

penalty of not more than \$500 for each day of such violation, except that such penalty shall not apply if the employer pays to each aggrieved employee the amount for which the employer is liable to that employee within 3 weeks from the date the employer orders the shutdown or lay-off.

(4) If an employer which has violated this chapter proves to the satisfaction of the court that the act or omission that violated this chapter was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of this chapter the court may, in its discretion, reduce the amount of the liability or penalty provided for in this section.

(5) A person seeking to enforce such liability, including a representative of employees or a unit of local government aggrieved under paragraph (1) or (3), may sue either for such person or for other persons similarly situated, or both, in any district court of the United States for any district in which the violation is alleged to have occurred, or in which the employer transacts business.

(6) In any such suit, the court, in its discretion, may allow the prevailing party a reasonable attorney's fee as part of the costs.

(7) For purposes of this subsection, the term,¹ "aggrieved employee" means an employee who has worked for the employer ordering the plant closing or mass layoff and who, as a result of the failure by the employer to comply with section 2102 of this title, did not receive timely notice either directly or through his or her representative as required by section 2102 of this title.

(b) Exclusivity of remedies

The remedies provided for in this section shall be the exclusive remedies for any violation of this chapter. Under this chapter, a Federal court shall not have authority to enjoin a plant closing or mass layoff.

(Pub. L. 100-379, § 5, Aug. 4, 1988, 102 Stat. 893.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 1315.

§ 2105. Procedures in addition to other rights of employees

The rights and remedies provided to employees by this chapter are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of the employees, and are not intended to alter or affect such rights and remedies, except that the period of notification required by this chapter shall run concurrently with any period of notification required by contract or by any other statute.

(Pub. L. 100-379, § 6, Aug. 4, 1988, 102 Stat. 894.)

§ 2106. Procedures encouraged where not required

It is the sense of Congress that an employer who is not required to comply with the notice requirements of section 2102 of this title should, to the extent possible, provide notice to its employees about a proposal to close a plant or permanently reduce its workforce.

¹ So in original. The comma probably should not appear.

(Pub. L. 100-379, § 7, Aug. 4, 1988, 102 Stat. 894.)

§ 2107. Authority to prescribe regulations

(a) The Secretary of Labor shall prescribe such regulations as may be necessary to carry out this chapter. Such regulations shall, at a minimum, include interpretative regulations describing the methods by which employers may provide for appropriate service of notice as required by this chapter.

(b) The mailing of notice to an employee's last known address or inclusion of notice in the employee's paycheck will be considered acceptable methods for fulfillment of the employer's obligation to give notice to each affected employee under this chapter.

(Pub. L. 100-379, § 8, Aug. 4, 1988, 102 Stat. 894.)

§ 2108. Effect on other laws

The giving of notice pursuant to this chapter, if done in good faith compliance with this chapter, shall not constitute a violation of the National Labor Relations Act [29 U.S.C. 151 et seq.] or the Railway Labor Act [45 U.S.C. 151 et seq.].

(Pub. L. 100-379, § 9, Aug. 4, 1988, 102 Stat. 894.)

REFERENCES IN TEXT

The National Labor Relations Act, referred to in text, is act July 5, 1935, ch. 372, 49 Stat. 452, as amended, which is classified generally to subchapter II (§151 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 167 of this title and Tables.

The Railway Labor Act, referred to in text, is act May 20, 1926, ch. 347, 44 Stat. 577, as amended, which is classified principally to chapter 8 (§151 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see section 151 of Title 45 and Tables.

§ 2109. Report on employment and international competitiveness

Two years after August 4, 1988, the Comptroller General shall submit to the Committee on Small Business of both the House and Senate, the Committee on Labor and Human Resources, and the Committee on Education and Labor a report containing a detailed and objective analysis of the effect of this chapter on employers (especially small- and medium-sized businesses), the economy (international competitiveness), and employees (in terms of levels and conditions of employment). The Comptroller General shall assess both costs and benefits, including the effect on productivity, competitiveness, unemployment rates and compensation, and worker retraining and readjustment.

(Pub. L. 100-379, § 10, Aug. 4, 1988, 102 Stat. 894.)

CHANGE OF NAME

Committee on Education and Labor of House of Representatives treated as referring to Committee on Economic and Educational Opportunities of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

CHAPTER 24—TECHNOLOGY RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 762 of this title; title 20 section 1461.

§ 2201. Findings, purposes, and policy**(a) Findings**

The Congress finds as follows:

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

- (A) live independently;
- (B) enjoy self-determination;
- (C) make choices;
- (D) pursue meaningful careers; and
- (E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.

(2) During the past decade, there have been major advances in modern technology. Technology is now a powerful force in the lives of all residents of the United States. Technology can provide important tools for making the performance of tasks quicker and easier.

(3) For some individuals with disabilities, assistive technology devices and assistive technology services are necessary to enable the individuals—

- (A) to have greater control over their lives;
- (B) to participate in, and contribute more fully to, activities in their home, school, and work environments, and in their communities;
- (C) to interact to a greater extent with individuals who do not have disabilities; and
- (D) to otherwise benefit from opportunities that are taken for granted by individuals who do not have disabilities.

(4) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing equipment, that significantly benefit individuals with disabilities of all ages. Such devices can be used to increase the involvement of such individuals in, and reduce expenditures associated with, programs and activities such as

early intervention, education, rehabilitation and training, employment, residential living, independent living, recreation, and other aspects of daily living.

(5) Most States have technology-related assistance programs carried out under this chapter. In spite of the efforts made by such programs, there remains a need to support systems change and advocacy activities in order to assist States to develop and implement consumer-responsive, comprehensive statewide programs of technology-related assistance for individuals with disabilities of all ages.

(6) Notwithstanding the efforts of such State technology-related assistance programs, there is still a lack of—

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

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

(C) information among individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related service personnel, technology experts (including engineers), employers, and other appropriate individuals about the availability and potential of technology for individuals with disabilities;

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

(E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly with respect to children;

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

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

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

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

(9) At the Federal level, there is a lack of coordination among agencies that provide or pay for the provision of assistive technology de-

vices and assistive technology services. In addition, the Federal Government does not provide adequate assistance and information with respect to the use of assistive technology devices and assistive technology services to individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.

(b) Purposes

The purposes of this chapter are as follows:

(1) To provide financial assistance to the States to support systems change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

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

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

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

(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the two populations to enjoy the benefits of programs carried out to accomplish purposes described in this paragraph to the same extent as other populations;

(E) increase and promote coordination among State agencies, and between State agencies and private entities, that are involved in carrying out activities under this title,¹ particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another subparagraph of this paragraph;

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

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

¹ See References in Text note below.

(G) increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living;

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

(I) increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among—

(i) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

(ii) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

(iii) educators and related services personnel;

(iv) technology experts (including engineers);

(v) employers; and

(vi) other appropriate individuals;

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

(K) increase the awareness of the needs of individuals with disabilities for assistive technology devices and for assistive technology services.

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

(3) To enhance the ability of the Federal Government to provide States with—

(A) technical assistance, information, training, and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and

(B) funding for demonstration projects.

(c) Policy

It is the policy of the United States that all programs, projects, and activities receiving assistance under this chapter shall be consumer-responsive and shall be carried out in a manner consistent with the principles of—

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

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

(3) inclusion, integration, and full participation of such individuals;

(4) support for the involvement of a family member, a guardian, an advocate, or an authorized representative, if an individual with a

disability requests, desires, or needs such support; and

(5) support for individual and systems advocacy and community involvement.

(Pub. L. 100-407, § 2, Aug. 19, 1988, 102 Stat. 1044; Pub. L. 103-218, § 3, Mar. 9, 1994, 108 Stat. 51.)

REFERENCES IN TEXT

This title, referred to in subsec. (b)(1)(E), probably should be a reference to title I of Pub. L. 100-407, as amended, which is classified generally to subchapter I (§ 2211 et seq.) of this chapter.

AMENDMENTS

1994—Pub. L. 103-218 substituted “Findings, purposes, and policy” for “Findings and purposes” in section catchline, amended subsecs. (a) and (b) generally, and added subsec. (c). Prior to amendment, subsecs. (a) and (b) related to Congressional findings and purposes of chapter, respectively.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 501 of Pub. L. 103-218 provided that:

“(a) IN GENERAL.—Except as otherwise specifically provided in this Act [see Short Title of 1994 Amendment note below], this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act [Mar. 9, 1994].

“(b) COMPLIANCE.—Each State receiving a grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 [29 U.S.C. 2201 et seq.] shall comply with the amendments made by this Act—

“(1) as soon as practicable after the date of the enactment of this Act, consistent with the effective and efficient administration of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; but

“(2) not later than—

“(A) the next date on which the State receives an award through a grant under section 102 or 103 of such Act [42 U.S.C. 2212, 2213]; or

“(B) October 1, 1994, whichever is sooner.”

SHORT TITLE OF 1994 AMENDMENT

Section 1(a) of Pub. L. 103-218 provided that: “This Act [enacting sections 2231, 2241 to 2246, 2251, and 2281 to 2288 of this title, amending this section, sections 706, 761a, 771a, 2202, and 2211 to 2216 of this title, section 1431 of Title 20, Education, and section 9839 of Title 42, The Public Health and Welfare, repealing sections 2217, 2231, 2241 to 2244, 2251 to 2253, and 2261 of this title, and enacting provisions set out as a note above] may be cited as the ‘Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994.’”

SHORT TITLE

Section 1 of Pub. L. 100-407 provided that: “This Act [enacting this chapter] may be cited as the ‘Technology-Related Assistance for Individuals With Disabilities Act of 1988.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2202, 2211, 2212, 2213, 2214, 2215 of this title.

§ 2202. Definitions

For purposes of this chapter:

(1) Advocacy services

The term “advocacy services”, except as used as part of the term “protection and advocacy services”, means services—

(A) provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representa-

tives in accessing assistive technology devices and assistive technology services; and (B) provided through—

(i) individual case management for individuals with disabilities;

(ii) representation of individuals with disabilities (other than representation within the definition of protection and advocacy services);

(iii) training of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully conduct advocacy for themselves; or

(iv) dissemination of information.

(2) Assistive technology device

The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(3) Assistive technology service

The term “assistive technology service” means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual’s customary environment;

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

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

(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the the¹ family members, guardians, advocates, or authorized representatives of such an individual; and

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

(4) Comprehensive statewide program of technology-related assistance

The term “comprehensive statewide program of technology-related assistance” means a statewide program of technology-related assistance developed and implemented by a State under subchapter I of this chapter that—

(A) addresses the needs of all individuals with disabilities, including members of

underrepresented populations and members of rural populations;

(B) addresses such needs without regard to the age, type of disability, race, ethnicity, or gender of such individuals, or the particular major life activity for which such individuals need the assistance; and

(C) addresses such needs without requiring that the assistance be provided through any particular agency or service delivery system.

(5) Consumer-responsive

The term “consumer-responsive” means, with respect to an entity, program, or activity, that the entity, program, or activity—

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

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

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

(i) decisions relating to the provision of assistive technology devices and assistive technology services; and

(ii) the planning, development, implementation, and evaluation of the comprehensive statewide program of technology-related assistance.

(6) Disability

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

(7) Individual with a disability; individuals with disabilities

(A) Individual with a disability

The term “individual with a disability” means any individual—

(i) who has a disability; and

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

(B) Individuals with disabilities

The term “individuals with disabilities” means more than one individual with a disability.

(8) Institution of higher education

The term “institution of higher education” has the meaning given such term in section 1141(a) of title 20, and includes community colleges receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(9) Protection and advocacy services

The term “protection and advocacy services” means services that—

¹ So in original.

(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), or section 794e of this title; and

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

(10) Secretary

The term “Secretary” means the Secretary of Education.

(11) State

Except as otherwise provided, the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association with Palau takes effect).

(12) Systems change and advocacy activities

The term “systems change and advocacy activities” means efforts that result in laws, regulations, policies, practices, or organizational structures that promote consumer-responsive programs or entities and that facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services on a permanent basis, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the work force.

(13) Technology-related assistance

The term “technology-related assistance” means assistance provided through systems change and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (K) of section 2201(b)(1) of this title.

(14) Underrepresented population

The term “underrepresented population” includes a population such as minorities, the poor, and persons with limited-English proficiency.

(Pub. L. 100-407, § 3, Aug. 19, 1988, 102 Stat. 1046; Pub. L. 103-218, § 4, Mar. 9, 1994, 108 Stat. 54.)

REFERENCES IN TEXT

The Tribally Controlled Community College Assistance Act of 1978, referred to in par. (8), is Pub. L. 95-471, Oct. 17, 1978, 92 Stat. 1325, as amended, which is classified principally to chapter 20 (§1801 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of Title 25 and Tables.

The Developmental Disabilities Assistance and Bill of Rights Act, referred to in par. (9)(A), is title I of Pub. L. 88-164, as added by Pub. L. 98-527, § 2, Oct. 19, 1984, 98 Stat. 2662, as amended. Part C of the Act is classified generally to subchapter III (§6041 et seq.) of chapter 75 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6000 of Title 42 and Tables.

