TITLE [____]—21ST CENTURY ASSISTIVE TECHNOLOGY ACT

SEC. [__01]. SHORT TITLE.

This title may be cited as the ''21st Century Assistive Technology Act''.

SEC. [__02]. REAUTHORIZATION.

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

''SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

''(a) SHORT TITLE.—This Act may be cited as the 'Assistive Technology Act of 1998'.

''(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

''Sec. 1. Short title; table of contents.
''Sec. 2. Purposes.
''Sec. 3. Definitions.
''Sec. 4. Grants for State assistive technology programs.
''Sec. 5. Grants for protection and advocacy services related to assistive technology.
''Sec. 6. Technical assistance and data collection support.
''Sec. 7. Projects of national significance.
''Sec. 8. Administrative provisions.
''Sec. 9. Authorization of appropriations; reservations and distribution of funds.

''SEC. 2. PURPOSES.

''The purposes of this Act are to—

''(1) to support State efforts to improve the provision of assistive technology to individuals with disabilities of all ages, including underrepresented

populations, through comprehensive statewide programs of technology-related assistance that are designed to—

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

"(B) increase the ability of individuals with disabilities to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by educational or human service agencies or between settings of daily living (for example, between home and work);

"(C) 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;

"(D) 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;

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

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

''(G) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and entities and the general population; and

''(2) to provide States and protection and advocacy systems with financial assistance that supports programs designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

''SEC. 3. DEFINITIONS.

''In this Act:

"(1) ADULT SERVICE PROGRAM.—The term 'adult service program' means a program that provides services to, or is otherwise substantially involved with the major life functions of, individuals with disabilities. Such term includes—

"(A) a program providing residential, supportive, or employment-related services, to individuals with disabilities;

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

"(C) a program carried out by an employment support agency connected to adult vocational rehabilitation, such as a one-stop partner, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); and

"(D) a program carried out by another organization or vender licensed or registered by the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705).

"(2) AMERICAN INDIAN CONSORTIUM.—The term 'American Indian consortium' means an entity

that is an American Indian Consortium (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), and that is established to provide protection and advocacy services for purposes of receiving funding under subtitle C of title I of such Act (42 U.S.C. 15041 et seq.).

''(3) ASSISTIVE TECHNOLOGY.—The term 'assistive technology' means technology designed to be utilized in an assistive technology device or assistive technology service.

''(4) 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.

''(5) 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 devices and services to the individual in the customary environment of the individual;

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

"(C) a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating 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) instruction or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;

"(F) instruction or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive tech-

nology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and

"(G) a service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

"(6) 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.

"(7) 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 that—

"(A) is implemented by a State;

"(B) is 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; and

"(C) incorporates all the activities described in section 4(e) (unless excluded pursuant to section 4(e)(5)).

"(8) 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 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 capacity building and advocacy activities.

"(9) DISABILITY.—The term 'disability' has the meaning given the term under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

"(10) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means any individual—

"(A) who has a disability; and

"(B) 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.

"(11) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and includes a community college receiving funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

"(12) PROTECTION AND ADVOCACY SERVICES.—The term 'protection and advocacy services' means services that—

"(A) are described in subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

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

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Administrator of the Administration for Community Living.

"(14) STATE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'State' means each of the 50 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 section 4(b):

"(i) OUTLYING AREA.—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(ii) STATE.—The term 'State' does not include the United States Virgin Islands, Guam, American Samoa, and the

Commonwealth of the Northern Mariana Islands.

"(15) STATE ASSISTIVE TECHNOLOGY PROGRAM.—The term 'State assistive technology program' means a program authorized under section 4.

"(16) TARGETED INDIVIDUALS AND ENTITIES.—The term 'targeted individuals and entities' means—

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

"(B) underrepresented populations;

"(C) individuals who work for public or private entities (including centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), insurers, or managed care providers) that have contact with, or provide services to, individuals with disabilities;

"(D) educators and related services personnel, including personnel in elementary, secondary, and postsecondary schools, and in vocational and early intervention programs;

"(E) technology experts (including web designers and procurement officials);

"(F) health, allied health, and rehabilitation professionals, and employees of hospitals, skilled nursing, intermediate care, and assisted living facilities (including discharge planners);

"(G) employers, especially small business employers, and providers of employment and training services;

"(H) entities that manufacture or sell assistive technology devices;

"(I) entities that carry out community programs designed to develop essential community services in rural and urban areas; and

"(J) other appropriate individuals and entities, including public and private entities involved in housing and transportation, as determined for a State by the State.

"(17) UNDERREPRESENTED POPULATION.—The term 'underrepresented population' means a population that is typically underrepresented in service provision, and includes populations such as individuals who have low-incidence disabilities, racial and ethnic minorities, low income individuals, homeless individuals (including children and youth), children in foster care, individuals with limited English proficiency, individuals living in institutions seeking

to transition to the community from institutional settings, youth with disabilities aging into adulthood, older individuals, or individuals living in rural areas.

''(18) 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 accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

"SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PROGRAMS.

''(a) GRANTS TO STATES.—The Secretary shall award grants under subsection (b) to States to maintain a comprehensive statewide program of assistive technology-related assistance described in subsection (e) through State assistive technology programs that are designed to—

''(1) maximize the ability of individuals with disabilities across the human lifespan and across the wide array of disabilities, and their family members, guardians, advocates, and authorized representatives, to obtain assistive technology; and

''(2) increase access to assistive technology.

"(b) AMOUNT OF FINANCIAL ASSISTANCE.—

"(1) IN GENERAL.—From funds made available to carry out this section, the Secretary shall award a grant to each State, and outlying area, that meets the requirements of this section from an allotment determined in accordance with paragraph (2).

