

participants with continued long-term employment as regular employees with wages and employment benefits (including health benefits) and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same type of work.

(5) No person or organization may charge an individual a fee for the placement or referral of the individual in or to a workforce investment activity under this chapter.

(6) The Secretary shall not provide financial assistance for any program under this chapter that involves political activities.

(7)(A) Income under any program administered by a public or private nonprofit entity may be retained by such entity only if such income is used to continue to carry out the program.

(B) Income subject to the requirements of subparagraph (A) shall include—

(i) receipts from goods or services (including conferences) provided as a result of activities funded under this chapter;

(ii) funds provided to a service provider under this chapter that are in excess of the costs associated with the services provided; and

(iii) interest income earned on funds received under this chapter.

(C) For purposes of this paragraph, each entity receiving financial assistance under this chapter shall maintain records sufficient to determine the amount of such income received and the purposes for which such income is expended.

(8)(A) The Secretary shall notify the Governor and the appropriate local board and chief elected official of, and consult with the Governor and such board and official concerning, any activity to be funded by the Secretary under this chapter within the corresponding State or local area.

(B) The Governor shall notify the appropriate local board and chief elected official of, and consult with such board and official concerning, any activity to be funded by the Governor under this chapter within the corresponding local area.

(9)(A) All education programs for youth supported with funds provided under part D of subchapter II of this chapter shall be consistent with applicable State and local educational standards.

(B) Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such part shall be consistent with the requirements of applicable State and local law, including regulation.

(10) No funds available under this chapter may be used for public service employment except as specifically authorized under this chapter.

(11) The Federal requirements governing the chapter, use, and disposition of real property, equipment, and supplies purchased with funds provided under this chapter shall be the Federal requirements generally applicable to Federal grants to States and local governments.

(12) Nothing in this chapter shall be construed to provide an individual with an entitlement to a service under this chapter.

(13) Services, facilities, or equipment funded under this chapter may be used, as appropriate, on a fee-for-service basis, by employers in a local area in order to provide employment and training activities to incumbent workers—

(A) when such services, facilities, or equipment are not in use for the provision of services for eligible participants under this chapter;

(B) if such use for incumbent workers would not have an adverse effect<sup>1</sup> on the provision of services to eligible participants under this chapter; and

(C) if the income derived from such fees is used to carry out the programs authorized under this chapter.

(Pub. L. 105-220, title I, §195, Aug. 7, 1998, 112 Stat. 1057.)

## CHAPTER 31—ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES

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<sup>1</sup> So in original. Probably should be "effect".

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 764, 794e of this title.

**§ 3001. Findings and purposes**

**(a) Findings**

Congress finds the following:

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

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

(2) Technology has become one of the primary engines for economic activity, edu-

cation, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is one of the main factors underlying the strength and vibrancy of the economy of the United States.

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

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

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

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

- (A) resources to pay for assistive technology devices and assistive technology services;
- (B) trained personnel to assist individuals with disabilities to use such devices and services;
- (C) information among targeted individuals about the availability and potential benefit of technology for individuals with disabilities;
- (D) outreach to underrepresented populations and rural populations;
- (E) systems that ensure timely acquisition and delivery of assistive technology devices and assistive technology services;
- (F) coordination among State human services programs, and between such programs and private entities, particularly with respect to transitions between such programs and entities; and
- (G) capacity in such programs to provide the necessary technology-related assistance.

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

(8) Many individuals with disabilities cannot access existing telecommunications and information technologies and are at risk of not being able to access developing technologies.

The failure of Federal and State governments, hardware manufacturers, software designers, information systems managers, and telecommunications service providers to account for the specific needs of individuals with disabilities in the design, manufacture, and procurement of telecommunications and information technologies results in the exclusion of such individuals from the use of telecommunications and information technologies and results in unnecessary costs associated with the retrofitting of devices and product systems.

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

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

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

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

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

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

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

(B) an increased focus on universal design;

(C) the increased importance of assistive technology in employment, as more individ-

uals with disabilities move from public assistance to work through training and on-the-job accommodations;

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

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

**(b) Purposes**

The purposes of this chapter are—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) provide States with financial assistance that supports—

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

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

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

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

(Pub. L. 105-394, §2, Nov. 13, 1998, 112 Stat. 3628.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 105-394, Nov. 13, 1998, 112 Stat. 3627, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note below and Tables.

#### SHORT TITLE

Pub. L. 105-394, §1(a), Nov. 13, 1998, 112 Stat. 3627, provided that: “This Act [enacting this chapter, amending sections 705, 763, 764, 781, 792, 794b, and 794e of this title and section 3710 of Title 15, Commerce and Trade, and repealing chapter 24 of this title] may be cited as the ‘Assistive Technology Act of 1998’.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3002, 3011, 3013 of this title.