The Protection and Advocacy for Mentally Ill Individuals Act, referred to in par. (9)(A), probably means

the Protection and Advocacy for Mentally Ill Individuals Act of 1986, Pub. L. 99-319, May 23, 1986, 100 Stat. 478, as amended, which is classified generally to chapter 114 (§10801 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 10801 of Title 42 and Tables.

For Oct. 1, 1994, as the date the Compact of Free Association with Palau takes effect, referred to in par. (11), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

AMENDMENTS

1994—Pars. (1), (2). Pub. L. 103-218, §4(1), (2), added par. (1) and redesignated former par. (1) as (2). Former par. (2) redesignated (3).

Par. (3). Pub. L. 103-218, §4(1), redesignated par. (2) as (3). Former par. (3) redesignated (7).

Par. (3)(E). Pub. L. 103-218, §4(3), substituted “the family members, guardians, advocates, or authorized representatives of such an individual; and” for “family of an individual with disabilities; and”.

Pars. (4) to (6). Pub. L. 103-218, §4(1), (4), added pars. (4) to (6) and redesignated former pars. (4), (5), and (6) as (8), (10), and (11), respectively.

Par. (7). Pub. L. 103-218, §4(5), added par. (7) and struck out heading and text of former par. (7) which defined “individual with disabilities”.

Pub. L. 103-218, §4(1), redesignated par. (3) as (7). Former par. (7) redesignated (13).

Par. (8). Pub. L. 103-218, §4(6), substituted “section 1141(a) of title 20” for “section 1085(b) of title 20”.

Pub. L. 103-218, §4(1), redesignated par. (4) as (8). Former par. (8) redesignated (14).

Par. (9). Pub. L. 103-218, §4(7), added par. (9).

Par. (10). Pub. L. 103-218, §4(1), redesignated par. (5) as (10).

Par. (11). Pub. L. 103-218, §4(8), substituted “several States of the United States” for “several States”, “United States Virgin Islands” for “Virgin Islands”, and “the Republic of Palau (until the Compact of Free Association with Palau takes effect)” for “the Trust Territory of the Pacific Islands”.

Pub. L. 103-218, §4(1), redesignated par. (6) as (11).

Par. (12). Pub. L. 103-218, §4(9), added par. (12).

Par. (13). Pub. L. 103-218, §4(10), substituted “assistance provided through systems change and advocacy activities” for “functions performed and activities carried out under section 2211 of this title” and inserted “any of subparagraphs (A) through (K) of” before “section 2201(b)(1) of this title”.

Pub. L. 103-218, §4(1), redesignated par. (7) as (13).

Par. (14). Pub. L. 103-218, §4(11), amended heading and text of par. (14) generally. Prior to amendment, text read as follows: “The term ‘underserved group’ means any group of individuals with disabilities who, because of disability, place of residence, geographic location, age, race, sex, or socioeconomic status, have not historically sought, been eligible for, or received technology-related assistance.”

Pub. L. 103-218, §4(1), redesignated par. (8) as (14).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 706, 771a of this title; title 20 section 1431.

SUBCHAPTER I—GRANTS TO STATES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 2202, 2246, 2281 of this title; title 20 section 1461.

§ 2211. Program authorized

(a) Grants to States

The Secretary of Education shall make grants to States in accordance with the provisions of this subchapter to support systems change and advocacy activities designed to assist States in

developing and implementing consumer-responsive comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2201(b)(1) of this title.

(b) Activities

Any State that receives a grant under section 2212 or 2213 of this title shall use the funds made available through the grant to accomplish the purposes described in section 2201(b)(1) of this title and, in accomplishing such purposes, may carry out any of the following systems change and advocacy activities:

(1) Model systems and alternative State-financed systems

The State may support activities to increase access to, and funding for, assistive technology, including—

(A) the development, and evaluation of the efficacy, of model delivery systems that provide assistive technology devices and assistive technology services to individuals with disabilities, that pay for such devices and services, and that, if successful, could be replicated or generally applied, such as—

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

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

(I) a loan system for assistive technology devices;

(II) an income-contingent loan fund;

(III) a low-interest loan fund;

(IV) a revolving loan fund;

(V) a loan insurance program; or

(VI) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices and the provision of assistive technology services;

(B) the demonstration of assistive technology devices, including—

(i) the provision of a location or locations within the State where—

(I) individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

(II) education, rehabilitation, health care, and other service providers;

(III) individuals who work for Federal, State, or local government entities; and

(IV) employers,

can see and touch assistive technology devices, and learn about the devices from personnel who are familiar with such devices and their applications;

(ii) the provision of counseling and assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives to determine individual needs for assistive technology devices and assistive technology services; and

(iii) the demonstration or short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 794 of this title; and

(C) the establishment of information systems about, and recycling centers for, the redistribution of assistive technology devices and equipment that may include device and equipment loans, rentals, or gifts.

(2) Interagency coordination

The State may support activities—

(A) to identify and coordinate Federal and State policies, resources, and services, relating to the provision of assistive technology devices and assistive technology services, including entering into interagency agreements;

(B) to convene interagency work groups to enhance public funding options and coordinate access to funding for assistive technology devices and assistive technology services for individuals with disabilities of all ages, with special attention to the issues of transition (such as transition from school to work, and transition from participation in programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), to participation in programs under part B of such Act (20 U.S.C. 1411 et seq.)) home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; or

(C) to document and disseminate information about interagency activities that promote coordination with respect to assistive technology devices and assistive technology services, including evidence of increased participation of State and local special education, vocational rehabilitation, and State medical assistance agencies and departments.

(3) Outreach

The State may carry out activities to encourage the creation or maintenance of, support, or provide assistance to, statewide and community-based organizations, or systems, that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services. Such activities may include outreach to consumer organizations and groups in the State to coordinate the activities of the organizations and groups with efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities and their family members, guardians, advocates, or authorized representatives, to obtain funding for, and access to, assistive technology devices and assistive technology services.

(4) Expenses

The State may pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and per-

sonal care assistants, that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need.

(5) Statewide needs assessment

The State may conduct a statewide needs assessment that may be based on data in existence on the date on which the assessment is initiated and may include—

(A) estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

(B) in the case of an assessment carried out under a development grant, a description of efforts, during the fiscal year preceding the first fiscal year for which the State received such a grant, to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

(i) the number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

(ii) a description of the devices and services provided;

(C) information on the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

(D) information on the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

(E) a description of State and local public resources and private resources (including insurance) that are available to establish a consumer-responsive comprehensive statewide program of technology-related assistance;

(F) information identifying Federal and State laws, regulations, policies, practices, procedures, and organizational structures, that facilitate or interfere with the operation of a consumer-responsive comprehensive statewide program of technology-related assistance;

(G) a description of the procurement policies of the State and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance made available through a grant made under section 2212 or 2213 of this title are compatible with other technology devices, including technology devices designed primarily for use by—

(i) individuals who are not individuals with disabilities;

(ii) individuals who are elderly; or

(iii) individuals with particular disabilities; and

(H) information resulting from an inquiry about whether a State agency or task force (composed of individuals representing the

State and individuals representing the private sector) should study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

(i) the purchase, lease, or other acquisition of assistive technology devices; or

(ii) the use of assistive technology services.

(6) Public awareness program

(A) In general

The State may—

(i) support a public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for—

(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

(II) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

(III) educators and related services personnel;

(IV) technology experts (including engineers);

(V) employers; and

(VI) other appropriate individuals and entities; or

(ii) establish and support such a program if no such program exists.

(B) Contents

Such a public awareness program may include—

(i) the development and dissemination of information relating to—

(I) the nature of assistive technology devices and assistive technology services;

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

(III) the efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

(ii) the development of procedures for providing direct communication among public providers of assistive technology devices and assistive technology services and between public providers and private providers of such devices and services (including employers); and

(iii) the development and dissemination of information relating to the use of the program by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, professionals who work in a field related to an activity described in this section, and other appropriate individuals.

(7) Training and technical assistance

The State may carry out directly, or may provide support to a public or private entity to

carry out, training and technical assistance activities—

(A) that—

(i) are provided for individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals; and

(ii) may include—

(I) training in the use of assistive technology devices and assistive technology services;

(II) the development of written materials, training, and technical assistance describing the means by which agencies consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing, for the individual, any individualized education program described in section 614(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(5)), any individualized written rehabilitation program described in section 722 of this title, any individualized family service plan described in section 677 of the Individuals with Disabilities Education Act (20 U.S.C. 1477), and any other individualized plans or programs;

(III) training regarding the rights of the persons described in clause (i) to assistive technology devices and assistive technology services under any law other than this chapter, to promote fuller independence, productivity, and inclusion in and integration into society of such persons; and

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

(B) that—

(i) enhance the assistive technology skills and competencies of—

(I) individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

(II) educators and related services personnel;

(III) technology experts (including engineers);

(IV) employers; and

(V) other appropriate personnel; and

(ii) include taking actions to facilitate the development of standards, or, when appropriate, the application of such standards, to ensure the availability of qualified personnel.

(8) Program data

The State may support the compilation and evaluation of appropriate data related to a program described in subsection (a) of this section.

(9) Access to technology-related information

(A) In general

The State may develop, operate, or expand a system for public access to information

concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such assistance, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities.

(B) Access

Access to the system may be provided through community-based entities, including public libraries, centers for independent living (as defined in section 796a(1) of this title), and community rehabilitation programs (as defined in section 706(25) of this title).

(C) System

In developing, operating, or expanding a system described in subparagraph (A), the State may—

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

(ii) identify and classify existing funding sources, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(iii) identify existing support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection; and

(iv) maintain a record of the extent to which citizens of the State use or make inquiries of the system established in subparagraph (A), and of the nature of such inquiries.

(D) Linkages

The information system may be organized on an interstate basis or as part of a regional consortium of States in order to facilitate the establishment of compatible, linked information systems.

(10) Interstate activities

(A) In general

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

(B) Electronic communication

The State may operate or participate in a computer system through which the State may electronically communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication

of efforts already undertaken in other States.

(11) Partnerships and cooperative initiatives

The State may support the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in—

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

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

(12) Advocacy services

The State may provide advocacy services.

(13) Other activities

The State may utilize amounts made available through grants made under section 2212 or 2213 of this title for any systems change and advocacy activities, other than the activities described in another paragraph of this subsection, that are necessary for developing, implementing, or evaluating the consumer-responsive comprehensive statewide program of technology-related assistance.

(c) Nonsupplantation

In carrying out systems change and advocacy activities under this subchapter, the State shall ensure that the activities supplement, and not supplant, similar activities that have been carried out pursuant to other Federal or State law.

(Pub. L. 100-407, title I, §101, Aug. 19, 1988, 102 Stat. 1047; Pub. L. 103-218, title I, §101, Mar. 9, 1994, 108 Stat. 57.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(1)(B)(iii), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (b)(2)(B), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended. Parts B and H of the Act are classified generally to subchapters II (§1411 et seq.) and VIII (§1471 et seq.), respectively, of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-218, §101(a), inserted “to support systems change and advocacy activities designed” after “provisions of this subchapter” and substituted “in developing and implementing” for “to develop and implement”.

Subsecs. (b), (c). Pub. L. 103-218, §101(b), added subsecs. (b) and (c) and struck out former subsecs. (b) and (c), which related to functions of programs and authorized activities.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2212, 2213, 2214 of this title.

§ 2212. Development grants

(a) General authority

The Secretary shall award to States 3-year grants to support systems change and advocacy

activities described in section 2211(b) of this title (including activities described in subsection (e)(7) of this section) to assist States in developing and implementing consumer-responsive comprehensive statewide programs of technology-related assistance for individuals with disabilities in accordance with the provisions of section 2211 of this title.

(b) Amounts of grants

(1) Grants to States

From amounts appropriated under section 2216 of this title, the Secretary shall pay to each State that receives a grant under this section—

(A) for each of the first 2 years of the grant period, an amount that is not less than \$500,000 and not more than \$1,000,000; and

(B) for the third year of the grant period, an amount that is not less than \$500,000 and not more than \$1,500,000.

(2) Grants to territories

From amounts appropriated under section 2216 of this title for any fiscal year, the Secretary shall pay to each territory that receives a grant under this section not more than \$150,000.

(3) Calculation of amounts

The Secretary shall calculate the amounts described in paragraphs (1) and (2) on the basis of—

(A) amounts available for making grants under this section;

(B) the population of the State or territory concerned; and

(C) the types of activities proposed by the State relating to the development of a consumer-responsive comprehensive statewide program of technology-related assistance.

(4) Priority for previously participating States

Amounts appropriated for purposes of carrying out the provisions of this section in each of the 2 fiscal years succeeding the fiscal year in which amounts are first appropriated for such purposes shall first be made available to States that received grants under this section during the fiscal year preceding the fiscal year concerned.

(5) Definitions

For purposes of this subsection:

(A) State

The term “State” does not include the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau.