"(2) CALCULATION OF STATE GRANTS.—

"(A) BASE YEAR.—Except as provided in subparagraphs (B) and (C), the Secretary shall allot to each State and outlying area for a fiscal year an amount that is not less than the amount the State or outlying area received under the grants provided under section 4 of this Act (as in effect on the day before the effective date of the 21st Century Assistive Technology Act) for fiscal year 2022.

"(B) RATABLE REDUCTION.—

"(i) IN GENERAL.—If funds made available to carry out this section for any fiscal year are insufficient to make the allotments required for each State and outlying area under subparagraph (A) for such fiscal year, the Secretary shall ratably reduce the allotments for such fiscal year.

"(ii) ADDITIONAL FUNDS.—If, after the Secretary makes the reductions described in clause (i), additional funds become available to carry out this section for the fiscal year, the Secretary shall ratably increase the allotments, until the Secretary has allotted the entire base year amount under subparagraph (A).

"(C) APPROPRIATION HIGHER THAN BASE YEAR AMOUNT.—For a fiscal year for which the amount of funds made available to carry out this section is greater than the base year amount under subparagraph (A) and no greater than $40,000,000, the Secretary shall—

"(i) make the allotments described in subparagraph (A);

"(ii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clause (i), the Secretary shall—

"(I) from 50 percent of the portion, allot to each State an equal amount; and

"(II) from 50 percent of the portion, allot to each State an amount

that bears the same relationship to such 50 percent as the population of the State bears to the population of all States,

until each State has received an allotment of not less than $410,000 under clause (i) and this clause; and

''(iii) from the remainder of the funds after the Secretary makes the allotments described in clause (ii), the Secretary shall—

''(I) from 80 percent of the remainder, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and

''(II) from 20 percent of the remainder, allot to each State an equal amount.

''(D) APPROPRIATION HIGHER THAN THRESHOLD AMOUNT.—For a fiscal year for which the amount of funds made available to carry out this section is $40,000,000 or greater, the Secretary shall—

"(i) make the allotments described in subparagraph (A);

"(ii) from the funds remaining after the allotment described in clause (i), allot to each outlying area an amount of such funds until each outlying area has received an allotment of exactly $150,000 under clause (i) and this clause;

"(iii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clauses (i) and (ii), the Secretary shall—

"(I) from 50 percent of the portion, allot to each State an equal amount; and

"(II) from 50 percent of the portion, allot to each State an amount that bears the same relationship to such 50 percent as the population of the State bears to the population of all States,

until each State has received an allotment of not less than $450,000 under clause (i) and this clause; and

"(iv) from the remainder of the funds after the Secretary makes the allotments described in clause (iii), the Secretary shall—

"(I) from 80 percent of the remainder, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and

"(II) from 20 percent of the remainder, allot to each State an equal amount.

"(3) AVAILABILITY OF FUNDS.—Amounts made available for a fiscal year under this section shall be available for the fiscal year and the year following the fiscal year.

"(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND ADVISORY COUNCIL.—

"(1) LEAD AGENCY AND IMPLEMENTING ENTITY.—

"(A) LEAD AGENCY.—

"(i) IN GENERAL.—The Governor of a State shall designate a public agency as a lead agency—

"(I) to control and administer the funds made available through the grant awarded to the State under this section; and

"(II) to submit the application described in subsection (d) on behalf of the State, to ensure conformance with Federal and State accounting requirements.

"(ii) DUTIES.—The duties of the lead agency shall include—

"(I) preparing the application described in subsection (d) and carrying out State activities described in that application, including making programmatic and resource allocation decisions necessary to implement the comprehensive statewide program of technology-related assistance;

"(II) coordinating the activities of the comprehensive statewide program of technology-related assistance among public and private entities, including coordinating efforts related to entering into interagency agreements

and maintaining and evaluating the program; and

''(III) coordinating efforts, in a way that acknowledges the demographic characteristics of individuals, 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 through the grant.

''(B) IMPLEMENTING ENTITY.—The Governor may designate an agency, office, or other entity to carry out State activities under this section (referred to in this section as the 'implementing entity'), if such implementing entity is different from the lead agency. The implementing entity shall carry out responsibilities under this Act through a subcontract or another administrative agreement with the lead agency.

''(C) CHANGE IN AGENCY OR ENTITY.—

"(i) IN GENERAL.—On obtaining the approval of the Secretary—

"(I) the Governor may redesignate the lead agency of a State, if the Governor shows to the Secretary, in accordance with subsection (d)(2)(B), good cause why the agency designated as the lead agency should not serve as that agency; and

"(II) the Governor may redesignate the implementing entity of a State, if the Governor shows to the Secretary in accordance with subsection (d)(2)(B), good cause why the entity designated as the implementing entity should not serve as that entity.

"(ii) CONSTRUCTION.—Nothing in this paragraph shall be construed to require the Governor of a State to change the lead agency or implementing entity of the State to an agency other than the lead agency or implementing entity of such State as of the date of enactment of the '21st Century Assistive Technology Act'.

"(2) ADVISORY COUNCIL.—

"(A) IN GENERAL.—There shall be established an advisory council to provide consumer-responsive, consumer-driven advice to the State for planning, implementation, and evaluation of the activities carried out through the grant, including setting the measurable goals described in subsection (d)(3)(C).