### § 3002. Definitions and rule

#### (a) Definitions

In this chapter:

#### (1) Advocacy services

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

#### (2) Assistive technology

The term “assistive technology” means technology designed to be utilized in an assistive technology device or assistive technology service.

#### (3) Assistive technology device

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

#### (4) Assistive technology service

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

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

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

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

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

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

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

#### (5) Capacity building and advocacy activities

The term “capacity building and advocacy activities” means efforts that—

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

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

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

**(6) Comprehensive statewide program of technology-related assistance**

The term “comprehensive statewide program of technology-related assistance” means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

**(7) Consumer-responsive**

The term “consumer-responsive”—

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

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

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

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

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

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

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

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

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

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

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

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

**(8) Disability**

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

**(9) Individual with a disability; individuals with disabilities**

**(A) Individual with a disability**

The term “individual with a disability” means any individual of any age, race, or ethnicity—

(i) who has a disability; and

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

**(B) Individuals with disabilities**

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

**(10) Institution of higher education**

The term “institution of higher education” has the meaning given such term in section 1141(a)<sup>1</sup> of title 20, and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

**(11) Protection and advocacy services**

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

(A) are described in subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C. 15041 et seq.], the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.),<sup>1</sup> or section 794e of this title; and

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

**(12) Secretary**

The term “Secretary” means the Secretary of Education.

**(13) State**

**(A) In general**

Except as provided in subparagraph (B) and section 3052 of this title, the term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**(B) Outlying areas**

In sections 3011(c) and 3012(b) of this title:

**(i) Outlying area**

The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

<sup>1</sup> See References in Text note below.

**(ii) State**

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

**(14) Targeted individuals**

The term “targeted individuals” means—

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

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

(C) educators and related services personnel;

(D) technology experts (including engineers);

(E) health and allied health professionals;

(F) employers; and

(G) other appropriate individuals and entities.

**(15) Technology-related assistance**

The term “technology-related assistance” means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (K) of section 3001(b)(1) of this title.

**(16) Underrepresented population**

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

**(17) Universal design**

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

**(b) References**

References in this chapter to a provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall be considered to be references to such provision as in effect on the day before November 13, 1998.

(Pub. L. 105-394, § 3, Nov. 13, 1998, 112 Stat. 3631; Pub. L. 106-402, title IV, § 401(b)(4)(A), Oct. 30, 2000, 114 Stat. 1738.)

## REFERENCES IN TEXT

Section 1141(a) of title 20, referred to in subsec. (a)(10), was repealed by Pub. L. 105-244, § 3, title I, § 101(b), title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1616, 1803, effective Oct. 1, 1998. However, the term “institution of higher education” is defined in section 1001 of Title 20, Education.

The Tribally Controlled Community College Assistance Act of 1978, referred to in subsec. (a)(10), 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. The Act was renamed the Tribally Controlled College or University Assistance Act of 1978 by Pub. L. 105-244, title IX, § 901(b)(1), Oct. 7, 1998, 112 Stat. 1827. Section 901(d) of Pub. L. 105-244, set out as a note under section 1801 of Title 25, provided that any reference to a section or other provision of the Tribally Controlled Community College Assistance Act of 1978 shall be deemed to be a reference to the Tribally Controlled College or University Assistance Act of 1978. 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 of 2000, referred to in subsec. (a)(11)(A), is Pub. L. 106-402, Oct. 30, 2000, 114 Stat. 1677. Subtitle C of the Act probably means subtitle C of title I of the Act which is classified generally to part C (§15041 et seq.) of subchapter I of chapter 144 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 15001 of Title 42 and Tables.

The Protection and Advocacy for Mentally Ill Individuals Act of 1986, referred to in subsec. (a)(11)(A), was Pub. L. 99-319, May 23, 1986, 100 Stat. 478, as amended. Pub. L. 99-319 was renamed the Protection and Advocacy for Individuals with Mental Illness Act by Pub. L. 106-310, div. B, title XXXII, § 3206(a), Oct. 17, 2000, 114 Stat. 1193, and is classified generally to chapter 114 (§10801 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 10801 of Title 42 and Tables.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988, referred to in subsec. (b), is Pub. L. 100-407, Aug. 19, 1988, 102 Stat. 1044, as amended, which was classified generally to chapter 24 (§2201 et seq.) of this title, prior to repeal by Pub. L. 105-394, title IV, § 401, Nov. 13, 1998, 112 Stat. 3661.