(B) Territory

The term “territory” means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau (until the Compact of Free Association takes effect).

(c) Priorities for distribution

To the extent practicable, the Secretary shall award grants to States under this section in a manner that—

- (1) is geographically equitable; and
- (2) distributes the grants among States that have differing levels of development of consumer-responsive comprehensive statewide programs of technology-related assistance.

(d) Designation of lead agency

(1) Designation

The Governor of any State that desires to receive a grant under this section shall designate the office, agency, entity, or individual (referred to in this chapter as the “lead agency”) responsible for—

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

(B) administering and supervising the use of amounts made available under the grant;

(C)(i) coordinating efforts related to, and supervising the preparation of, the application;

(ii) coordinating the planning, development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

(iii) coordinating efforts related to, and supervising, the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

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

(2) Qualifications

In designating the lead agency, the Governor may designate—

(A) a commission appointed by the Governor;

(B) a public-private partnership or consortium;

(C) a university-affiliated program;

(D) a public agency;

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

(F) another appropriate office, agency, entity, or individual.

(3) Abilities of lead agency

The State shall provide, in accordance with subsection (e)(1) of this section, evidence that the lead agency has the ability—

(A) to respond to assistive technology needs across disabilities and ages;

(B) to promote the availability throughout the State of assistive technology devices and assistive technology services;

(C) to promote and implement systems change and advocacy activities;

(D) to promote and develop public-private partnerships;

(E) to exercise leadership in identifying and responding to the technology needs of

individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

(F) to promote consumer confidence, responsiveness, and advocacy; and

(G) to exercise leadership in implementing effective strategies for capacity building, staff and consumer training, and enhancement of access to funding for assistive technology devices and assistive technology services across agencies.

(e) Applications

Any State that desires to receive a grant under this section shall submit an application that contains the following information and assurances:

(1) Designation of the lead agency

Information identifying the lead agency designated by the Governor under subsection (d)(1) of this section, and the evidence described in subsection (d)(3) of this section.

(2) Agency involvement

A description of the nature and extent of involvement of various State agencies, including the State insurance department, in the preparation of the application and the continuing role of each agency in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance, including the identification of the available resources and financial responsibility of each agency for paying for assistive technology devices and assistive technology services.

(3) Involvement

(A) Consumer involvement

A description of procedures that provide for—

(i)(I) the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals, in the development, implementation, and evaluation of the program; and

(II) the active involvement, to the maximum extent appropriate, of individuals with disabilities who use assistive technology devices or assistive technology services, in decisions relating to such devices and services; and

(ii) mechanisms for determining consumer satisfaction and participation of individuals with disabilities who represent a variety of ages and types of disabilities, in the consumer-responsive comprehensive statewide program of technology-related assistance.

(B) Public involvement

A description of the nature and extent of—

(i) the involvement, in the designation of the lead agency under subsection (d) of this section, and in the development of the application, of—

(I) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

(II) other appropriate individuals who are not employed by a State agency; and
 (III) organizations, providers, and interested parties, in the private sector; and

(ii) the continuing role of the individuals and entities described in clause (i) in the program.

(4) Preliminary needs assessment

A tentative assessment of the extent of the need of individuals with disabilities in the State, including individuals from under-represented populations or rural populations, for a consumer-responsive comprehensive statewide program of technology-related assistance and a description of previous efforts and efforts continuing on the date of the application to develop a consumer-responsive comprehensive statewide program of technology-related assistance.

(5) State resources

A description of State resources and other resources (to the extent such information is available) that are available to commit to the development of a consumer-responsive comprehensive statewide program of technology-related assistance.

(6) Goals, objectives, activities, and outcomes

Information on the program with respect to—

(A) the goals and objectives of the State for the program;

(B) the systems change and advocacy activities that the State plans to carry out under the program; and

(C) the expected outcomes of the State for the program, consistent with the purposes described in section 2201(b)(1) of this title.

(7) Priority activities

(A) In general

An assurance that the State will use funds made available under this section or section 2213 of this title to accomplish the purposes described in section 2201(b)(1) of this title and the goals, objectives, and outcomes described in paragraph (6), and to carry out the systems change and advocacy activities described in paragraph (6)(B), in a manner that is consumer-responsive.

(B) Particular activities

An assurance that the State, in carrying out such systems change and advocacy activities, shall carry out activities regarding—

(i) the development, implementation, and monitoring of State, regional, and local laws, regulations, policies, practices, procedures, and organizational structures, that will improve access to, provision of, funding for, and timely acquisition and delivery of, assistive technology devices and assistive technology services;

(ii) the development and implementation of strategies to overcome barriers regarding access to, provision of, and funding for, such devices and services, with priority for identification of barriers to funding

through State education (including special education) services, vocational rehabilitation services, and medical assistance services or, as appropriate, other health and human services, and with particular emphasis on overcoming barriers for under-represented populations and rural populations;

(iii) coordination of activities among State agencies, in order to facilitate access to, provision of, and funding for, assistive technology devices and assistive technology services;

(iv) the development and implementation of strategies to empower individuals with disabilities and their family members, guardians, advocates, and authorized representatives, to successfully advocate for increased access to, funding for, and provision of, assistive technology devices and assistive technology services, and to increase the participation, choice, and control of such individuals with disabilities and their family members, guardians, advocates, and authorized representatives in the selection and procurement of assistive technology devices and assistive technology services;

(v) the provision of outreach to under-represented populations and rural populations, including identifying and assessing the needs of such populations, providing activities to increase the accessibility of services to such populations, training representatives of such populations to become service providers, and training staff of the consumer-responsive comprehensive statewide program of technology-related assistance to work with such populations; and

(vi) the development and implementation of strategies to ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly for children,

unless the State demonstrates through the progress reports required under section 2214 of this title that significant progress has been made in the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, and that other systems change and advocacy activities will increase the likelihood that the program will accomplish the purposes described in section 2201(b)(1) of this title.

(8) Assessment

An assurance that the State will conduct an annual assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, in order to determine—

(A) the extent to which the State's goals and objectives for systems change and advocacy activities, as identified in the State plan under paragraph (6), have been achieved; and

(B) the areas of need that require attention in the next year.

(9) Data collection

A description of—

(A) the data collection system used for compiling information on the program, consistent with such requirements as the Secretary may establish for such systems, and, when a national classification system is developed pursuant to section 2231 of this title, consistent with such classification system; and

(B) procedures that will be used to conduct evaluations of the program.

(10) Compliance with chapter

An assurance that amounts received under the grant will be expended in accordance with the provisions of this subchapter.

(11) Supplement other funds

An assurance that amounts received under the grant—

(A) will be used to supplement amounts available from other sources that are expended for technology-related assistance, including the provision of assistive technology devices and assistive technology services; and

(B) will not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices or assistive technology services) that would have been paid with amounts available from other sources if amounts under the grant had not been available, unless—

(i) such payment is made only to prevent a delay in the receipt of appropriate technology-related assistance (including the provision of assistive technology devices or assistive technology services) by an individual with a disability; and

(ii) the entity or agency responsible subsequently reimburses the appropriate account with respect to programs and activities under the grant in an amount equal to the amount of the payment.

(12) Control of funds and property

An assurance that—

(A) a public agency shall control and administer amounts received under the grant; and

(B) a public agency or an individual with a disability shall—

(i) hold title to property purchased with such amounts; and

(ii) administer such property.

(13) Reports

An assurance that the State will—

(A) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry out the Secretary's functions under this subchapter; and

(B) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this paragraph.

(14) Commingling of funds

An assurance that amounts received under the grant will not be commingled with State or other funds.

(15) Fiscal control and accounting procedures

An assurance that the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for amounts received under the grant.

(16) Availability of information

An assurance that the State will—

(A) make available to individuals with disabilities and their family members, guardians, advocates, or authorized representatives information concerning technology-related assistance in a form that will allow such individuals to effectively use such information; and

(B) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials.

(17) State policies with respect to contracts and agreements

A description of the policies governing contracts, grants, and other arrangements with public agencies, private nonprofit organizations, and other entities or individuals for the purpose of providing assistive technology devices and assistive technology services consistent with the provisions of this subchapter.

(18) Distribution procedure

An assurance that, to the extent practicable, technology-related assistance made available with amounts received under the grant will be equitably distributed among all geographical areas of the State.

(19) Authority to use funds

An assurance that the lead agency will have the authority to use funds made available through a grant made under this section or section 2213 of this title to comply with the requirements of this section or section 2213 of this title, respectively, including the ability to hire qualified staff necessary to carry out activities under the program.

(20) Protection and advocacy services

Either—

(A) an assurance that the State will annually provide, from the funds made available to the State through a grant made under this section or section 2213 of this title, an amount calculated in accordance with subsection (f)(4) of this section, in order to make a grant to, or enter into a contract with, an entity to support protection and advocacy services through the systems established to provide protection and advocacy under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), and section 794e of this title; or

(B) at the discretion of the State, a request that the Secretary annually reserve, from the funds made available to the State

through a grant made under this section or section 2213 of this title, an amount calculated in accordance with subsection (f)(4) of this section, in order for the Secretary to make a grant to or enter into a contract with such a system to support protection and advocacy services.

(21) Training activities

An assurance that the State—

(A) will develop and implement strategies for including personnel training regarding assistive technology within existing Federal- and State-funded training initiatives, in order to enhance assistive technology skills and competencies; and

(B) will document such training.

(22) Limit on indirect costs

An assurance that the percentage of the funds received under the grant that is used for indirect costs shall not exceed 10 percent.

(23) Coordination with State councils

An assurance that the lead agency will coordinate the activities funded through a grant made under this section or section 2213 of this title with the activities carried out by other councils within the State, including—

(A) any council or commission specified in the assurance provided by the State in accordance with section 721(a)(36) of this title;

(B) the Statewide Independent Living Council established under section 796d of this title;

(C) the advisory panel established under section 1413(a)(12) of title 20;

(D) the State Interagency Coordinating Council established under section 1482 of title 20;

(E) the State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024);

(F) the State mental health planning council established under section 300x-3 of title 42; and

(G) any council established under section 3015, 3017(g)(2)(A), or 3058g(a)(3)(H) of title 42.

(24) Coordination with other systems change and advocacy activities

An assurance that there will be coordination between the activities funded through the grant and other related systems change and advocacy activities funded by either Federal or State sources.

(25) Other information and assurances

Such other information and assurances as the Secretary may reasonably require.

(f) Protection and advocacy requirements

(1) Requirements

A State that, as of June 30, 1993, has provided for protection and advocacy services through an entity that—

(A) is capable of performing the functions that would otherwise be performed under subsection (e)(20) of this section by the system described in subsection (e)(20) of this section; and

(B) is not a system described in such subsection,

shall be considered to meet the requirements of such subsection. Such entity shall receive funding to provide such protection and advocacy services in accordance with paragraph (4), and shall comply with the same requirements of this subchapter (other than the requirements of such subsection) as a system that receives funding under such subsection.

(2) Protection and advocacy service provider report

(A) Preparation

A system that receives funds under subsection (e)(20) of this section to carry out the protection and advocacy services described in subsection (e)(20)(A) of this section in a State, or an entity described in paragraph (1) that carries out such services in the State, shall prepare reports that contain such information as the Secretary may require, including the following:

(i) A description of the activities carried out by the system or entity with such funds.

(ii) Documentation of significant progress, in providing protection and advocacy services, in each of the following areas:

(I) Conducting activities that are consumer-responsive, including activities that will lead to increased access to funding for assistive technology devices and assistive technology services.

(II) Executing legal, administrative, and other appropriate means of representation to implement systems change and advocacy activities.

(III) Developing and implementing strategies designed to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully advocate for assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this chapter.

(IV) Coordinating activities with protection and advocacy services funded through sources other than this chapter, and coordinating activities with the systems change and advocacy activities carried out by the State lead agency.

(B) Submission

The system or entity shall submit the reports to the program described in subsection (a) of this section in the State not less often than every 6 months.

(C) Updates

The system or entity shall provide monthly updates to the program described in subsection (a) of this section concerning the activities and information described in subparagraph (A).

(3) Consultation with State programs

Before making a grant or entering into a contract under subsection (e)(20)(B) of this section to support the protection and advocacy services described in subsection (e)(20)(A)

of this section in a State, the Secretary shall solicit and consider the opinions of the lead agency in the State with respect to the terms of the grant or contract.

(4) Calculation of expenditures

(A) In general

For each fiscal year, for each State receiving a grant under this section or section 2213 of this title, the Secretary shall specify a minimum amount that the State shall use to provide protection and advocacy services.

(B) Initial years of grant

Except as provided in subparagraph (C) or (D)—

(i) the Secretary shall calculate such minimum amount for a State based on the size of the grant, the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State; and

(ii) such minimum amount shall be not less than \$40,000 and not more than \$100,000.

