,

*Clerk.*