## AMENDMENTS

2000—Subsec. (a)(11)(A). Pub. L. 106-402 substituted “subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000” for “part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.)”.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 705, 763, 781, 792 of this title; title 10 section 1582; title 15 section 3710.

## SUBCHAPTER I—STATE GRANT PROGRAMS

## SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3051 of this title.

**§ 3011. Continuity grants for States that received funding for a limited period for technology-related assistance****(a) Grants to States****(1) In general**

The Secretary shall award grants, in accordance with this section, to eligible States to support capacity building and advocacy activities, designed to assist the States in maintaining permanent comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 3001(b)(1) of this title.

**(2) Eligible States**

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

**(b) Use of funds****(1) In general**

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

**(2) Required activities****(A) Public awareness program****(i) In general**

The State shall support a public awareness program designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services.

**(ii) Link**

Such a public awareness program shall have an electronic link to the National Public Internet Site authorized under section 3014(c)(1) of this title.

**(iii) Contents**

The public awareness program may include—

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

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

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

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

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

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

**(B) Interagency coordination****(i) In general**

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

**(ii) Appointment to certain information technology panels**

The State shall appoint the director of the lead agency described in subsection (d)

of this section or the designee of the director, to any committee, council, or similar organization created by the State to assist the State in the development of the information technology policy of the State.

**(iii) Coordination activities**

The development and promotion described in clause (i) may include support for—

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

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

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

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

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

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

**(C) Technical assistance and training**

The State shall carry out directly, or provide support to public or private entities to carry out, technical assistance and training activities for targeted individuals, including—

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

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

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

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

(bb) the rights of targeted individuals to assistive technology devices and assis-

tive technology services are addressed under laws other than this chapter, to promote fuller independence, productivity, and inclusion in and integration into society of such individuals; or

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

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

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

(II) educators and related services personnel;

(III) technology experts (including engineers);

(IV) health and allied health professionals;

(V) employers; and

(VI) other appropriate personnel.

#### **(D) Outreach**

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

### **(3) Discretionary activities**

#### **(A) Alternative State-financed systems**

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

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

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

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

(aa) a low-interest loan fund;

(bb) an interest buy-down program;

(cc) a revolving loan fund;

(dd) a loan guarantee or insurance program;

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

(ff) another mechanism that meets the requirements of subchapter III of this chapter and is approved by the Secretary;

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

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

#### **(B) Demonstrations**

The State, in collaboration with other entities in established, recognized community settings (such as nonprofit organizations, libraries, schools, community-based employer organizations, churches, and entities operating senior citizen centers, shopping malls, and health clinics), may demonstrate assistive technology devices in settings where targeted individuals can see and try out assistive technology devices, and learn more about the devices from personnel who are familiar with such devices and their applications or can be referred to other entities who have information on the devices.

#### **(C) Options for securing devices and services**

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

#### **(D) Technology-related information**

##### **(i) In general**

The State may operate and expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such devices and services, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities. The system shall be part of, and complement the information that is available through a link to, the National Public Internet Site described in section 3014(c)(1) of this title.

**(ii) Access**

Access to the system may be provided through community-based locations, including public libraries, centers for independent living (as defined in section 702 of the Rehabilitation Act of 1973 [29 U.S.C. 796a]), locations of community rehabilitation programs (as defined in section 7 of such Act [29 U.S.C. 705]), schools, senior citizen centers, State vocational rehabilitation offices, other State workforce offices, and other locations frequented or used by the public.

**(iii) Information collection and preparation**

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

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

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

(III) identify support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this subsection, including groups that provide evaluations of assistive technology devices and assistive technology services; and

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

**(E) Interstate activities****(i) In general**

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

**(ii) Electronic communication**

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

**(F) Partnerships and cooperative initiatives**

The State may support partnerships and cooperative initiatives between the public

sector and the private sector to promote greater participation by business and industry in—

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

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

**(G) Expenses**

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

**(H) Advocacy services**

The State may provide advocacy services.

**(c) Amount of financial assistance****(1) Grants to outlying areas**

From the funds appropriated under section 3015(a) of this title and reserved under section 3015(b)(1)(A) of this title for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than \$105,000 to each eligible outlying area.

**(2) Grants to States**

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

**(3) Calculation of State grants****(A) Calculations for grants in the second or third year of a second extension grant**

For any fiscal year, the Secretary shall calculate the amount of a grant under paragraph (2) for each eligible State that would be in the second or third year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if that Act had been reauthorized for that fiscal year.