(C) Fourth year of second extension grant

If a State receives a second extension grant under section 2213(a)(2) of this title, the Secretary shall specify a minimum amount under subparagraph (A) for the fourth year (if any) of the grant period that shall equal 75 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

(D) Fifth year of second extension grant

If a State receives a second extension grant under section 2213(a)(2) of this title, the Secretary shall specify a minimum amount under subparagraph (A) for the fifth year (if any) of the grant period that shall equal 50 percent of the minimum amount specified for the State under such subparagraph for the third year of the second extension grant of the State.

(E) Prohibition

After the fifth year (if any) of the grant period, no Federal funds may be made available under this subchapter by the State to a system described in subsection (e)(20) of this section or an entity described in paragraph (1).

(Pub. L. 100-407, title I, §102, Aug. 19, 1988, 102 Stat. 1052; Pub. L. 103-218, title I, §102, Mar. 9, 1994, 108 Stat. 63.)

REFERENCES IN TEXT

For Oct. 1, 1994, as the date the Compact of Free Association with Palau takes effect, referred to in subsec. (b)(5)(B), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

The Developmental Disabilities Assistance and Bill of Rights Act, referred to in subsec. (e)(20)(A), is title I of Pub. L. 88-164, as added by Pub. L. 98-527, §2, Oct. 19, 1984, 98 Stat. 2662, and amended, which is classified generally to chapter 75 (§6000 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 6000 of Title 42 and Tables.

The Protection and Advocacy for Mentally Ill Individuals Act, referred to in subsec. (e)(20)(A), probably means the Protection and Advocacy for Mentally Ill Individuals Act of 1986, Pub. L. 99-319, May 23, 1986, 100 Stat. 478, as amended, which is classified generally to chapter 114 (§10801 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 10801 of Title 42 and Tables.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-218, §102(1), substituted “3-year grants to support systems change and advocacy activities described in section 2211(b) of this title (including activities described in subsection (e)(7) of this section)” for “3-year grants” and “in developing and implementing consumer-responsive comprehensive statewide programs” for “to develop and implement statewide programs”.

Subsec. (b). Pub. L. 103-218, §102(2), (3), redesignated subsec. (c) as (b) and struck out heading and text of former subsec. (b). Text read as follows: “From amounts appropriated under section 2216 of this title, the Secretary shall award under this section, to the extent appropriate applications are submitted—

“(1) in the first fiscal year for which amounts are appropriated, not more than 10 grants on a competitive basis;

“(2) in the second fiscal year for which amounts are appropriated, not more than 20 grants on a competitive basis; and

“(3) in the third fiscal year for which amounts are appropriated, any number of grants on a competitive basis.”

Subsec. (b)(3)(C). Pub. L. 103-218, §102(4)(A), substituted “consumer-responsive comprehensive statewide program” for “statewide program”.

Subsec. (b)(5)(A). Pub. L. 103-218, §102(4)(B)(i), inserted heading after “(A)” and “United States” before “Virgin Islands” and substituted “Republic of Palau” for “Trust Territory of the Pacific Islands”.

Subsec. (b)(5)(B). Pub. L. 103-218, §102(4)(B)(ii), inserted heading after “(B)” and “United States” before “Virgin Islands” and substituted “Republic of Palau (until the Compact of Free Association takes effect)” for “Trust Territory of the Pacific Islands”.

Subsec. (c). Pub. L. 103-218, §102(3), redesignated subsec. (d) as (c). Former subsec. (c) redesignated (b).

Subsec. (c)(2). Pub. L. 103-218, §102(5), substituted “consumer-responsive comprehensive statewide programs” for “statewide programs”.

Subsec. (d). Pub. L. 103-218, §102(3), (6), added subsec. (d) and redesignated former subsec. (d) as (c).

Subsec. (e)(1) to (3). Pub. L. 103-218, §102(7)(A), added pars. (1) to (3) and struck out former pars. (1) to (3), which read as follows:

“(1) DESIGNATION OF RESPONSIBLE ENTITY.—The designation by the Governor of the office, agency, entity, or individual responsible for—

“(A) preparing the application;

“(B) administering and supervising the use of amounts made available under the grant;

“(C) planning and developing the statewide program of technology-related assistance;

“(D) coordination between public and private agencies, including the entering into of interagency agreements;

“(E) ensuring active, timely, and meaningful participation by individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals with respect to performing functions and carrying out activities under the grant; and

“(F) the delegation of any responsibilities described above, in whole or in part, to one or more appropriate offices, agencies, entities, or individuals.

“(2) AGENCY INVOLVEMENT.—A description of the nature and extent of involvement of various State agencies in the preparation of the application and the continuing role of such agencies in the development of the statewide program of technology-related assistance.

“(3) PUBLIC INVOLVEMENT.—A description of the nature and extent of involvement of individuals with disabilities, the families or representatives of such individuals, and other appropriate individuals who are not employed by a State agency in the development of the application and the continuing role of such individuals in the development of the statewide program of technology-related assistance.”

Subsec. (e)(4). Pub. L. 103-218, §102(7)(B), (C), substituted “consumer-responsive comprehensive statewide program” for “statewide program” in two places and “underrepresented populations or rural populations” for “underserved groups”.

Subsec. (e)(5). Pub. L. 103-218, §102(7)(C), substituted “consumer-responsive comprehensive statewide program” for “statewide program”.

Subsec. (e)(6). Pub. L. 103-218, §102(7)(D), (F), added subpar. (6) and struck out heading and text of former subpar. (6). Text read as follows: “The State’s goals, objectives, functions, and activities planned under the grant, and the expected outcomes at the end of the grant period with respect to a consumer-responsive statewide program of technology-related assistance, consistent with the purposes described in section 2201(b)(1) of this title.”

Subsec. (e)(7). Pub. L. 103-218, §102(7)(D), (F), added par. (7) and struck out heading and text of former par. (7). Text read as follows: “A description of—

“(A) procedures used for compiling information; and

“(B) procedures that will be used to conduct evaluations.”

Subsec. (e)(8), (9). Pub. L. 103-218, §102(7)(E), (F) added pars. (8) and (9) and redesignated former pars. (8) and (9) as (17) and (18), respectively.

Subsec. (e)(11)(B)(i), (12)(B). Pub. L. 103-218, §102(7)(G), substituted “individual with a disability” for “individual with disabilities”.

Subsec. (e)(16)(A). Pub. L. 103-218, §102(7)(H), substituted “their family members, guardians, advocates, or authorized representatives” for “the families or representatives of individuals with disabilities”.

Subsec. (e)(17). Pub. L. 103-218, §102(7)(D), (E), redesignated par. (8) as (17) and struck out heading and text of former par. (17). Text read as follows: “Such other information and assurances as the Secretary may reasonably require.”

Subsec. (e)(18). Pub. L. 103-218, §102(7)(E), redesignated par. (9) as (18).

Subsec. (e)(19) to (25). Pub. L. 103-218, §102(7)(I), added pars. (19) to (25).

Subsec. (f). Pub. L. 103-218, §102(8), added subsec. (f).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2211, 2213, 2214, 2215, 2282 of this title.

§ 2213. Extension grants

(a) Extension grants

(1) Initial extension grant

The Secretary may award an initial extension grant, for a period of 2 years, to any State that meets the standards specified in subsection (b)(1) of this section.

(2) Second extension grant

The Secretary may award a second extension grant, for a period of not more than 5 years, to any State that meets the standards specified in subsection (b)(2) of this section.

(b) Standards

(1) Initial extension grant

In order for a State to receive an initial extension grant under this section, the designated lead agency of the State shall—

(A) provide the evidence described in section 2212(d)(3) of this title; and

(B) demonstrate that the State has made significant progress, and has carried out systems change and advocacy activities that have resulted in significant progress, toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2201(b)(1), 2211, and 2212 of this title.

(2) Second extension grant

(A) Responsibilities of designated lead agency

In order for a State to receive a second extension grant under this section, the designated lead agency shall—

(i) provide the evidence and make the demonstration described in paragraph (1);

(ii) describe the steps the State has taken or will take to continue on a permanent basis the consumer-responsive comprehensive statewide program of technology-related assistance with the ability to maintain, at a minimum, the outcomes achieved by the systems change and advocacy activities; and

(iii) identify future funding options and commitments for the program from the public and private sector and the key individuals, agencies, and organizations to be involved in, and to direct future efforts of, the program.

(B) Determination of compliance

In making any award to a State for a second extension grant, the Secretary shall (except as provided in section 2215(a)(2)(A)(iii) of this title) make such award contingent on a determination, based on the onsite visit required under section 2215(a)(2)(A)(ii) of this title, that the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance. If the Secretary determines that the State is not making such progress, the Secretary may take an action described in section 2215(b)(2) of this title, in accordance with the applicable procedures described in section 2215 of this title.

(c) Amounts of grants

(1) Initial extension grants

(A) In general

(i) States

From amounts appropriated under section 2216 of this title for any fiscal year, the Secretary shall pay an amount that is not less than \$500,000 and not greater than \$1,500,000 to each State (other than a State described in clause (ii)) that receives an initial extension grant under subsection (a)(1) of this section.

(ii) Territories

From amounts appropriated under section 2216 of this title for any fiscal year, the Secretary shall pay an amount that is not greater than \$150,000 to any of the fol-

lowing States that receives an initial extension grant under subsection (a)(1) of this section:

- (I) The United States Virgin Islands.
- (II) Guam.
- (III) American Samoa.
- (IV) The Commonwealth of the Northern Mariana Islands.
- (V) The Republic of Palau (until the Compact of Free Association takes effect).

(B) Calculation of amount

The Secretary shall calculate the amount described in clause (i) or (ii) of subparagraph (A) with respect to a State on the basis of—

- (i) amounts available for making grants pursuant to subsection (a)(1) of this section;
- (ii) the population of the State;
- (iii) the types of assistance to be provided in the State; and
- (iv) the amount of resources committed by the State and available to the State from other sources.

(C) Priority for previously participating States

Amounts appropriated in any fiscal year for purposes of carrying out subsection (a)(1) of this section shall first be made available to States that received assistance under this section during the fiscal year preceding the fiscal year concerned.

(D) Increases

In providing any increases in initial extension grants under subsection (a)(1) of this section above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to—

- (i) the States (other than the States described in subparagraph (A)(ii)) that have the largest populations, based on the most recent census data; and
- (ii) the States (other than the States described in subparagraph (A)(ii)) that are sparsely populated, with a wide geographic spread,

where such characteristics have impeded the development of a consumer-responsive, comprehensive statewide program of technology-related assistance.

(2) Second extension grants

(A) Amounts and priority

The amounts of, and the priority of applicants for, the second extension grants awarded under subsection (a)(2) of this section shall be determined by the Secretary, except that—

- (i) the amount paid to a State for the fourth year (if any) of the grant period shall be 75 percent of the amount paid to the State for the third year of the grant period;
- (ii) the amount paid to a State for the fifth year (if any) of the grant period shall be 50 percent of the amount paid to the State for the third year of the grant period; and
- (iii) after the fifth year of the grant period, no Federal funds may be made available to the State under this subchapter.

(B) Increases

In providing any increases in second extension grants under subsection (a)(2) of this section above the amounts provided to States under this section for fiscal year 1993, the Secretary may give priority to States described in paragraph (1)(D).

(d) Application

A State that desires to receive an extension grant under this section shall submit an application to the Secretary that contains the following information and assurances with respect to the consumer-responsive comprehensive statewide program of technology-related assistance in the State:

(1) Information and assurances

The information and assurances described in section 2212(e) of this title, except the preliminary needs assessment described in section 2212(e)(4) of this title.

(2) Needs; problems; strategies; outreach

(A) Needs

A description of needs relating to technology-related assistance of individuals with disabilities (including individuals from underrepresented populations or rural populations) and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals within the State.

(B) Problems

A description of any problems or gaps that remain with the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance in the State.

(C) Strategies

A description of the strategies that the State will pursue during the grant period to remedy the problems or gaps with the development and implementation of such a program.

(D) Outreach activities

A description of outreach activities to be conducted by the State, including dissemination of information to eligible populations, with special attention to underrepresented populations and rural populations.

(3) Activities and progress under previous grant

A description of—

(A) the specific systems change and advocacy activities described in section 2211(b) of this title (including the activities described in section 2212(e)(7)¹ of this title) carried out under the development grant received by the State under section 2212 of this title, or, in the case of an application for a grant under subsection (a)(2) of this section, under an initial extension grant received by the State under this section, including—

- (i) a description of systems change and advocacy activities that were undertaken

¹ See References in Text note below.

to produce change on a permanent basis for individuals with disabilities of all ages;

(ii) a description of activities undertaken to improve the involvement of individuals with disabilities in the program, including training and technical assistance efforts to improve individual access to assistive technology devices and assistive technology services as mandated under other laws and regulations as in effect on the date of the application, and including actions undertaken to improve the participation of underrepresented populations and rural populations, such as outreach efforts; and

(iii) an evaluation of the impact and results of the activities described in clauses (i) and (ii);

(B) the relationship of such systems change and advocacy activities to the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

(C) the progress made toward the development and implementation of such a program.