"(B) COMPOSITION AND REPRESENTATION.—

"(i) COMPOSITION.—The advisory council shall be composed of—

"(I) individuals with disabilities who use assistive technology or the family members or guardians of the individuals;

"(II) a representative of the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705);

"(III) a representative of the designated State agency for individuals who are blind or that provides assistance or services to adults who are blind (within the meaning of section 101 of that Act (29 U.S.C. 721)), if

such agency is separate from the agency described in subclause (II);

''(IV) a representative of a State center for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), or the Statewide Independent Living Council established under section 705 of such Act (29 U.S.C. 796d);

''(V) a representative of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111);

''(VI) a representative of the State educational agency, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

''(VII) a representative of an alternative financing program for assistive technology if—

"(aa) there is an alternative financing program for assistive technology in the State;

"(bb) such program is separate from the State assistive technology program supported under subsection (e)(2); and

"(cc) the program described in item (aa) is operated by a nonprofit entity;

"(VIII) a representative of 1 or more of—

"(aa) the agency responsible for administering the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(bb) the designated State agency for purposes of section 124 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15024);

"(cc) the State agency designated under section 305(a)(1)

of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)), or an organization that receives assistance under such Act (42 U.S.C. 3001 et seq.);

"(dd) an organization representing disabled veterans;

"(ee) a University Center for Excellence in Developmental Disabilities Education, Research, and Service designated under section 151(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061(a));

"(ff) the State protection and advocacy system established in accordance with section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043); or

"(gg) the State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities As-

sistance and Bill of Rights Act of 2000 (42 U.S.C. 15025); and

"(IX) representatives of other State agencies, public agencies, or private organizations, as determined by the State.

"(ii) MAJORITY.—

"(I) IN GENERAL.—Not less than 51 percent of the members of the advisory council shall be members appointed under clause (i)(I), a majority of whom shall be individuals with disabilities.

"(II) REPRESENTATIVES OF AGENCIES.—Members appointed under subclauses (II) through (IX) of clause (i) shall not count toward the majority membership requirement established in subclause (I).

"(iii) REPRESENTATION.—The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, age, and types of disabilities, and users of types of services that an individual

with a disability may receive, including home and community-based services (as defined in section 9817(a)(2) of the American Rescue Plan Act of 2021 (42 U.S.C. 1396d note)), vocational rehabilitation services (as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705)), and services through the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

''(C) EXPENSES.—The members of the advisory council shall receive no compensation for their service on the advisory council, but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

''(D) IMPACT ON EXISTING STATUTES, RULES, OR POLICIES.—Nothing in this paragraph shall be construed to affect State statutes, rules, or official policies relating to advisory bodies for State assistive technology programs or require changes to governing bodies of incorporated agencies that carry out State assistive technology programs.

''(d) APPLICATION.—

"(1) IN GENERAL.—Any State that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

"(2) LEAD AGENCY AND IMPLEMENTING ENTITY.—

"(A) IN GENERAL.—The application shall contain—

"(i) information identifying and describing the lead agency referred to in subsection (c)(1)(A);

"(ii) information identifying and describing the implementing entity referred to in subsection (c)(1)(B), if the Governor of the State designates such an entity; and

"(iii) a description of how individuals with disabilities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant and through the advisory council established in accordance with subsection (c)(2).

"(B) CHANGE IN LEAD AGENCY OR IMPLEMENTING ENTITY.—In any case where—

"(i) the Governor requests to redesignate a lead agency, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for the requested change; or

"(ii) the Governor requests to redesignate an implementing entity, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for the requested change.

"(3) STATE PLAN.—The application under this subsection shall include a State plan for assistive technology consisting of—

"(A) a description of how the State will carry out a comprehensive statewide program that provides assistive technology activities described in subsection (e) (unless excluded by the State pursuant to subsection (e)(5));

"(B) a description of how the State will allocate and utilize grant funds to implement the activities described in subparagraph (A), including describing proposed budget allocations and

planned procedures for tracking expenditures for the activities;

''(C) measurable goals, and a timeline for meeting the goals, that the State has set for addressing the assistive technology needs of individuals with disabilities in the State related to—

''(i) education, including goals involving the provision of assistive technology to individuals with disabilities who receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

''(ii) 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.);

''(iii) access to teleassistive technology to aid in the access of health care services, including mental health and substance use disorder services;

''(iv) accessible information and communication technology instruction for indi-

viduals with disabilities receiving assistive technology under this section; and

"(v) community living;

"(D) information describing how the State will quantifiably measure the goals, in a manner consistent with the data submitted through the progress reports under subsection (f), to determine whether the goals have been achieved; and

"(E) a description of any activities described in subsection (e) that the State will support with State or other non-Federal funds.

"(4) INVOLVEMENT OF PUBLIC AND PRIVATE ENTITIES.—The application shall describe how various public and private entities, including individuals with disabilities and their families, were involved in the development of the application, including the measurable goals and timeline described in paragraph (3)(C) and the description of how the goals will be quantifiably measured described in paragraph (3)(D), and will be involved in the implementation of the activities to be carried out through the grant, including—

"(A) in cases determined to be appropriate by the State, a description of the nature and extent of resources that will be committed by

public and private partners to assist in accomplishing identified goals; and

"(B) a description of the mechanisms established to ensure coordination of activities and collaboration between the implementing entity, if any, and the State.