**(B) Calculations for grants in the fourth or fifth year of a second extension grant****(i) Fourth year**

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

**(ii) Fifth year**

An eligible State that would have been in the fifth year of a second extension

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

**(C) Prohibition on funds after fifth year of a second extension grant**

Except as provided in subsection (f) of this section, an eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, may not receive any Federal funds under this subchapter for any fiscal year after such fiscal year.

**(D) Additional States**

**(i) In general**

For purposes of this paragraph, the Secretary shall treat a State described in clause (ii)—

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

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

**(ii) State**

A State referred to in clause (i) shall be a State that—

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

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

**(d) Lead agency**

**(1) Identification**

**(A) In general**

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

**(B) Change in agency**

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

**(2) Duties of the lead agency**

The duties of the lead agency shall include—

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

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

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

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

(iii) continuing the coordination of efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 3012 of this title, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

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

**(e) Application supplement**

**(1) Submission**

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

**(A) Goals and activities**

A description of—

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

(I) health care;

(II) education;

(III) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973 [29 U.S.C. 720 et seq.];

(IV) telecommunication and information technology; or

(V) community living; and

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

**(B) Measures of goal achievement**

A description of how the State will measure whether the goals set by the State have been achieved.

**(C) Involvement of individuals with disabilities of all ages and their families**

A description of how individuals with disabilities of all ages and their families—

- (i) were involved in selecting—
  - (I) the goals;
  - (II) the activities to be undertaken in achieving the goals; and
  - (III) the measures to be used in judging if the goals have been achieved; and
- (ii) will be involved in measuring whether the goals have been achieved.

**(D) Resignation of the lead agency**

If the Governor elects to change the lead agency, the following information:

- (i) With regard to the original lead agency, a description of the deficiencies of the agency.
- (ii) With regard to the new lead agency, a description of—
  - (I) the capacity of the new lead agency to administer and conduct activities described in subsection (b) of this section and this paragraph; and
  - (II) the procedures that the State will implement to avoid the deficiencies, described in clause (i), of the original lead agency.
- (iii) Information identifying which agency prepared the application supplement.

**(2) Interim status of State obligations**

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

**(3) Continuing obligations**

Each State that receives a grant under this section shall continue to abide by the assurances the State made in the application the State submitted under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 and continue to comply with reporting requirements under that Act.

**(4) Duration of application supplement**

**(A) Determination**

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

**(B) Limit**

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

**(f) Extension of funding**

**(1) In general**

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

**(2) Amount**

A State that receives an extension of a grant under paragraph (1), shall receive through the grant, for each of fiscal years of the extension of the grant, an amount equivalent to the amount the State received for the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, or made under this section, as appropriate, from funds appropriated under section 3015(a) of this title and reserved under section 3015(b)(1)(A) of this title for grants under this section.

**(3) Limitation**

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

(Pub. L. 105-394, title I, §101, Nov. 13, 1998, 112 Stat. 3635.)

REFERENCES IN TEXT

The Technology-Related Assistance for Individuals With Disabilities Act of 1988, referred to in subsecs. (a)(2), (c)(3), (d)(1)(A), (e), and (f)(1), (2), is Pub. L. 100-407, Aug. 19, 1988, 102 Stat. 1044, as amended, which was classified generally to chapter 24 (§2201 et seq.) of this title prior to repeal by Pub. L. 105-394, title IV, §401, Nov. 13, 1998, 112 Stat. 3661. Title I of the Act was classified generally to subchapter I (§2211 et seq.) of chapter 24 of this title, and section 103 of the Act was classified to section 2213 of this title. In this chapter, references to provisions of this Act are considered references to such provisions as in effect on the day before Nov. 13, 1998, see section 3002(b) of this title. For complete classification of this Act to the Code, see Tables.

This chapter, referred to in subsec. (b)(2)(C)(ii)(II)(bb), was in the original "this Act", meaning Pub. L. 105-394, Nov. 13, 1998, 112 Stat. 3627, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(3)(A)(ii), 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 Rehabilitation Act of 1973, referred to in subsec. (e)(1)(A)(i)(III), 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.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3002, 3012, 3013, 3014, 3015, 3053 of this title.

**§ 3012. State grants for protection and advocacy related to assistive technology**

**(a) Grants to States**

**(1) In general**

On the appropriation of funds under section 3015 of this title, the Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C. 15001 et seq.] for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

**(2) Certain States**

Notwithstanding paragraph (1), for a State that, on the day before November 13, 1998, was described in section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall make the grant to the lead agency designated under section 3011(d) of this title. The lead agency shall determine how the funds made available under this section shall be divided among the entities that were providing protection and advocacy services in that State on that day, and distribute the funds to the entities. In distributing the funds, the lead agency shall not establish any further eligibility or procedural requirements for an entity in that State that supports protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C. 15001 et seq.]. Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under paragraph (1).