(4) Public involvement

(A) Report

In the case of an application for a grant under subsection (a)(1) of this section, a report on the hearing described in subsection (e)(1) of this section or, in the case of an application for a grant under subsection (a)(2) of this section, a report on the hearing described in subsection (e)(2) of this section.

(B) Other State actions

A description of State actions, other than such a hearing, designed to determine the degree of satisfaction of individuals with disabilities, and their family members, guardians, advocates, or authorized representatives, public service providers and private service providers, educators and related services providers, technology experts (including engineers), employers, and other appropriate individuals and entities with—

(i) the degree of their ongoing involvement in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance;

(ii) the specific systems change and advocacy activities described in section 2211(b) of this title (including the activities described in section 2212(e)(7) of this title) carried out by the State under the development grant or the initial extension grant;

(iii) progress made toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

(iv) the ability of the lead agency to carry out the activities described in section 2212(d)(3) of this title.

(5) Comments

A summary of any comments received concerning the issues described in paragraph (4)

and response of the State to such comments, solicited through a public hearing referred to in paragraph (4) or through other means, from individuals affected by the consumer-responsive comprehensive statewide program of technology-related assistance, including—

(A) individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

(B) public service providers and private service providers;

(C) educators and related services personnel;

(D) technology experts (including engineers);

(E) employers; and

(F) other appropriate individuals and entities.

(6) Compatibility and accessibility of electronic equipment

An assurance that the State, or any recipient of funds made available to the State under section 2212 of this title, will comply with guidelines established under section 794d of this title.

(e) Public hearing

(1) Initial extension grant

To be eligible to receive a grant under subsection (a)(1) of this section, a State shall hold a public hearing in the third year of a program carried out under a grant made under section 2212 of this title, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

(2) Second extension grant

To be eligible to receive a grant under subsection (a)(2) of this section, a State shall hold a public hearing in the second year of a program carried out under a grant made under subsection (a)(1) of this section, after providing the notice described in paragraph (1).

(Pub. L. 100-407, title I, §103, Aug. 19, 1988, 102 Stat. 1055; Pub. L. 103-218, title I, §103, Mar. 9, 1994, 108 Stat. 70.)

REFERENCES IN TEXT

For Oct. 1, 1994, as the date the Compact of Free Association with Palau takes effect, referred to in subsec. (c)(1)(A)(ii)(V), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

Section 2212(e)(7) of this title, referred to in subsec. (d)(3)(A), was in the original "section 1012(e)(7)", and was translated as reading "section 102(e)(7)", meaning section 102(e)(7) of Pub. L. 100-407, to reflect the probable intent of Congress, because Pub. L. 100-407 does not contain a section 1012.

AMENDMENTS

1994—Pub. L. 103-218 amended section generally, substituting subssecs. (a) to (e) which set up a two-tiered extension grant system and set out standards of eligibility, calculation of amounts of grants, application procedure, and public hearing requirement for former subssecs. (a) to (c) which authorized an extension grant and set out calculations of amounts of such grant, priority for States which received grants in preceding year, application and comment procedure, and directed

compatibility and accessibility of electronic equipment.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2211, 2212, 2214, 2215, 2282 of this title.

§ 2214. Progress criteria and reports

(a) Guidelines

The Secretary shall develop guidelines to be used in assessing the extent to which a State that received a grant under section 2212 or 2213 of this title is making significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance consistent with section 2201(b)(1) of this title.

(b) Reports

Each State that receives a grant under section 2212 or 2213 of this title to carry out such a program shall submit annually to the Secretary a report that documents significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with sections 2201(b)(1), 2211, and 2212(e) of this title, and that documents the following:

(1) The progress the State has made, as determined in the State's annual assessment described in section 2212(e)(8) of this title (consistent with the guidelines established by the Secretary under subsection (a) of this section), in achieving the State's goals, objectives, and outcomes as identified in the State's application as described in section 2212(e)(6) of this title, and areas of need that require attention in the next year, including unanticipated problems with the achievement of the goals, objectives, and outcomes described in the application, and the activities the State has undertaken to rectify these problems.

(2) The systems change and advocacy activities carried out by the State including—

(A) an analysis of the laws, regulations, policies, practices, procedures, and organizational structures that the State has changed, has attempted to change, or will attempt to change during the next year, to facilitate and increase timely access to, provision of, or funding for, assistive technology devices and assistive technology services; and

(B) a description of any written policies and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services, particularly policies and procedures regarding access to, provision of, and funding for, such devices and services under education (including special education), vocational rehabilitation, and medical assistance programs.

(3) The degree of involvement of various State agencies, including the State insurance department, in the development, implementation, and evaluation of the program, including any interagency agreements that the State has developed and implemented regarding access to, provision of, and funding for, assistive

technology devices and assistive technology services such as agreements that identify available resources for assistive technology devices and assistive technology services and the responsibility of each agency for paying for such devices and services.

(4) The activities undertaken to collect and disseminate information about the documents or activities analyzed or described in paragraphs (1) through (3), including outreach activities to underrepresented populations and rural populations and efforts to disseminate information by means of electronic communication.

(5) The involvement of individuals with disabilities who represent a variety of ages and types of disabilities in the planning, development, implementation, and assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, including activities undertaken to improve such involvement, such as consumer training and outreach activities to underrepresented populations and rural populations.

(6) The degree of consumer satisfaction with the program, including satisfaction by underrepresented populations and rural populations.

(7) Efforts to train personnel as well as consumers.

(8) Efforts to reduce the service delivery time for receiving assistive technology devices and assistive technology services.

(9) Significant progress in the provision of protection and advocacy services, in each of the areas described in section 2212(f)(2)(A)(ii) of this title.

(Pub. L. 100-407, title I, §104, Aug. 19, 1988, 102 Stat. 1056; Pub. L. 103-218, title I, §104, Mar. 9, 1994, 108 Stat. 75.)

AMENDMENTS

1994—Pub. L. 103-218 amended section generally, substituting provisions directing Secretary to develop guidelines to assess the progress of States receiving grants under section 2212 or 2213 of this title in developing and implementing consumer-responsive comprehensive statewide program of technology-related assistance and directing such States to submit annual report to Secretary documenting such progress for provisions directing States receiving grants under this subchapter or section 2212 or 2213 of this title to submit annual report to Secretary describing activities carried out under grants and their impact.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2212, 2215 of this title.

§ 2215. Administrative provisions

(a) Review of participating States

(1) In general

The Secretary shall establish a system to assess the extent to which States that receive grants pursuant to this subchapter are making significant progress in achieving the purposes of this subchapter, consistent with the guidelines established under section 2214(a) of this title.

(2) Onsite visits**(A) Visits****(i) Development grant program**

The Secretary shall conduct an onsite visit during the final year of each State's participation in the development grant program.

(ii) Extension grant program

Except as provided in clause (iii), the Secretary shall conduct an additional onsite visit to any State that applies for a second extension grant under section 2213(a)(2) of this title and whose initial onsite visit occurred prior to March 9, 1994. The Secretary shall conduct any such visit to the State not later than 12 months after the date on which the Secretary awards the second extension grant.

(iii) Determination

The Secretary shall not be required to conduct a visit described in clause (ii) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance.

(B) Team

Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers, who—

- (i) shall not be lead agency personnel;
- (ii) shall be from States other than the State being monitored; and
- (iii) shall include an individual with a disability, or a family member, a guardian, an advocate, or an authorized representative of such an individual.

(C) Compensation**(i) Officers or employees**

Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5 for individuals in the Government service traveling on official business.

(ii) Other members

Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the rate of pay for level IV of the Executive Schedule under section 5315 of title 5 for each day (including travel-time) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for individuals in the Government service employed intermittently.

(D) Report

The Secretary shall prepare a report of findings from the onsite visit. The Secretary shall consider the findings in determining whether to continue funding the program either with or without changes. The report shall be available to the public.

(3) Advance public notice

The Secretary shall provide advance public notice of the onsite visit and solicit public comment through such notice from individuals with disabilities and their family members, guardians, advocates, and authorized representatives, public service providers and private service providers, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals and entities, regarding the State program funded through a grant made under section 2212 or 2213 of this title. The public comment solicitation notice shall be included in the onsite visit report described in paragraph (2).

(4) Minimum requirements

At a minimum the visits shall allow the Secretary to determine the extent to which the State is making significant progress in developing a consumer-responsive comprehensive statewide program of technology-related assistance consistent with the purposes described in section 2201(b)(1) of this title.

(5) Provision of information

To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) Corrective action plan**(1) In general**

Any State that fails to comply with the requirements of this subchapter shall be subject to a corrective action plan.

(2) Corrective actions

A State that fails to comply with the requirements of this subchapter may be subject to corrective actions such as—

- (A) partial or complete fund termination;
- (B) ineligibility to participate in the grant program in the following year;
- (C) reduction in funding for the following year; or
- (D) required redesignation of the lead agency, in accordance with subsection (c) of this section.

(3) Appeals procedures

The Secretary shall establish appeals procedures for States that are found in noncompliance with the provisions of this subchapter as the result of an onsite visit or failure to supply information required under subsection (a)(5) of this section.

(c) Redesignation of lead agency**(1) Monitoring panel****(A) Appointment**

Once a State becomes subject to a corrective action plan pursuant to subsection (b) of

this section, the Governor of the State, subject to approval by the Secretary, shall appoint, within 30 days after the submission of the plan to the Secretary, a monitoring panel consisting of the following representatives:

(i) The head of the lead agency designated by the Governor.

(ii) 2 representatives from different public or private nonprofit organizations that represent the interests of individuals with disabilities.

(iii) 2 consumers who are users of assistive technology devices and assistive technology services and who are not—

(I) members of the advisory council, if any, of the consumer-responsive comprehensive statewide program of technology-related assistance; or

(II) employees of the State lead agency.

(iv) 2 service providers with knowledge and expertise in assistive technology devices and assistive technology services.

(B) Membership and chairperson

The monitoring panel shall be ethnically diverse. The panel shall select a chairperson from among the members of the panel.

(C) Information

The panel shall receive periodic reports from the State regarding progress in implementing the corrective action plan and shall have the authority to request additional information necessary to determine compliance.

(D) Meetings

The meetings of the panel to determine compliance shall be open to the public (subject to confidentiality concerns) and held at locations that are accessible to individuals with disabilities.

(E) Period

The panel shall carry out the duties of the panel for the entire period of the corrective action plan, as determined by the Secretary.

(F) Funding

The panel shall be funded by a portion of the funds received by the State under this subchapter, as directed by the Secretary.

(2) Failure to appoint monitoring panel

A failure by a Governor of a State to comply with the requirements of paragraph (1) shall result in the termination of funding for the State under this subchapter.

(3) Determination

(A) Panel

Based on its findings, a monitoring panel may determine that a lead agency designated by a Governor has not accomplished the purposes described in section 2201(b)(1) of this title and that there is good cause for redesignation of the agency and the temporary loss of funds by the State under this subchapter.

(B) Good cause

In this paragraph, the term “good cause” includes—

(i) lack of progress with employment of qualified staff;

(ii) lack of consumer-responsive activities;

(iii) lack of resource allocation to systems change and advocacy activities;

(iv) lack of progress with meeting the assurances in section 2212(e) of this title; or

(v) inadequate fiscal management.

(C) Recommendation and action

If a monitoring panel makes such a determination, the panel shall recommend to the Secretary that further remedial action be taken or that the Secretary order the Governor to redesignate the lead agency within 90 days or lose funds under this subchapter. The Secretary, based on the findings and recommendations of the monitoring panel, and after providing to the public notice and an opportunity for comment, shall make a final determination regarding whether to order the Governor to redesignate the lead agency. The Governor shall make any such redesignation in accordance with the requirements that apply to designations under section 2212(d) of this title.

(d) Change of protection and advocacy services provider

(1) Determination

The Governor of a State, based on input from individuals with disabilities and their family members, guardians, advocates, or authorized representatives, may determine that the entity providing protection and advocacy services required by section 2212(e)(20) of this title (referred to in this subsection as the “first entity”) has not met the protection and advocacy service needs of the individuals with disabilities and their family members, guardians, advocates, or authorized representatives, for securing funding for and access to assistive technology devices and assistive technology services, and that there is good cause to provide the protection and advocacy services for the State through a contract with a second entity.

(2) Notice and opportunity to be heard

On making such a determination, the Governor may not enter into a contract with a second entity to provide the protection and advocacy services unless good cause exists and unless—

(A) the Governor has given the first entity 30 days notice of the intention to enter into such contract, including specification of the good cause, and an opportunity to respond to the assertion that good cause has been shown;

(B) individuals with disabilities and their family members, guardians, advocates, or authorized representatives, have timely notice of the determination and opportunity for public comment; and

(C) the first entity has the opportunity to appeal the determination to the Secretary within 30 days of the determination on the basis that there is not good cause to enter into the contract.

(3) Redesignation**(A) In general**

When the Governor of a State determines that there is good cause to enter into a contract with a second entity to provide the protection and advocacy services, the Governor shall hold an open competition within the State and issue a request for proposals by entities desiring to provide the services.