"(5) ASSURANCES.—The application shall include assurances that—

"(A) the State will annually collect data related to the required activities implemented by the State under this section in order to prepare the progress reports required under subsection (f);

"(B) funds received through the grant—

"(i) will be expended in accordance with this section; and

"(ii) will be used to supplement, and not supplant, funds available from other sources for technology-related assistance, including the provision of assistive technology devices and assistive technology services;

"(C) the lead agency will control and administer the funds received through the grant;

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

''(E) the physical facility of the lead agency and implementing entity, if any, meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding accessibility for individuals with disabilities;

''(F) a public agency or an individual with a disability holds title to any property purchased with funds received under the grant and administers that property;

''(G) activities carried out in the State that are authorized under this Act, and supported by Federal funds received under this Act, will comply with the standards established by the Architectural and Transportation Barriers Compliance Board under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

''(H) the State will—

''(i) prepare reports to the Secretary in such form and containing such information as the Secretary may require to carry

out the Secretary's functions under this Act; and

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

"(e) USE OF FUNDS.—

"(1) REQUIRED ACTIVITIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (5), any State that receives a grant under this section shall—

"(i) use a portion of not more than 40 percent of the funds made available through the grant to carry out all activities described in paragraph (3), of which not less than 5 percent of such portion shall be available for activities described in paragraph (3)(A)(iii); and

"(ii) use a portion of the funds made available through the grant to carry out all of the activities described in paragraph (2).

"(B) STATE OR OTHER NON-FEDERAL FINANCIAL SUPPORT.—A State receiving a grant under this section shall not be required to use

grant funds to carry out the category of activities described in subparagraph (A), (B), (C), or (D) of paragraph (2) in that State if, for such category of activities, financial support is provided in that State—

"(i) from State or other non-Federal resources or entities; and

"(ii) in an amount that is comparable to, or greater than, the amount of the portion of the funds made available through the grant that the State would have expended for such category of activities, in the absence of this subparagraph.

"(2) STATE-LEVEL ACTIVITIES.—

"(A) STATE FINANCING ACTIVITIES.—The State shall support State financing activities to increase access to, and funding for, assistive technology devices and assistive technology services (which shall not include direct payment for such a device or service for an individual with a disability but may include support and administration of a program to provide such payment), including development of systems to provide and pay for such devices and services,

for targeted individuals and entities described in section 3(16)(A), including—

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

''(ii) another mechanism that is approved by the Secretary; or

''(iii) support for the development of a State-financed or privately financed alternative financing program engaged in the provision of assistive technology devices, such as—

''(I) a low-interest loan fund;

''(II) an interest buy-down program;

''(III) a revolving loan fund; or

''(IV) a loan guarantee or insurance program.

''(B) DEVICE REUTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, repair, re-

cycling, or other reutilization of assistive technology devices, which may include redistribution through device sales, loans, rentals, or donations.

"(C) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that provide short-term loans of assistive technology devices to individuals, employers, public agencies, or others seeking to meet the needs of targeted individuals and entities, including others seeking to comply with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), 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).

"(D) DEVICE DEMONSTRATIONS.—

"(i) IN GENERAL.—The State shall directly, or in collaboration with public and private entities, such as one-stop partners, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), demonstrate a variety of assistive technology devices and assistive

technology services (including assisting individuals in making informed choices regarding, and providing experiences with, the devices and services), using personnel who are familiar with such devices and services and their applications.

''(ii) COMPREHENSIVE INFORMATION.—The State shall directly, or through referrals, provide to individuals, to the extent practicable, comprehensive information about State and local assistive technology venders, providers, and repair services.

''(3) STATE LEADERSHIP ACTIVITIES.—

''(A) EDUCATIONAL ACTIVITIES AND TECHNICAL ASSISTANCE.—

''(i) IN GENERAL.—The State shall, directly or through the provision of support to public or private entities with demonstrated expertise in collaborating with public or private agencies that serve individuals with disabilities, develop and disseminate training materials, conduct educational activities, and provide technical assistance, for individuals statewide, in-

cluding representatives of State and local educational agencies, State vocational rehabilitation programs, other State and local agencies, early intervention programs, adult service programs, hospitals and other health care facilities, institutions of higher education, and businesses.

''(ii) AUTHORIZED ACTIVITIES.—In carrying out activities under clause (i), the State shall carry out activities that enhance the knowledge, skills, and competencies of individuals from local settings described in such clause, which may include—

''(I) raising awareness and providing instruction on the benefits of assistive technology and the Federal, State, and private funding sources available to assist targeted individuals and entities in acquiring assistive technology;

''(II) skills development in assessing the need for assistive technology devices and assistive technology services;

"(III) instruction to ensure the appropriate application and use of assistive technology devices, assistive technology services, and accessible information and communication technology for e-government functions;

"(IV) instruction in the importance of multiple approaches to assessment and implementation necessary to meet the individualized needs of individuals with disabilities; and

"(V) technical instruction on integrating assistive technology into the development and implementation of service plans, including any education, health, discharge, Olmstead, employment, or other plan required under Federal or State law.

"(iii) TRANSITION ASSISTANCE TO INDIVIDUALS WITH DISABILITIES.—The State shall (directly or through the provision of support to public or private entities) develop and disseminate educational materials, conduct educational activities,

facilitate access to assistive technology, and provide technical assistance, to assist—

"(I) students with disabilities, within the meaning of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), that receive transition services; and

"(II) adults who are individuals with disabilities maintaining or transitioning to community living.

"(B) PUBLIC-AWARENESS ACTIVITIES.—

"(i) IN GENERAL.—The State shall conduct public-awareness activities designed to provide information to targeted individuals and entities relating to the availability, benefits, appropriateness, and costs of assistive technology devices and assistive technology services, including—

"(I) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals and entities, which may include partnerships with entities in the statewide

and local workforce development systems established under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), State vocational rehabilitation programs, public and private employers, centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), Aging and Disability Resource Centers (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)), or elementary schools and secondary schools (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(II) the development and dissemination, to targeted individuals and entities, of information about State efforts related to assistive technology; and

''(III) the distribution of materials to appropriate public and private agencies that provide social, medical,

educational, employment, housing, and transportation services to individuals with disabilities.