**(3) Periods**

The Secretary shall provide assistance through such a grant to a State for 6 years.

**(b) Amount of financial assistance**

**(1) Grants to outlying areas**

From the funds appropriated under section 3015(a) of this title and reserved under section 3015(b)(1)(A) of this title for any fiscal year, the Secretary shall make a grant in an amount of not more than \$30,000 to each eligible system within an outlying area.

**(2) Grants to States**

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

**(3) Systems within States**

**(A) Population basis**

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

**(B) Minimums**

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

**(4) Reallotment**

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

**(c) Report to Secretary**

An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

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

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

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

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

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

**(d) Reports and updates to State agencies**

An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) of this section and quarterly updates concerning the activities described in subsection (c) of this section.

**(e) Coordination**

On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 3011(d) of this title with respect to efforts at coordination, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

(Pub. L. 105-394, title I, §102, Nov. 13, 1998, 112 Stat. 3644; Pub. L. 106-402, title IV, §401(b)(4)(B), Oct. 30, 2000, 114 Stat. 1738.)

## REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in subsec. (a)(1), (2), is Pub. L. 106-402, Oct. 30, 2000, 114 Stat. 1677, which is classified principally to chapter 144 (§15001 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 15001 of Title 42 and Tables.

Section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, referred to in subsec. (a)(2), was classified to section 2212(f)(1) of this title prior to repeal by Pub. L. 105-394, title IV, §401, Nov. 13, 1998, 112 Stat. 3661. In this chapter, references to provisions of this Act are considered references to such provisions as in effect on the day before Nov. 13, 1998, see section 3002(b) of this title.

## AMENDMENTS

2000—Subsec. (a)(1), (2). Pub. L. 106-402 substituted “Developmental Disabilities Assistance and Bill of Rights Act of 2000” for “Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)”.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3002, 3011, 3014, 3015 of this title.

**§ 3013. Administrative provisions****(a) Review of participating entities****(1) In general**

The Secretary shall assess the extent to which entities that receive grants pursuant to this subchapter are complying with the applicable requirements of this subchapter and achieving the goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

**(2) Onsite visits of States receiving certain grants****(A) In general**

The Secretary shall conduct an onsite visit for each State that receives a grant under section 3011 of this title and that would have been in the third or fourth year of a second extension grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 if that Act had been reauthorized for that fiscal year, prior to the end of that year.

**(B) Unnecessary visits**

The Secretary shall not be required to conduct a visit of a State described in subpara-

graph (A) if the Secretary determines that the visit is not necessary to assess whether the State is making significant progress toward development and implementation of a comprehensive statewide program of technology-related assistance.

**(3) Advance public notice**

The Secretary shall provide advance public notice of an onsite visit conducted under paragraph (2) and solicit public comment through such notice from targeted individuals, regarding State goals and related activities to achieve such goals funded through a grant made under section 3011 of this title.

**(4) Minimum requirements**

At a minimum, the visit shall allow the Secretary to determine the extent to which the State is making progress in meeting State goals and maintaining a comprehensive statewide program of technology-related assistance consistent with the purposes described in section 3001(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 and sanctions****(1) Corrective action**

If the Secretary determines that an entity fails to substantially comply with the requirements of this subchapter with respect to a grant program, the Secretary shall assist the entity through technical assistance funded under section 3014 of this title or other means, within 90 days after such determination, to develop a corrective action plan.

**(2) Sanctions**

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

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

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

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

(D) Required redesignation of the lead agency designated under section 3011(d) of this title or an entity responsible for administering the grant program.

**(3) Appeals procedures**

The Secretary shall establish appeals procedures for entities that are found to be in non-compliance with the requirements of this subchapter.

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

Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to Congress, a report on the activities funded under this 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 the funded activities in improving interagency coordination relating to assistive technology, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

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

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

(ii) establish additional options for obtaining such funding;

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

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

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

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

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

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

As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services.

**(d) Effect on other assistance**

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

(Pub. L. 105-394, title I, §103, Nov. 13, 1998, 112 Stat. 3646.)