(B) Timing

The Governor shall not issue such request until the first entity has been given notice and an opportunity to respond. If the first entity appeals the determination to the Secretary in accordance with paragraph (2)(C), the Governor shall issue such request only if the Secretary decides not to overturn the determination of the Governor. The Governor shall issue such request within 30 days after the end of the period during which the first entity has the opportunity to respond, or after the decision of the Secretary, as appropriate.

(C) Procedure

Such competition shall be open to entities with the same expertise and ability to provide legal services as a system referred to in section 2212(e)(20) of this title. The competition shall ensure public involvement, including a public hearing and adequate opportunity for public comment.

(e) Annual report**(1) In general**

Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Congress, a report on Federal initiatives, including the initiatives funded under this chapter, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

(2) Contents

Such report shall include information on—

(A) the demonstrated successes of such Federal initiatives at the Federal and State levels in improving interagency coordination, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

(B) the demonstration activities carried out through the Federal initiatives to—

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

(ii) establish additional options for obtaining such funding;

(C) the education and training activities carried out through the Federal initiatives to promote such access in public programs and the health care system and the efforts carried out through such activities to train professionals in a variety of relevant disciplines, and increase the competencies of the professionals with respect to technology-related assistance;

(D) the education and training activities carried out through the Federal initiatives to train individuals with disabilities and their family members, guardians, advocates, or authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals, about technology-related assistance;

(E) the education and training activities carried out through Federal initiatives to promote awareness of available funding in public programs;

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

(G) the program outreach activities to rural and inner-city areas that are carried out through the Federal initiatives;

(H) the activities carried out through the Federal initiatives that are targeted to reach underrepresented populations and rural populations; and

(I) the consumer involvement activities in the programs carried out under this chapter.

(3) Availability of assistive technology devices and assistive technology services

As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services. When a national classification system for assistive technology devices and assistive technology services is developed pursuant to section 2231 of this title, the Secretary shall report such information in a manner consistent with such national classification system.

(f) Interagency Disability Coordinating Council**(1) Contents**

On or before October 1, 1995, the Interagency Disability Coordinating Council established under section 794c of this title shall prepare and submit to the President and to the Congress a report containing—

(A) the response of the Interagency Disability Coordinating Council to—

(i) the findings of the National Council on Disability resulting from the study entitled “Study on the Financing of Assistive Technology Devices and Services for Individuals with Disabilities”, carried out in accordance with section 2231 of this title, as in effect on the day before March 9, 1994; and

(ii) the recommendations of the National Council on Disability for legislative and administrative change, resulting from such study; and

(B) information on any other activities of the Interagency Disability Coordinating Council that facilitate the accomplishment of section 2201(b)(1) of this title with respect to the Federal Government.

(2) Comments

The report shall include any comments submitted by the National Council on Disability as to the appropriateness of the response described in paragraph (1)(A) and the effectiveness of the activities described in paragraph (1)(B) in meeting the needs of individuals with disabilities for assistive technology devices and assistive technology services.

(g) Effect on other assistance

This subchapter may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available or to alter eligibility under any other Federal law.

(Pub. L. 100-407, title I, §105, Aug. 19, 1988, 102 Stat. 1057; Pub. L. 101-476, title IX, §901(a)(2), Oct. 30, 1990, 104 Stat. 1142; Pub. L. 103-218, title I, §105, Mar. 9, 1994, 108 Stat. 76.)

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-218, §105(a)(1), inserted before period at end “, consistent with the guidelines established under section 2214(a) of this title”.

Subsec. (a)(2). Pub. L. 103-218, §105(a)(2), added par. (2) and struck out heading and text of former par. (2). Text read as follows:

“(A) The Secretary shall conduct an onsite visit during the final year of each State’s participation in the development grant program. Two-thirds of the onsite monitoring team in each case shall be qualified peer reviewers from other participating States.

“(B)(i) Members of any onsite monitoring team who are officers or full-time employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States, but they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5702 of title 5 for individuals in the Government service traveling on official business.

“(ii) Members of any onsite monitoring team who are not officers or full-time employees of the United States shall receive compensation at a rate not to exceed the daily equivalent of the pay rate specified for GS-18 of the General Schedule under section 5332 of title 5 for each day (including traveltime) during which such members are engaged in the actual performance of their duties as members of an onsite monitoring team. In addition, such members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for individuals in the Government service employed intermittently.”

Subsec. (a)(3). Pub. L. 103-218, §105(a)(4), added par. (3). Former par. (3) redesignated (4).

Subsec. (a)(4). Pub. L. 103-218, §105(a)(5), substituted “consumer-responsive comprehensive statewide program” for “statewide program”.

Pub. L. 103-218, §105(a)(3), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (a)(5). Pub. L. 103-218, §105(a)(3), redesignated par. (4) as (5).

Subsec. (b)(2). Pub. L. 103-218, §105(b)(1)(A), (B), substituted “Corrective actions” for “Penalties” in heading and “corrective actions” for “penalties” in introductory provisions.

Subsec. (b)(2)(D). Pub. L. 103-218, §105(b)(1)(C)-(E), added subpar. (D).

Subsec. (b)(3). Pub. L. 103-218, §105(b)(2), substituted “subsection (a)(5) of this section” for “subsection (a)(4) of this section”.

Subsec. (c). Pub. L. 103-218, §105(c), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Nothing in this subchapter shall be construed to permit the State or any Federal agency to reduce medical or other assistance available or to alter eligibility under—

“(1) title II, V, XVI, XVIII, XIX, or XX of the Social Security Act;

“(2) the Individuals with Disabilities Education Act;

“(3) the Rehabilitation Act of 1973; or

“(4) laws relating to veterans’ benefits.”

Subsecs. (d) to (g). Pub. L. 103-218, §105(c)(2), added subsecs. (d) to (g).

1990—Subsec. (c)(2). Pub. L. 101-476 substituted “Individuals with Disabilities Education Act” for “Education of the Handicapped Act”.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-476 effective Oct. 1, 1990, see section 1001 of Pub. L. 101-476, set out as a note under section 1087ee of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2213, 2216 of this title.

§ 2216. Authorization of appropriations**(a) Authorization of appropriations**

There are authorized to be appropriated to carry out this subchapter \$50,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

(b) Reservations**(1) Provision of information and technical assistance****(A) In general**

Of the funds appropriated for any fiscal year under subsection (a) of this section, the Secretary shall reserve at least 2 percent or \$1,500,000, whichever is greater, of such funds, for the purpose of providing information and technical assistance as described in subparagraphs (B) and (C) to States, individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies.

(B) Technical assistance to States

In providing such information and technical assistance to States, the Secretary shall consider the input of the directors of consumer-responsive comprehensive statewide programs of technology-related assistance, shall provide a clearinghouse for activities that have been developed and implemented through programs funded under this subchapter, and shall provide information and technical assistance that—

(i) facilitate service delivery capacity building, training of personnel from a variety of disciplines, and improvement of evaluation strategies, research, and data collection;

(ii) foster the development and replication of effective approaches to information referral, interagency coordination of training and service delivery, outreach to underrepresented populations and rural populations, and public awareness activities;

(iii) improve the awareness and adoption of successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive tech-

nology services by appropriate State agencies;

(iv) assist in planning, developing, implementing, and evaluating appropriate activities to further extend consumer-responsive comprehensive statewide programs of technology-related assistance;

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

(vi) provide technical assistance and training to the entities carrying out activities funded pursuant to this subchapter, to establish or participate in electronic communication activities with other States; and

(vii) provide any other appropriate information and technical assistance to assist the States in accomplishing the purposes of this chapter.

(C) Information and technical assistance to individuals with disabilities and other persons

The Secretary shall provide information and technical assistance to individuals with disabilities and their family members, guardians, advocates, or authorized representatives, community-based organizations, and protection and advocacy agencies, on a nationwide basis, to—

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

(ii) identify, collect, and disseminate information, and provide technical assistance, on effective systems change and advocacy activities;

(iii) improve the understanding and use of assistive technology funding decisions made as a result of policies, practices, and procedures, or through regulations, administrative hearings, or legal actions, that enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

(iv) promote effective approaches to Federal-State coordination of programs for individuals with disabilities, through information dissemination and technical assistance activities in response to funding policy issues identified on a nationwide basis by organizations, and individuals, that improve funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages; and

(v) promote effective approaches to the development of consumer-controlled systems that increase access to, funding for,

and awareness of, assistive technology devices and assistive technology services, including the identification and description of mechanisms and means that successfully support self-help and peer mentoring groups for individuals with disabilities.

(D) Coordination

The Secretary shall coordinate the information and technical assistance activities carried out under subparagraph (B) or (C) with other activities funded under this chapter.

(E) Grants, contracts, or cooperative agreements

(i) In general

The Secretary shall provide the technical assistance and information described in subparagraphs (B) and (C) through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to carry out identified activities related to the provision of such technical assistance and information.

(ii) Entities with expertise in assistive technology service delivery, interagency coordination, and systems change and advocacy activities

For the purpose of achieving the objectives described in paragraph (1)(B), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in assistive technology service delivery, interagency coordination, and systems change and advocacy activities.

(iii) Entities with expertise in assistive technology systems change and advocacy activities, public funding options, and other services

For the purpose of achieving the objectives described in paragraph (1)(C), the Secretary shall reserve not less than 45 percent and not more than 55 percent of the funds reserved under subparagraph (A) for each fiscal year for grants to, or contracts or cooperative agreements with, public or private agencies or organizations with documented experience with and expertise in—

(I) assistive technology systems change and advocacy activities;

(II) public funding options; and

(III) services to increase nationwide the availability of funding for assistive technology devices and assistive technology services.

(iv) Application

The Secretary shall make any grants, and enter into any contracts or cooperative agreements, under this subsection on

a competitive basis. To be eligible to receive funds under this subsection an agency, organization, or institution shall submit an application to the Secretary at such time, in such manner, and containing such information, as the Secretary may require.

(2) Onsite visits

The Secretary may reserve, from amounts appropriated for any fiscal year under subsection (a) of this section, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 2215(a)(2) of this title.

(Pub. L. 100-407, title I, §106, Aug. 19, 1988, 102 Stat. 1058; Pub. L. 103-218, title I, §106, Mar. 9, 1994, 108 Stat. 82.)

AMENDMENTS

1994—Pub. L. 103-218 amended section generally. Prior to amendment, section read as follows:

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this subchapter \$9,000,000 for the fiscal year 1989 and such sums as may be necessary for each succeeding fiscal year ending before October 1, 1993.

“(b) RESERVATION.—

“(1) PROVISION OF INFORMATION.—The Secretary shall reserve 1 percent of funds appropriated in any fiscal year under subsection (a) of this section, or \$500,000, whichever is greater, for the purpose of providing States with information and technical assistance with respect to the development and implementation of consumer-responsive statewide programs of technology-related assistance.

“(2) ONSITE VISITS.—The Secretary may reserve from amounts appropriated in any fiscal year under subsection (a) of this section such sums as the Secretary considers necessary for the purposes of conducting onsite visits as required by section 2215(a)(2) of this title.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2212, 2213, 2231 of this title.

§ 2217. Repealed. Pub. L. 103-218, title I, § 107, Mar. 9, 1994, 108 Stat. 85

Section, Pub. L. 100-407, title I, §107, Aug. 19, 1988, 102 Stat. 1058, directed Secretary of Education to conduct national evaluation of program of grants to States authorized by this subchapter and to report to Congress on results not later than Oct. 1, 1992.

SUBCHAPTER II—PROGRAMS OF NATIONAL SIGNIFICANCE

PART A—NATIONAL CLASSIFICATION SYSTEM

§ 2231. Classification system

(a) System development project

(1) In general

In fiscal year 1995, the Secretary shall initiate a system development project, based on a plan developed in consultation and coordination with other appropriate Federal and State agencies, to develop a national classification system for assistive technology devices and assistive technology services, with the goal of obtaining uniform data through such a system on such devices and services across public programs and information and referral networks.

(2) Project plan

(A) Representatives

In developing a plan for the system development project, the Secretary shall consult with, and coordinate activities with—

(i) representatives of Federal agencies, including agencies that are headed by members of the Interagency Disability Coordinating Council established under section 507 of the Rehabilitation Act of 1973 (29 U.S.C. 794c); and

(ii) as determined by the Secretary, representatives of State agencies and other appropriate organizations that have responsibility for or are involved in the development and modification of assistive technology devices, the provision of assistive technology devices and assistive technology services, or the dissemination of information about assistive technology devices and assistive technology services, including recipients of grants or contracts for the provision of technical assistance to State assistive technology projects under section 2216(b) of this title, assistive technology reimbursement specialists, representatives of the State assistive technology projects, and representatives of organizations involved in information and referral activities.

(B) Issues

The Secretary shall conduct such consultation, and such coordination of activities, with respect to the following:

(i) The costs and benefits, on an agency-by-agency basis, of obtaining uniform data through a national classification system for assistive technology devices and assistive technology services across public programs and information and referral networks.

(ii) The types of data that should be collected, including data regarding funding, across a range of programs, including the programs listed in subsection (c)(2) of this section, as appropriate.