''(ii) STATEWIDE INFORMATION AND REFERRAL SYSTEM.—

''(I) IN GENERAL.—The State shall directly, or in collaboration with public or private entities (including nonprofit organizations), provide for the continuation and enhancement of a statewide information and referral system designed to meet the needs of targeted individuals and entities.

''(II) CONTENT.—The system shall deliver information on assistive technology devices, assistive technology services (with specific data regarding provider availability within the State), and the availability of resources, including funding through public and private sources, to obtain assistive technology devices and assistive technology services. The system shall also deliver information on the benefits of assistive technology devices

and assistive technology services with respect to enhancing the capacity of individuals with disabilities to perform activities of daily living.

''(C) COORDINATION AND COLLABORATION.—The State shall coordinate activities described in paragraph (2) and this paragraph, among public and private entities that are responsible for policies, procedures, or funding for the provision of assistive technology devices and assistive technology services to improve access to such devices and services in the State.

''(4) FUNDING RULES.—

''(A) PROHIBITION.—Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

''(B) FEDERAL PARTNER COLLABORATION.—In order to coordinate efforts regarding the availability of funding to access and acquire assistive technology through device demonstration, loan, reuse, and State financing activities, a State receiving a grant under this section shall ensure that the lead agency or imple-

menting entity is conducting outreach to and, as appropriate, collaborating with, other State agencies that receive Federal funding for assistive technology, including—

"(i) the State educational agency receiving assistance under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

"(ii) the State vocational rehabilitation agency receiving assistance under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

"(iii) the agency responsible for administering the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(iv) the State agency receiving assistance under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

"(v) any other agency in a State that funds assistive technology.

"(C) INDIRECT COSTS.—Not more than 10 percent of the funds made available through a grant to a State under this section may be used for indirect costs.

''(5) STATE FLEXIBILITY.—

''(A) IN GENERAL.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that the State receives under a grant awarded under this section to carry out any 2 or more of the activities described in paragraph (2).

''(B) SPECIAL RULE.—Notwithstanding paragraph (1)(A), any State that exercises its authority under subparagraph (A)—

''(i) shall carry out each of the required activities described in paragraph (3); and

''(ii) shall use not more than 30 percent of the funds made available through the grant to carry out such activities.

''(6) ASSISTIVE TECHNOLOGY DEVICE DISPOSITION.—Notwithstanding other equipment disposition policy under Federal law, an assistive technology device purchased to be used in activities authorized under this section may be reutilized to the maximum extent possible and then donated to a public agency, private nonprofit agency, or individual with a disability in need of such device.

''(f) ANNUAL PROGRESS REPORTS.—

"(1) DATA COLLECTION.—Each State receiving a grant under this section shall participate in data collection as required by law, including data collection required for preparation of the reports described in paragraph (2).

"(2) REPORTS.—

"(A) IN GENERAL.—Each State shall prepare and submit to the Secretary an annual progress report on the activities carried out by the State in accordance with subsection (e), including activities funded by State or other non-Federal sources under subsection (e)(1)(B) at such time, and in such manner, as the Secretary may require.

"(B) CONTENTS.—The report shall include data collected pursuant to this section. The report shall document, with respect to activities carried out under this section in the State—

"(i) the type of State financing activities described in subsection (e)(2)(A) used by the State;

"(ii) the amount and type of assistance given to consumers of the State financing activities described in subsection (e)(2)(A) (which shall be classified by type

of assistive technology device or assistive technology service financed through the State financing activities, and geographic distribution within the State), including—

''(I) the number of applications for assistance received;

''(II) the number of applications—

''(aa) approved;

''(bb) denied; or

''(cc) withdrawn;

''(III) the number, percentage, and dollar amount of defaults for the financing activities;

''(IV) the range and average interest rate for the financing activities;

''(V) the range and average income of approved applicants for the financing activities; and

''(VI) the types and dollar amounts of assistive technology financed;

''(iii) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabil-

ities, employers, public agencies, or public accommodations through the device loan program described in subsection (e)(2)(C), and an analysis of the types of such devices provided through the program, and how each device benefitted the individual who received such device;

''(iv) the number, type, estimated value, and scope of assistive technology devices exchanged, repaired, recycled, or reutilized (including redistributed through device sales, loans, rentals, or donations) through the device reutilization program described in subsection (e)(2)(B), and an analysis of the individuals with disabilities who have benefited from the device reutilization program;

''(v) the number and type of device demonstrations and referrals provided under subsection (e)(2)(D), and an analysis of individuals with disabilities who have benefited from the demonstrations and referrals;

''(vi)(I) the number and general characteristics of individuals who participated

in educational activities under subsection (e)(3)(A) (such as individuals with disabilities, parents, educators, employers, providers of employment services, health care workers, counselors, other service providers, or venders) and the topics of such educational activities; and

''(II) to the extent practicable, the geographic distribution of individuals who participated in the educational activities;

''(vii) the frequency of provision and nature of technical assistance provided to State and local agencies and other entities;

''(viii) the number of individuals assisted through the statewide information and referral system described in subsection (e)(3)(B)(ii) and descriptions of the public awareness activities under subsection (e)(3)(B);

''(ix) the outcomes of any improvement initiatives carried out by the State as a result of activities funded under this section, including a description of any written policies, practices, and procedures that the State has developed and implemented re-

garding access to, provision of, and funding for, assistive technology devices, and assistive technology services, in the contexts of education, health care, employment, community living, and accessible information and communication technology, including e-government;

''(x) the source of leveraged funding or other contributed resources, including resources provided through subcontracts or other collaborative resource-sharing agreements, from and with public and private entities to carry out State activities described in subsection (e)(3)(C), the number of individuals served with the contributed resources for which information is not reported under clauses (i) through (ix) or clause (xi), and other outcomes accomplished as a result of such activities carried out with the contributed resources; and

''(xi) the level of customer satisfaction with the services provided.