## REFERENCES IN TEXT

The Technology-Related Assistance for Individuals With Disabilities Act of 1988, referred to in subsec. (a)(2)(A), is Pub. L. 100-407, Aug. 19, 1988, 102 Stat. 1044, as amended, which was classified generally to chapter 24 (§2201 et seq.) of this title prior to repeal by Pub. L. 105-394, title IV, §401, Nov. 13, 1998, 112 Stat. 3661. In this chapter, references to provisions of this Act are considered references to such provisions as in effect on the day before Nov. 13, 1998, see section 3002(b) of this title. For complete classification of this Act to the Code, see Tables.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3014, 3015 of this title.

**§ 3014. Technical assistance program****(a) In general**

Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to fund a technical assistance program to provide technical assistance to entities, principally entities funded under section 3011 or 3012 of this title.

**(b) Input**

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

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

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

(3) individuals employed by protection and advocacy systems funded under section 3012 of this title.

**(c) Scope of technical assistance****(1) National Public Internet Site****(A) Establishment of Internet site**

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

**(B) Eligible entity**

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

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

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

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

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

(v) developing and designing advanced Internet sites.

**(C) Features of Internet site**

The National Public Internet Site described in subparagraph (A) shall contain the following features:

**(i) Availability of information at any time**

The site shall be designed so that any member of the public may obtain information posted on the site at any time.

**(ii) Innovative automated intelligent agent**

The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

**(iii) Resources****(I) Library on assistive technology**

The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

**(II) Resources for a number of disabilities**

The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

**(iv) Links to private sector resources and information**

To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

**(D) Minimum library components**

At a minimum, the Internet site shall maintain updated information on—

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

(I) providing information and referral services;

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

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

(IV) mounting successful public awareness activities;

(V) improving capacity building in service delivery;

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

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

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

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

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

**(2) Technical assistance efforts**

In carrying out the technical assistance program, taking into account the input required under subsection (b) of this section, the Secretary shall ensure that entities—

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

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

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

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

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

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

(vi) other assignments specified by the Secretary, including assisting entities described in section 3013(b) of this title to develop corrective action plans; and

(B) assist targeted individuals by disseminating information about—

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

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

**(d) Eligible entities**

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

**(e) Application**

To be eligible to receive a grant, contract, or cooperative agreement under this section, an en-

tity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(Pub. L. 105-394, title I, §104, Nov. 13, 1998, 112 Stat. 3648.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3011, 3013, 3015 of this title.

**§ 3015. Authorization of appropriations**

**(a) In general**

There are authorized to be appropriated to carry out this subchapter \$36,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2004.

**(b) Reservations of funds**

**(1) In general**

Except as provided in paragraphs (2) and (3), of the amount appropriated under subsection (a) of this section for a fiscal year—

(A) 87.5 percent of the amount shall be reserved to fund grants under section 3011 of this title;

(B) 7.9 percent shall be reserved to fund grants under section 3012 of this title; and

(C) 4.6 percent shall be reserved for activities funded under section 3014 of this title.

**(2) Reservation for continuation of technical assistance initiatives**

For fiscal year 1999, the Secretary may use funds reserved under subparagraph (C) of paragraph (1) to continue funding technical assistance initiatives that were funded in fiscal year 1998 under the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

**(3) Reservation for onsite visits**

The Secretary may reserve, from the amount appropriated under subsection (a) of this section for any fiscal year, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 3013(a)(2) of this title.

(Pub. L. 105-394, title I, §105, Nov. 13, 1998, 112 Stat. 3651.)

REFERENCES IN TEXT

The Technology-Related Assistance for Individuals With Disabilities Act of 1988, referred to in subsection (b)(2), is Pub. L. 100-407, Aug. 19, 1988, 102 Stat. 1044, as amended, which was classified generally to chapter 24 (§2201 et seq.) of this title prior to repeal by Pub. L. 105-394, title IV, §401, Nov. 13, 1998, 112 Stat. 3661. In this chapter, references to provisions of this Act are considered references to such provisions as in effect on the day before Nov. 13, 1998, see section 3002(b) of this title. For complete classification of this Act to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3011, 3012 of this title.

SUBCHAPTER II—NATIONAL ACTIVITIES

**§ 3031. Small business incentives**

**(a) Definition**

In this section, the term “small business” means a small-business concern, as described in section 632(a) of title 15.

**(b) Contracts for design, development, and marketing**

**(1) In general**

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

**(2) Small Business Innovative Research Program**

Contracts entered into pursuant to paragraph (1) shall be administered in accordance with the contract administration requirements applicable to the Department of Education under the Small Business Innovative Research Program, as described in section 638(g) of title 15. Contracts entered into pursuant to paragraph (1) shall not be included in the calculation of the required expenditures of the Department under section 638(f) of title 15.