(iii) A methodology for developing a single taxonomy and nomenclature for both assistive technology devices and assistive technology services across a range of programs, including the programs listed in subsection (c)(2) of this section, as appropriate.

(iv) The process for developing an appropriate data collection instrument or instruments.

(v) A methodology for collecting data across a range of programs, including the programs listed in subsection (c)(2) of this section, as appropriate.

(vi) The use of a national classification system by the Internal Revenue Service and State finance agencies to determine whether devices and services are assistive technology devices or assistive technology services for the purpose of determining whether a deduction or credit is allowable under title 26 or State tax law.

(3) Contracts and cooperative agreements

The Secretary may carry out this section directly, or, if necessary, by entering into con-

tracts or cooperative agreements with appropriate entities.

(b) Single taxonomy

In conducting the system development project, the Secretary shall develop a national classification system that includes a single taxonomy and nomenclature for assistive technology devices and assistive technology services.

(c) Data collection instrument

In conducting the system development project, the Secretary shall develop a data collection instrument to—

(1) collect data regarding funding for assistive technology devices and assistive technology services; and

(2) collect such data from public programs, including, at a minimum—

(A) programs carried out under title I, VI, or VII of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq., 795 et seq., or 796 et seq.);

(B) programs carried out under part B or H of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq. or 1471 et seq.);

(C) programs carried out under title V or XIX of the Social Security Act (42 U.S.C. 701 et seq. or 1396 et seq.);

(D) programs carried out under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(E) programs carried out under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.).

(d) Consultation

The Secretary shall conduct the system development project in consultation with the Federal agencies that were consulted in developing the project plan.

(e) Report to President and Congress on implementation of uniform data collection system

Not later than July 1, 1997, the Secretary shall prepare and submit to the President and the appropriate committees of Congress a report containing—

(1) the results of the system development project; and

(2) the recommendations of the Secretary concerning implementation of a national classification system, including uniform data collection.

(f) Reservation

From the amounts appropriated under part C of this subchapter for fiscal year 1995, the Secretary shall reserve up to \$200,000 to carry out this part.

(Pub. L. 100-407, title II, § 201, as added Pub. L. 103-218, title II, § 201, Mar. 9, 1994, 108 Stat. 85.)

REFERENCES IN TEXT

The Rehabilitation Act of 1973, referred to in subsec. (c)(2)(A), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended. Titles I, VI, and VII are classified generally to subchapters I (§ 720 et seq.), VI (§ 795 et seq.), and VII (§ 796 et seq.), respectively, of chapter 16 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (c)(2)(B), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended. Parts B and H of the Act are classified generally to subchapters II (§ 1411 et seq.) and VIII (§ 1471 et seq.), respectively, of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Social Security Act, referred to in subsec. (c)(2)(C), is act Aug. 14, 1935, ch. 531, 49 Stat. 620, as amended. Titles V and XIX of the Act are classified generally to subchapters V (§ 701 et seq.) and XIX (§ 1396 et seq.), respectively, of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Older Americans Act of 1965, referred to in subsec. (c)(2)(D), is Pub. L. 89-73, July 14, 1965, 79 Stat. 218, as amended, which is classified generally to chapter 35 (§ 3001 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

The Developmental Disabilities Assistance and Bill of Rights Act, referred to in subsec. (c)(2)(E), is title I of Pub. L. 88-164, as added by Pub. L. 98-527, § 2, Oct. 19, 1984, 98 Stat. 2662, as amended, which is classified generally to chapter 75 (§ 6000 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 6000 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 2231, Pub. L. 100-407, title II, § 201, Aug. 19, 1988, 102 Stat. 1059, directed National Council on the Handicapped to study implementation, acquisition or financing assistive technology devices and services for individuals with disabilities, prior to repeal by Pub. L. 103-218, § 201.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2212, 2215 of this title.

PART B—TRAINING AND DEMONSTRATION PROJECTS

§ 2241. Training

(a) Technology training

(1) General authority

The Secretary shall make grants to, or enter into contracts or cooperative agreements with, appropriate public or private agencies and organizations, including institutions of higher education and community-based organizations, for the purposes of—

(A) conducting training sessions;

(B) developing, demonstrating, disseminating, and evaluating curricula, materials, and methods used to train individuals regarding the provision of technology-related assistance, to enhance opportunities for independence, productivity, and inclusion of individuals with disabilities; and

(C) providing training to develop awareness, skills, and competencies of service providers, consumers, and volunteers, who are located in rural areas, to increase the availability of technology-related assistance in community-based settings for rural residents who are individuals with disabilities.

(2) Eligible activities

Activities conducted under grants, contracts, or cooperative agreements described in paragraph (1) may address the training needs

of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities, educators and related services personnel, technology experts (including engineers), employers, and other appropriate individuals.

(3) Uses of funds

An agency or organization that receives a grant or enters into a contract or cooperative agreement under paragraph (1) may use amounts made available through the grant, contract, or agreement to—

(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

(4) Application

(A) In general

To be eligible to receive a grant or enter into a contract or cooperative agreement under paragraph (1), an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) Strategies

At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

(i) increase the extent to which such persons reflect the diverse populations of the United States; and

(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

(5) Priorities

(A) In general

Beginning in fiscal year 1994, the Secretary shall—

(i) establish priorities for activities carried out with assistance under this subsection;

(ii) publish such priorities in the Federal Register for the purpose of receiving public comment; and

(iii) publish such priorities in the Federal Register in final form not later than the date on which the Secretary publishes announcements for assistance provided under this subsection.

(B) Explanation of determination of priorities

Concurrent with the publications required by subparagraph (A), the Secretary shall publish in the Federal Register an explanation of the manner in which the priorities were determined.

(b) Technology careers

(1) In general

(A) Grants

The Secretary shall make grants to assist public or private agencies and organizations, including institutions of higher education, to prepare students and faculty working in specific fields for careers relating to the provision of assistive technology devices and assistive technology services.

(B) Fields

The specific fields described in subparagraph (A) may include—

(i) engineering;

(ii) industrial technology;

(iii) computer science;

(iv) communication disorders;

(v) special education and related services;

(vi) rehabilitation; and

(vii) social work.

(2) Priority

In awarding grants under paragraph (1), the Secretary shall give priority to the interdisciplinary preparation of personnel who provide or who will provide technical assistance, who administer programs, or who prepare other personnel, in order to—

(A) support the development and implementation of consumer-responsive comprehensive statewide programs of technology-related assistance to individuals with disabilities; and

(B) enhance the skills and competencies of individuals involved in the provision of technology-related assistance, including assistive technology devices and assistive technology services, to individuals with disabilities.

(3) Uses of funds

An agency or organization that receives a grant under paragraph (1) may use amounts made available through the grant to—

(A) pay for a portion of the cost of courses of training or study related to technology-related assistance; and

(B) establish and maintain scholarships related to such courses of training or study, with such stipends and allowances as the Secretary may determine to be appropriate.

(4) Application

(A) In general

To be eligible to receive a grant under this section, an agency or organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) Strategies

At a minimum, any such application shall include a detailed description of the strategies that the agency or organization will use to recruit and train persons to provide technology-related assistance, in order to—

(i) increase the extent to which such persons reflect the diverse populations of the United States; and

(ii) increase the number of individuals with disabilities, and individuals who are members of minority groups, who are available to provide such assistance.

(c) Grants to historically black colleges

In exercising the authority granted in subsections (a) and (b) of this section, the Secretary shall reserve an adequate amount for grants to historically black colleges and universities and other institutions of higher education whose minority student enrollment is at least 50 percent.

(Pub. L. 100-407, title II, §211, as added Pub. L. 103-218, title II, §202, Mar. 9, 1994, 108 Stat. 87.)

PRIOR PROVISIONS

A prior section 2241, Pub. L. 100-407, title II, §211, Aug. 19, 1988, 102 Stat. 1060, related to establishment of national information and program referral network, prior to repeal by Pub. L. 103-218, §202.

§ 2242. Technology transfer

The Secretary shall enter into an agreement with an organization whose primary function is to promote technology transfer from, and co-operation among, Federal laboratories (as defined in section 3703(6) of title 15), under which funds shall be provided to promote technology transfer that will spur the development of assistive technology devices.

(Pub. L. 100-407, title II, §212, as added Pub. L. 103-218, title II, §202, Mar. 9, 1994, 108 Stat. 89.)

PRIOR PROVISIONS

A prior section 2242, Pub. L. 100-407, title II, §212, Aug. 19, 1988, 102 Stat. 1060, related to feasibility studies undertaken by Secretary of Labor concerning the national information and program referral network, prior to repeal by Pub. L. 103-218, §202.

§ 2243. Device and equipment redistribution information systems and recycling centers

(a) In general

The Secretary shall make grants to, or enter into contracts or cooperative agreements with, public agencies, private entities, or institutions of higher education for the purpose of developing and establishing recycling projects.

(b) Project activities

Such recycling projects may include—

(1) a system for accepting, on an unconditional gift basis, assistive technology devices, including a process for valuing the devices and evaluating their use and potential;

(2) a system for storing and caring for such devices;

(3) an information system (including computer databases) by which local educational agencies, rehabilitation entities, local community-based organizations, independent living centers, and other entities, would be informed, on a periodic and timely basis, about the availability and nature of the devices currently held; and

(4) a system that makes such devices available to consumers and the entities listed in paragraph (3), and provides for tracking each device throughout the useful life of the device.

(c) Multiple providers

(1) In general

With respect to activities funded under this section, an agency, entity, or institution may

utilize a single service provider or may establish a system of service providers.

(2) Assurances

If an agency, entity, or institution uses multiple providers, the agency, entity, or institution shall assure that—

(A) all consumers within a State will receive equal access to services, regardless of the geographic location or socioeconomic status of the consumers; and

(B) all activities of the providers will be coordinated and monitored by the agency, entity, or institution.

(d) Other laws

Nothing in this section shall affect the provision of services or devices pursuant to title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) or part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(e) Existing programs

Public agencies, private entities, or institutions of higher education that have established recycling programs prior to receiving assistance under this section may use funds made available under this section to extend and strengthen such programs through grants, contracts, or agreements under this section.

(Pub. L. 100-407, title II, §213, as added Pub. L. 103-218, title II, §202, Mar. 9, 1994, 108 Stat. 89.)

REFERENCES IN TEXT

The Rehabilitation Act of 1973, referred to in subsec. (d), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended. Title I of the Act is classified generally to subchapter I (§720 et seq.) of chapter 16 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

The Individuals with Disabilities Education Act, referred to in subsec. (d), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended. Part B of the Act is classified generally to subchapter II (§1411 et seq.) of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

PRIOR PROVISIONS

A prior section 2243, Pub. L. 100-407, title II, §213, Aug. 19, 1988, 102 Stat. 1060, prescribed contents of study conducted by Secretary of Labor concerning the national information and program referral network, prior to repeal by Pub. L. 103-218, §202.

§ 2244. Business opportunities for individuals with disabilities

The Secretary may make grants to individuals with disabilities to enable the individuals to establish or operate commercial or other enterprises that develop or market assistive technology devices or assistive technology services.

(Pub. L. 100-407, title II, §214, as added Pub. L. 103-218, title II, §202, Mar. 9, 1994, 108 Stat. 90.)

PRIOR PROVISIONS

A prior section 2244, Pub. L. 100-407, title II, §214, Aug. 19, 1988, 102 Stat. 1062, prescribed timetable for study conducted by Secretary of Labor concerning the national information and program referral network, prior to repeal by Pub. L. 103-218, §202.

§ 2245. Products of universal design

The Secretary may make grants to commercial or other enterprises and institutions of

higher education for the research and development of products of universal design. In awarding such grants, the Secretary shall give preference to enterprises that are owned or operated by individuals with disabilities.

(Pub. L. 100-407, title II, §215, as added Pub. L. 103-218, title II, §202, Mar. 9, 1994, 108 Stat. 90.)

§ 2246. Governing standards for activities

Persons and entities that carry out activities pursuant to this part shall—

(1) be held to the same consumer-responsive standards as the persons and entities carrying out programs under subchapter I of this chapter;

(2) make available to individuals with disabilities and their family members, guardians, advocates, and authorized representatives information concerning technology-related assistance in a form that will allow such individuals with disabilities to effectively use such information;

(3) in preparing such information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials; and

(4) coordinate their efforts with the consumer-responsive comprehensive statewide program of technology-related assistance for individuals with disabilities in any State in which the activities are carried out.

(Pub. L. 100-407, title II, §216, as added Pub. L. 103-218, title II, §202, Mar. 9, 1994, 108 Stat. 90.)

PART C—AUTHORIZATION OF APPROPRIATIONS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 2231 of this title.

§ 2251. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter \$10,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

(Pub. L. 100-407, title II, §221, as added Pub. L. 103-218, title II, §202, Mar. 9, 1994, 108 Stat. 91.)