''SEC. 5. GRANTS FOR PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary shall make grants under subsection (b) to protection and advocacy systems in each State for the purpose of enabling such systems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

''(2) GENERAL AUTHORITIES.—In providing the assistance described under paragraph (1), protection and advocacy systems shall have the same general authorities as the systems are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

''(b) RESERVATION; DISTRIBUTION.—

''(1) RESERVATION.—For each fiscal year, the Secretary shall reserve, from the amounts made available to carry out this section under section 9(b)(2)(B), such sums as may be necessary to carry out paragraph (4).

''(2) POPULATION BASIS.—From the amounts appropriated to carry out this section for a fiscal year that remain after the reservation required under paragraph (1) has been made, the Secretary shall make a grant to a protection and advocacy sys-

tem within each State in an amount bearing the same ratio to the remaining amounts as the population of the State bears to the population of all States.

''(3) MINIMUMS.—Subject to the availability of appropriations and paragraph (5), the amount of a grant to a protection and advocacy system under paragraph (2) for a fiscal year shall—

''(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, not be less than $30,000; and

''(B) in the case of a protection and advocacy system located in a State not described in subparagraph (A), not be less than $50,000.

''(4) PAYMENT TO THE SYSTEM SERVING THE AMERICAN INDIAN CONSORTIUM.—

''(A) IN GENERAL.—The Secretary shall make grants to the protection and advocacy system serving the American Indian consortium to provide services in accordance with this section.

''(B) AMOUNT OF GRANTS.—The amount of a grant under subparagraph (A) shall be the

same as the amount provided under paragraph (3)(A).

''(5) ADJUSTMENTS.—For each fiscal year for which the total amount appropriated under section 9(b)(2)(B) to carry out this section is $8,000,000 or more and such appropriated amount exceeds the total amount appropriated to carry out this section for the preceding fiscal year, the Secretary shall increase each of the minimum grant amounts described in subparagraphs (A) and (B) of paragraph (3) and paragraph (4)(B) by a percentage equal to the percentage increase in the total amount appropriated under section 9 to carry out this section for the preceding fiscal year and such total amount for the fiscal year for which the determination is being made.

''(c) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Secretary shall pay directly to any protection and advocacy system that complies with this section, the total amount of the grant made for such system under this section, unless the system provides otherwise for payment of the grant amount.

''(d) CARRYOVER; PROGRAM INCOME.—

''(1) CARRYOVER.—Any amount paid to a protection and advocacy system for a fiscal year under

this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year.

''(2) PROGRAM INCOME.—Program income generated from any amount paid to a protection and advocacy system for a fiscal year shall—

''(A) remain available to the protection and advocacy system for 5 additional fiscal years after the year in which such amount was paid to the protection and advocacy system and be considered an addition to the grant; and

''(B) only be used to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

''(e) REPORT TO SECRETARY.—A protection and advocacy system that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains documentation of the progress of the protection and advocacy system in—

''(1) conducting consumer-responsive activities, including activities that will lead to increased access for individuals with disabilities to funding for assist-

ive technology devices and assistive technology services;

''(2) engaging in informal advocacy to assist in securing assistive technology devices 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 devices 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 Act;

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

''(6) effectively allocating funds made available under this section to improve the awareness of indi-

viduals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

''(f) REPORTS AND UPDATES TO STATE AGENCIES.—A protection and advocacy system that receives a grant under this section shall prepare and submit to the lead agency of the State designated under section 4(c)(1) the report described in subsection (e) and quarterly updates concerning the activities described in such subsection.

''(g) COORDINATION.—On making a grant under this section to a protection and advocacy system in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State with respect to efforts at coordination of activities, collaboration, and promoting outcomes between the lead agency and the protection and advocacy system that receives the grant under this section.

''SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION SUPPORT.

''(a) DEFINITIONS.—In this section:

''(1) QUALIFIED DATA COLLECTION AND REPORTING ENTITY.—The term 'qualified data collection and reporting entity' means an entity with demonstrated expertise in data collection and reporting as described in section 4(f)(2)(B), in order to—

"(A) provide recipients of grants under this Act with instruction and technical assistance; and

"(B) assist such recipients with data collection and data requirements.

"(2) QUALIFIED PROTECTION AND ADVOCACY SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified protection and advocacy system technical assistance provider' means an entity that has experience in—

"(A) working with protection and advocacy systems established in accordance with section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043); and

"(B) providing technical assistance to protection and advocacy agencies.

"(3) QUALIFIED TECHNICAL ASSISTANCE PROVIDER.—The term 'qualified technical assistance provider' means an entity with demonstrated expertise in assistive technology and that has (directly or through grant or contract)—

"(A) experience and expertise in administering programs, including developing, imple-

menting, and administering all of the activities described in section 4(e); and

''(B) documented experience in and knowledge about—

''(i) assistive technology device loan and demonstration;

''(ii) assistive technology device reuse;

''(iii) financial loans and microlending, including the activities of alternative financing programs for assistive technology; and

''(iv) State leadership activities.

''(b) TECHNICAL ASSISTANCE AND DATA COLLECTION SUPPORT AUTHORIZED.—

''(1) SUPPORT FOR ASSISTIVE TECHNOLOGY EDUCATIONAL ACTIVITIES AND TECHNICAL ASSISTANCE.—From amounts made available under section 9(b)(1), the Secretary shall award, on a competitive basis, grants, contracts, or cooperative agreements—

''(A) to qualified technical assistance providers to support activities described in subsection (d)(1) for States receiving grants under section 4; and

''(B) to qualified protection and advocacy system technical assistance providers to support

activities described in subsection (d)(1) for protection and advocacy systems receiving grants under section 5.