**(c) Grants for evaluation and dissemination of information on effects of technology transfer**

The Secretary may make grants to small businesses to enable such businesses—

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

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

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

(Pub. L. 105-394, title II, §211, Nov. 13, 1998, 112 Stat. 3654.)

**§ 3032. Technology transfer and universal design**

**(a) In general**

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

**(b) Collaboration**

In promoting the technology transfer, the Director and the Consortium described in subsection (a) of this section may collaborate—

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

(2) to increase the awareness of staff members of the Federal Laboratories regarding

assistive technology issues and the principles of universal design;

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

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

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

**(c) Grants, contracts, and cooperative agreements**

The Secretary may make grants to or enter into contracts or cooperative agreements with commercial, nonprofit, or other organizations, including institutions of higher education, to facilitate interaction with the Consortium to achieve the objectives of this section.

(Pub. L. 105-394, title II, §212, Nov. 13, 1998, 112 Stat. 3654.)

REFERENCES IN TEXT

The Stevenson-Wydler Technology Innovation Act of 1980, referred to in subsec. (b)(1), is Pub. L. 96-480, Oct. 21, 1980, 94 Stat. 2311, as amended, which is classified generally to chapter 63 (§3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

CODIFICATION

Section is comprised of section 212 of Pub. L. 105-394. Subsec. (d) of section 212 of Pub. L. 105-394 amended section 3710 of Title 15, Commerce and Trade.

**§ 3033. Universal design in products and the built environment**

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

(Pub. L. 105-394, title II, §213, Nov. 13, 1998, 112 Stat. 3655.)

**§ 3034. Outreach**

**(a) Assistive technology in rural or impoverished urban areas**

The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations, by determining the unmet assistive

technology needs of such populations, and designing and implementing programs to meet such needs.

**(b) Assistive technology for children and older individuals**

The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for populations of children and older individuals, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

(Pub. L. 105-394, title II, §214, Nov. 13, 1998, 112 Stat. 3655.)

**§ 3035. Training pertaining to rehabilitation engineers and technicians**

**(a) Grants and contracts**

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

**(b) Activities**

An agency or organization that receives a grant or contract under subsection (a) of this section may use the funds made available through the grant or contract—

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

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

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

(Pub. L. 105-394, title II, §215, Nov. 13, 1998, 112 Stat. 3656.)

**§ 3036. President's Committee on Employment of People With Disabilities**

**(a) Programs**

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

**(b) Activities**

The Committee may carry out activities through the programs that may include—

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

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

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

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

(ii) individuals with disabilities; and

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

**(c) Coordination**

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

**(d) Technical assistance**

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

**(e) Definition**

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

(Pub. L. 105–394, title II, §216, Nov. 13, 1998, 112 Stat. 3656.)

**§ 3037. Authorization of appropriations**

There are authorized to be appropriated to carry out this subchapter, and the provisions of section 763 of this title that relate to research described in section 763(b)(2)(A) of this title, \$10,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal year 2000.

(Pub. L. 105–394, title II, §217, Nov. 13, 1998, 112 Stat. 3657.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 105–394, Nov. 13, 1998, 112 Stat. 3651, which enacted this subchapter and amended sections 763, 781, 792, and 794b of this title and section 3710 of Title 15, Commerce and Trade. For complete classification of title II to the Code, see Tables.

SUBCHAPTER III—ALTERNATIVE  
FINANCING MECHANISMS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 3011 of this title.

**§ 3051. General authority**

**(a) In general**

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

**(b) Mechanisms**

The alternative financing mechanisms may include—

(1) a low-interest loan fund;

(2) an interest buy-down program;

(3) a revolving loan fund;

(4) a loan guarantee or insurance program;

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

(6) another mechanism that meets the requirements of this subchapter and is approved by the Secretary.

**(c) Requirements**

**(1) Period**

The Secretary may award grants under this subchapter for periods of 1 year.

**(2) Limitation**

No State may receive more than one grant under this subchapter.

**(d) Federal share**

The Federal share of the cost of the alternative financing program shall not be more than 50 percent.

**(e) Construction**

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

(Pub. L. 105–394, title III, §301, Nov. 13, 1998, 112 Stat. 3657.)

**§ 3052. Amount of grants**

**(a) In general**

**(1) Grants to outlying areas**

From the funds appropriated under section 3058 of this title for any fiscal year that are not reserved under section 3058(b) of this title, the Secretary shall make a grant in an amount of not more than \$105,000 to each eligible outlying area.