PRIOR PROVISIONS

Prior sections 2251 to 2253 and 2261 were repealed by Pub. L. 103-218, title II, §202, Mar. 9, 1994, 108 Stat. 87.

Section 2251, Pub. L. 100-407, title II, §221, Aug. 19, 1988, 102 Stat. 1062; Pub. L. 102-569, title IX, §913(1), Oct. 29, 1992, 106 Stat. 4487, related to training programs for those in need of technologically-related assistance.

Section 2252, Pub. L. 100-407, title II, §222, Aug. 19, 1988, 102 Stat. 1063; Pub. L. 102-569, title IX, §913(2), Oct. 29, 1992, 106 Stat. 4487, related to grants or contracts for technologically-related assistance public awareness projects.

Section 2253, Pub. L. 100-407, title II, §223, Aug. 19, 1988, 102 Stat. 1063, related to establishment by Secretary of Labor of program priorities implementing technologically-related assistance.

Section 2261, Pub. L. 100-407, title II, §231, Aug. 19, 1988, 102 Stat. 1063; Pub. L. 102-569, title IX, §913(3), Oct. 29, 1992, 106 Stat. 4487, which comprised part D of this subchapter, authorized demonstration and innovation projects relating to technology-related assistance.

Section 2271, Pub. L. 100-407, title II, §241, Aug. 19, 1988, 102 Stat. 1064, which comprised part E of this subchapter, authorized appropriations to carry out this subchapter, prior to repeal by Pub. L. 103-382, title III, §366, Oct. 20, 1994, 108 Stat. 3975, effective as if included in Pub. L. 103-218.

SUBCHAPTER III—ALTERNATIVE FINANCING MECHANISMS

§ 2281. General authority to provide alternative financing mechanisms

(a) In general

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

(b) Mechanisms

The alternative financing mechanisms may include—

- (1) a low-interest loan fund;
- (2) a revolving fund;
- (3) a loan insurance program;
- (4) a partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices or the provision of assistive technology services; and
- (5) other alternative financing mechanisms that meet the requirements of this chapter and are approved by the Secretary.

(c) Construction

Nothing in this section shall be construed as affecting the authority of a State to establish alternative financing mechanisms under subchapter I of this chapter.

(Pub. L. 100-407, title III, §301, as added Pub. L. 103-218, title III, §301, Mar. 9, 1994, 108 Stat. 91.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2282, 2283, 2284, 2285, 2286, 2287 of this title.

§ 2282. Applications and procedures

(a) Eligibility

States that receive or have received grants under section 2212 or 2213 of this title shall be eligible to compete for grants under section 2281 of this title.

(b) Requirements

The Secretary shall make grants under section 2281 of this title under such conditions as the Secretary shall, by regulation, determine, except that—

- (1) a State may receive only 1 grant under section 2281 of this title and may only receive such a grant for 1 year under this subchapter;
- (2) a State that desires to receive a grant under section 2281 of this title shall submit an application to the Secretary, at such time and in such manner as the Secretary may require, containing—

(A) an assurance that the State will provide at least 50 percent of the cost described in section 2281(a) of this title, as set forth in section 2284 of this title, for the purpose of supporting the alternative financing mechanisms that are covered by the grant;

(B) an assurance that an alternative financing mechanism will continue on a permanent basis; and

(C) a description of the degree to which the alternative financing mechanisms to be funded under section 2281 of this title will expand and emphasize consumer choice and control;

(3) a State that receives a grant under section 2281 of this title—

(A) shall enter into a contract, with a community-based organization (or a consortia of such organizations) that has individuals with disabilities involved at all organizational levels, for the administration of the alternative financing mechanisms that are supported under section 2281 of this title; and

(B) shall require that such community-based organization enter into a contract, for the purpose of expanding opportunities under section 2281 of this title and facilitating the administration of the alternative financing mechanisms, with—

(i) commercial lending institutions or organizations; or

(ii) State financing agencies; and

(4) a contract between a State that receives a grant under section 2281 of this title and a community-based organization described in paragraph (3)—

(A) shall include a provision regarding the administration of the Federal and the non-Federal shares in a manner consistent with the provisions of this subchapter; and

(B) shall include any provision required by the Secretary dealing with oversight and evaluation as may be necessary to protect the financial interests of the United States.

(Pub. L. 100-407, title III, §302, as added Pub. L. 103-218, title III, §301, Mar. 9, 1994, 108 Stat. 92.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2284, 2285 of this title.

§ 2283. Grant administration requirements

A State that receives a grant under section 2281 of this title, together with any community-based organization that enters into a contract with the State to administer an alternative financing mechanism that is supported under section 2281 of this title, shall develop and submit to the Secretary, pursuant to a timeline that the Secretary may establish or, if the Secretary does not establish a timeline, within the 12-month period beginning on the date that the State receives the grant, the following policies or procedures for administration of the mechanism:

(1) A procedure to review and process in a timely fashion requests for financial assistance for both immediate and potential technology needs, including consideration of meth-

ods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific device or service to be provided.

(2) A policy and procedure to assure that access to the alternative financing mechanism shall be given to consumers regardless of type of disability, age, location of residence in the State, or type of assistive technology device or assistive technology service requested and shall be made available to applicants of all income levels.

(3) A procedure to assure consumer-controlled oversight.

(Pub. L. 100-407, title III, §303, as added Pub. L. 103-218, title III, §301, Mar. 9, 1994, 108 Stat. 93.)

§ 2284. Financial requirements

(a) Federal share

The Federal share of the costs described in section 2281(a) of this title shall be not more than 50 percent.

(b) Requirements

A State that desires to receive a grant under section 2281 of this title shall include in the application submitted under section 2282 of this title assurances that the State will meet the following requirements regarding funds supporting an alternative funding mechanism assisted under section 2281 of this title:

(1) The State shall make available the funds necessary to provide the non-Federal share of the costs described in section 2281(a) of this title, in cash, from State, local, or private sources.

(2) Funds that support an alternative financing mechanism assisted under section 2281 of this title—

(A) shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide public funding options; and

(B) may only be distributed through the entity carrying out the alternative financing mechanism as a payer of last resort for assistance that is not available in a reasonable or timely fashion from any other Federal, State, or local source.

(3) All funds that support an alternative financing mechanism assisted under section 2281 of this title, including funds repaid during the life of the mechanism, shall be placed in a permanent separate account and identified and accounted for separately from any other fund. Funds within this account may be invested in low-risk securities in which a regulated insurance company may invest under the law of the State for which the grant is provided and shall be administered with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person.

(4) Funds comprised of the principal and interest from an account described in paragraph (3) shall be available to support an alternative financing mechanism assisted under section 2281 of this title. Any interest or investment income that accrues on such funds after such funds have been placed under the control of

the entity administering the mechanism, but before such funds are distributed for purposes of supporting the mechanism, shall be the property of the entity administering the mechanism and shall not be taken into account by any officer or employee of the Federal Government for any purpose.

(Pub. L. 100-407, title III, §304, as added Pub. L. 103-218, title III, §301, Mar. 9, 1994, 108 Stat. 93.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2282 of this title.

§ 2285. Amount of grants

(a) Amount

(1) In general

Except as provided in paragraph (2), a grant under section 2281 of this title shall be for an amount that is not more than \$500,000.

(2) Increases

Such a grant may be increased by any additional funds made available under subsection (b) of this section.

(b) Excess funds

If funds appropriated under section 2288 of this title for a fiscal year exceed the amount necessary to fund the activities described in acceptable applications submitted under section 2282 of this title for such year, the Secretary shall make such excess amount available, on a competitive basis, to States receiving grants under section 2281 of this title for such year. A State that desires to receive additional funds under this subsection shall amend and resubmit to the Secretary the application submitted under section 2282 of this title. Such amended application shall contain an assurance that the State will provide an additional amount for the purpose of supporting the alternative financing mechanisms covered by the grant that is not less than the amount of any additional funds paid to the State by the Secretary under this subsection.

(c) Insufficient funds

If funds appropriated under section 2288 of this title for a fiscal year are not sufficient to fund each of the activities described in the acceptable applications for such year, a State whose application was approved as acceptable for such year but that did not receive a grant under section 2281 of this title, may update such application for the succeeding fiscal year. Priority shall be given in such succeeding fiscal year to such updated applications, if acceptable.

(Pub. L. 100-407, title III, §305, as added Pub. L. 103-218, title III, §301, Mar. 9, 1994, 108 Stat. 94.)

§ 2286. Technical assistance

(a) In general

The Secretary shall provide information and technical assistance to States under this subchapter, and the information and technical assistance shall include—

(1) assisting States in the preparation of applications for grants under section 2281 of this title;

(2) assisting States that receive such grants in developing and implementing alternative financing mechanisms; and

(3) providing any other information and technical assistance to assist States in accomplishing the objectives of this subchapter.

(b) Grants, contracts, and agreements

The Secretary shall provide the information and technical assistance described in subsection (a) of this section through grants, contracts, or cooperative agreements with public or private agencies and organizations, including institutions of higher education, with documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing mechanisms described in section 2281 of this title.

(Pub. L. 100-407, title III, §306, as added Pub. L. 103-218, title III, §301, Mar. 9, 1994, 108 Stat. 94.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2288 of this title.

§ 2287. Annual report

(a) In general

Not later than December 31 of each year, the Secretary shall submit a report to the Congress stating whether each State program to provide alternative financing mechanisms that was supported under section 2281 of this title during the year is making significant progress in achieving the objectives of this subchapter.

(b) Contents

The report shall include information on—

(1) the number of applications for grants under section 2281 of this title that were received by the Secretary;

(2) the number of grants made and the amounts of such grants;

(3) the ratio of the amount of funds provided by each State for a State program to provide alternative financing mechanisms to the amount of Federal funds provided for such program;

(4) the type of program to provide alternative financing mechanisms that was adopted in each State and the community-based organization (or consortia of such organizations) with which each State has entered into a contract; and

(5) the amount of assistance given to consumers (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service received, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or a rural population).

(Pub. L. 100-407, title III, §307, as added Pub. L. 103-218, title III, §301, Mar. 9, 1994, 108 Stat. 95.)

§ 2288. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out this subchapter \$8,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

(b) Availability in succeeding fiscal year

Amounts appropriated under subsection (a) of this section shall remain available for obliga-

tion for the fiscal year immediately following the fiscal year for which such amounts were appropriated.

(c) Reservation

Of the amounts appropriated under subsection (a) of this section, the Secretary shall reserve \$250,000 for the purpose of providing information and technical assistance to States under section 2286 of this title.

(Pub. L. 100-407, title III, § 308, as added Pub. L. 103-218, title III, § 301, Mar. 9, 1994, 108 Stat. 95.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2285 of this title.

**CHAPTER 25—DISPLACED HOMEMAKERS
SELF-SUFFICIENCY ASSISTANCE**

Sec.	
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§ 2301. Findings; statement of purpose

(a) Findings

The Congress finds that—

(1) the Nation has a vested interest in building a quality and productive workforce that will enable the United States to compete effectively in the global marketplace;

(2) two in every three new entrants to the workforce during the 1990's will be women, and such women need appropriate basic and occu-

pational skills to fill jobs requiring much higher skill levels than the jobs of today;

(3) there are approximately 15,600,000 displaced homemakers in the United States, the majority of whom are women not in the labor force, who live in poverty and who require educational, vocational, training and other services to obtain financial independence and economic security; and

(4) Federal, State, and local programs addressing the training and employment needs of displaced homemakers have been fragmented and insufficient to serve displaced homemakers effectively.

(b) Purpose

It is the purpose of this chapter to provide assistance to States to provide coordination and referral services, support service assistance, and program and technical assistance to displaced homemakers and displaced homemaker service providers. Such assistance will enable public and private entities to better meet the needs of displaced homemakers and will expand the employment and self-sufficiency options of displaced homemakers.

(Pub. L. 101-554, § 2, Nov. 15, 1990, 104 Stat. 2751.)

SHORT TITLE

Section 1 of Pub. L. 101-554 provided that: "This Act [enacting this chapter] may be cited as the 'Displaced Homemakers Self-Sufficiency Assistance Act'."

§ 2302. Definitions

As used in this chapter:

(1) The term "adult population" includes individuals aged 22 through 64.

(2) The term "community-based organization" has the same meaning given that term in section 1503 of this title.

(3) The term "displaced homemaker" means an individual who has been providing unpaid services to family members in the home and who—

(A) has been dependent either—

(i) on public assistance and whose youngest child is within 2 years of losing eligibility under part A of title IV of the Social Security Act [42 U.S.C. 601 et seq.], or

(ii) on the income of another family member but is no longer supported by that income, and

(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

(4) The term "eligible service provider" means—

(A) a community-based organization;

(B) a local educational agency (as such term is defined in section 1503 of this title);

(C) a postsecondary school (as such term is defined in such section);

(D) an institution of higher education (as such term is defined in such section);

(E) an area vocational education school (as such term is defined in such section); or

(F) other entities designated by the Governor that have the demonstrated ability to meet the needs of displaced homemakers.

(5) The term "eligible statewide public agency or statewide nonprofit organization" means