**(2) Grants to States**

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

**(3) Allotments**

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

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

(B) from the remainder of the funds—

(i) the Secretary shall allot to each State an amount that bears the same ratio to 80 percent of the remainder as the population of the State bears to the population of all States; and

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

**(b) Insufficient funds**

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

**(c) Definitions**

In subsection (a) of this section:

**(1) Outlying area**

The term “outlying area” means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**(2) State**

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

(Pub. L. 105-394, title III, §302, Nov. 13, 1998, 112 Stat. 3657.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3002 of this title.

**§ 3053. Applications and procedures**

**(a) Eligibility**

States that receive or have received grants under section 3011 of this title and comply with subsection (b) of this section shall be eligible to compete for grants under this subchapter.

**(b) Application**

To be eligible to compete for a grant under this subchapter, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

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

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

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

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

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

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

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

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

(6) an assurance that—

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

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

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

**(c) Limit**

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

(Pub. L. 105-394, title III, §303, Nov. 13, 1998, 112 Stat. 3658.)

**§ 3054. Contracts with community-based organizations**

**(a) In general**

A State that receives a grant under this subchapter shall enter into a contract with a community-based organization (including a group of such organizations) that has individuals with disabilities involved in organizational decision-making at all organizational levels, to administer the alternative financing program.

**(b) Provisions**

The contract shall—

(1) include a provision requiring that the program funds, including the Federal and non-Federal shares of the cost of the program, be administered in a manner consistent with the provisions of this subchapter;

(2) include any provision the Secretary requires concerning oversight and evaluation necessary to protect Federal financial interests; and

(3) require the community-based organization to enter into a contract, to expand opportunities under this subchapter and facilitate administration of the alternative financing program, with—

(A) commercial lending institutions or organizations; or

(B) State financing agencies.

(Pub. L. 105-394, title III, §304, Nov. 13, 1998, 112 Stat. 3659.)

#### § 3055. Grant administration requirements

A State that receives a grant under this subchapter and any community-based organization that enters into a contract with the State under this subchapter, shall submit to the Secretary, pursuant to a schedule established by the Secretary (or if the Secretary does not establish a schedule, within 12 months after the date that the State receives the grant), each of the following policies or procedures for administration of the alternative financing program:

(1) A procedure to review and process in a timely manner requests for financial assistance for immediate and potential technology needs, including consideration of methods to reduce paperwork and duplication of effort, particularly relating to need, eligibility, and determination of the specific assistive technology device or service to be financed through the program.

(2) A policy and procedure to assure that access to the alternative financing program shall be given to consumers regardless of type of disability, age, income level, location of residence in the State, or type of assistive technology device or assistive technology service for which financing is requested through the program.

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

(Pub. L. 105-394, title III, §305, Nov. 13, 1998, 112 Stat. 3660.)

#### § 3056. Information and technical assistance

##### (a) In general

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

(1) providing assistance in preparing applications for grants under this subchapter;

(2) assisting grant recipients under this subchapter to develop and implement alternative financing programs; and

(3) providing any other information and technical assistance the Secretary determines to be appropriate to assist States to achieve the objectives of this subchapter.

##### (b) Grants, contracts, and cooperative agreements

The Secretary shall provide the information and technical assistance described in subsection (a) of this section through grants, contracts, and cooperative agreements with public or private

agencies and organizations, including institutions of higher education, with sufficient documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing programs carried out under this subchapter.

(Pub. L. 105-394, title III, §306, Nov. 13, 1998, 112 Stat. 3660.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3058 of this title.

#### § 3057. Annual report

Not later than December 31 of each year, the Secretary shall submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the progress of each alternative financing program funded under this subchapter toward achieving the objectives of this subchapter. The report shall include information on—

(1) the number of grant applications received and approved by the Secretary under this subchapter, and the amount of each grant awarded under this subchapter;

(2) the ratio of funds provided by each State for the alternative financing program of the State to funds provided by the Federal Government for the program;

(3) the type of alternative financing mechanisms used by each State and the community-based organization with which each State entered into a contract, under the program; and

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

(Pub. L. 105-394, title III, §307, Nov. 13, 1998, 112 Stat. 3660.)

#### § 3058. Authorization of appropriations

##### (a) In general

There are authorized to be appropriated to carry out this subchapter \$10,000,000 for fiscal year 1999 and such sums as may be necessary for fiscal year 2000.

##### (b) Reservation

Of the amounts appropriated under subsection (a) of this section for a fiscal year, the Secretary shall reserve 2 percent for the purpose of providing information and technical assistance to States under section 3056 of this title.

(Pub. L. 105-394, title III, §308, Nov. 13, 1998, 112 Stat. 3661.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3052 of this title.