"(2) SUPPORT FOR DATA COLLECTION AND REPORTING ASSISTANCE.—From amounts made available under section 9(b)(1), the Secretary shall award, on a competitive basis, grants, contracts, or cooperative agreements—

"(A) to qualified data collection and reporting entities, to enable the qualified data collection and reporting entities to carry out the activities described in subsection (d)(2) for States receiving grants under section 4; and

"(B) to qualified protection and advocacy system technical assistance providers, to enable the providers to carry out the activities described in subsection (d)(2) for protection and advocacy systems receiving grants under section 5.

"(e) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing the following information:

"(A) A description of the activities such entity will carry out with the grant, contract, or cooperative agreement under subsection (d).

"(B) A description of the expertise such entity has to carry out such activities.

"(C) In the case of an entity applying to receive a grant, contract, or cooperative agreement under subsection (b)(1), a description of such entity's plan for complying with the requirements described in subsection (d)(1)(B).

"(D) A description of such entity's plan to comply with all relevant State and Federal laws, regulations, and policies with respect to data privacy and security.

"(E) Such other information as the Secretary may require.

"(2) INPUT.—In developing grants, contracts, or cooperative agreements under this section, the Secretary shall consider the input of the recipients of grants under sections 4 and 5 and other individuals the Secretary determines to be appropriate, especially—

"(A) individuals with disabilities who use assistive technology and understand the bar-

riers to the acquisition of such technology and assistive technology services;

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

"(C) relevant employees from Federal departments and agencies, other than the Department of Health and Human Services;

"(D) representatives of businesses; and

"(E) venders and public and private researchers and developers.

"(d) AUTHORIZED ACTIVITIES.—

"(1) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY TECHNICAL ASSISTANCE.—

"(A) TECHNICAL ASSISTANCE EFFORTS.—A qualified technical assistance provider or qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(1) shall support a technical assistance program for States or protection and advocacy systems receiving a grant under section 4 or 5, respectively, that—

"(i) addresses State-specific information requests concerning assistive tech-

nology from entities funded under this Act and public entities not funded under this Act, including—

''(I) 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;

''(II) model 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;

''(III) effective approaches to developing, implementing, evaluating, and sustaining activities described in section 4 or 5, as the case may be, and related to improving acquisition and access to assistive technology devices and assistive technology services for individuals with disabilities, and

requests for assistance in developing corrective action plans;

''(IV) policies, practices, procedures, regulations, or judicial decisions related to access to and acquisition of assistive technology devices and assistive technology services for individuals with disabilities;

''(V) 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; and

''(VI) other requests for information and technical assistance from entities funded under this Act; and

''(ii) in the case of a program that will serve States receiving grants under section 4—

''(I) assists targeted individuals and entities by disseminating information and responding to requests relating to assistive technology by providing referrals to recipients of grants

under section 4 or other public or private resources; and

"(II) provides State-specific, regional, and national technical assistance concerning assistive technology to entities funded under this Act, and public and private entities not funded under this Act, including—

"(aa) annually providing a forum for exchanging information concerning, and promoting program and policy improvements in, required activities of the State assistive technology programs;

"(bb) facilitating onsite and electronic information sharing using state-of-the-art internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio or video broadcasts, on emerging topics that affect State assistive technology programs;

"(cc) convening experts from State assistive technology pro-

grams to discuss and make recommendations with regard to national emerging issues of importance to individuals with assistive technology needs;

"(dd) sharing best practice and evidence-based practices among State assistive technology programs;

"(ee) developing or maintaining an accessible, national, and public website that includes information, tools, and resources on assistive technology devices and assistive technology services and links to State assistive technology programs, appropriate Federal departments and agencies, and private resources;

"(ff) developing a resource that connects individuals from a State with the State assistive technology program in their State;

"(gg) providing access to experts in the State-level activities described in section 4(e)(2) through site visits, teleconferences, and other means, to ensure access to information for entities that are carrying out new programs or programs that are not making progress in achieving the objectives of the programs; and

"(hh) supporting and coordinating activities designed to reduce the financial costs of purchasing assistive technology for the activities described in section 4(e), and reducing duplication of activities among State assistive technology programs.

"(B) COLLABORATION.—In developing and providing technical assistance under this paragraph, a qualified technical assistance provider or qualified protection and advocacy system technical assistance provider receiving a grant,

contract, or cooperative agreement under subsection (b)(1) shall—

"(i) collaborate with—

"(I) organizations representing individuals with disabilities;

"(II) national organizations representing State assistive technology programs;

"(III) organizations representing State officials and agencies engaged in the delivery of assistive technology;

"(IV) other qualified protection and advocacy system technical assistance providers and qualified technical assistance providers;

"(V) providers of State financing activities, including alternative financing programs for assistive technology;

"(VI) providers of device loans, device demonstrations, and device reutilization; and

"(VII) any other organizations determined appropriate by the provider or the Secretary; and

"(ii) in the case of a qualified technical assistance provider, include activities identified as priorities by State advisory councils and lead agencies and implementing entities for grants under section 4.

"(2) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY DATA COLLECTION AND REPORTING ASSISTANCE.—A qualified data collection and reporting entity or a qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(2) shall assist States or protection and advocacy systems receiving a grant under section 4 or 5, respectively, to develop and implement effective and accessible data collection and reporting systems that—

"(A) focus on quantitative and qualitative data elements;

"(B) help measure the impact of the activities to individuals who need assistive technology;

"(C) in the case of systems that will serve States receiving grants under section 4—

"(i) measure the outcomes of all activities described in section 4(e) and the progress of the States toward achieving the measurable goals described in section 4(d)(3)(C); and

"(ii) provide States with the necessary information required under this Act or by the Secretary for reports described in section 4(f)(2); and

"(D) are in full compliance with all relevant State and Federal laws, regulations, and policies with respect to data privacy and security.

"SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) DEFINITION OF PROJECT OF NATIONAL SIGNIFICANCE.—In this section, the term 'project of national significance'—

"(1) means a project that—

"(A) increases access to, and acquisition of, assistive technology; and

"(B) creates opportunities for individuals with disabilities to directly and fully contribute to, and participate in, all facets of education, employment, community living, and recreational activities; and

"(2) may—

"(A) develop and expand partnerships between State Medicaid agencies and recipients of grants under section 4 to reutilize durable medical equipment;

"(B) increase collaboration between the recipients of grants under section 4 and States receiving grants under the Money Follows the Person Rebalancing Demonstration under section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note);

"(C) increase collaboration between recipients of grants under section 4 and area agencies on aging, as such term is defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002), which may include collaboration on emergency preparedness, safety equipment, or assistive technology toolkits;

"(D) provide aid to assist youth with disabilities to transition from school to adult life, especially in—

"(i) finding employment and postsecondary education opportunities; and

"(ii) upgrading and changing any assistive technology devices that may be needed as a youth matures;

"(E) increase access to and acquisition of assistive technology addressing the needs of aging individuals and aging caregivers in the community;

"(F) increase effective and efficient use of assistive technology as part of early intervention for infants and toddlers with disabilities from birth to age 3;

"(G) increase awareness of and access to the Disability Funds-Financial Assistance funding provided by the Community Development Financial Institutions Fund that supports acquisition of assistive technology; and

"(H) increase awareness of and access to assistive technology, such as through models described in subclauses (I) through (IV) of section 4(e)(2)(A)(iii) and other Federally funded disability programs.

"(b) PROJECTS AUTHORIZED.—If funds are available pursuant to section 9(c) to carry out this section for a fiscal year, the Secretary may award, on a competitive basis, grants, contracts, and cooperative agreements to

public or private nonprofit entities to enable the entities to carry out projects of national significance.

''(c) APPLICATION.—A public or private nonprofit entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing a description of the project of national significance the entity proposes to carry out under this section.

''(d) AWARD PREFERENCE.—For each grant award period, the Secretary may give preference for 1 or more categories of projects of national significance described in subparagraphs (A) through (H) of subsection (a)(2).

''(e) MINIMUM FUNDING LEVEL REQUIRED.—The Secretary may only award grants, contracts, or cooperative agreements under this section if the amount made available under section 9 to carry out sections 4, 5, and 6 is equal to or greater than $49,000,000.

''SEC. 8. ADMINISTRATIVE PROVISIONS.

''(a) GENERAL ADMINISTRATION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Administration for Community Living of the Department of Health and Human Services (referred to in this section as the 'Administrator') shall be responsible for the administration of this Act.

"(2) COLLABORATION.—The Administrator shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, and other appropriate Federal entities in the administration of this Act.

"(3) ADMINISTRATION.—

"(A) IN GENERAL.—In administering this Act, the Administrator shall ensure that programs funded under this Act will address—

"(i) the needs of individuals with all types of disabilities and across the lifespan; and

"(ii) the use of assistive technology in all potential environments, including employment, education, and community living.

"(B) FUNDING LIMITATIONS.—For each fiscal year, not more than ½ of 1 percent of the total funding appropriated for this Act shall be used by the Administrator to support the administration of this Act.

"(b) REVIEW OF PARTICIPATING ENTITIES.—

''(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants under this Act are complying with the applicable requirements of this Act and achieving measurable goals that are consistent with the requirements of the grant programs under which the entities received the grants.

''(2) 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, including the information required under subsection (d).

''(c) CORRECTIVE ACTION AND SANCTIONS.—

''(1) CORRECTIVE ACTION.—If the Secretary determines that an entity that receives a grant under this Act fails to substantially comply with the applicable requirements of this Act, or to make substantial progress toward achieving the measurable goals described in subsection (b)(1) with respect to the grant program, the Secretary shall assist the entity, through technical assistance funded under section 6 or other means, within 90 days after such determination, to develop a corrective action plan.

''(2) SANCTIONS.—If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Secretary:

''(A) Partial or complete termination of funding under the grant program, until the entity develops and complies with such a plan.

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

''(C) Reduction in the amount of funding that may be used for indirect costs under section 4 for the following fiscal year.

''(D) Required redesignation of the lead agency designated under section 4(c)(1) or an entity responsible for administering the grant program.

''(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are determined to be in noncompliance with the applicable requirements of this Act, or have not made substantial progress toward achieving the measurable goals described in subsection (b)(1).

''(4) SECRETARIAL ACTION.—As part of the annual report required under subsection (d), the Sec-

retary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

''(5) PUBLIC NOTIFICATION.—Not later than 30 days after taking an action under paragraph (1) or (2), the Secretary shall notify the public, by posting on an easily accessible portion of the internet website of the Department of Health and Human Services, notification of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

''(d) ANNUAL REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare and submit to the President, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives a report on the activities funded under this Act to improve the access of assistive technology devices and assistive technology services to individuals with disabilities.

''(2) CONTENTS.—Each report described in paragraph (1) shall include—

''(A) a compilation and summary of the information provided by the States in annual progress reports submitted under section 4(f); and

''(B) a summary of the State applications described in section 4(d) and an analysis of the progress of the States in meeting the measurable goals established in State applications under section 4(d)(3)(C).

''(e) CONSTRUCTION.—Nothing in this section shall be construed to affect the enforcement authority of the Secretary, another Federal officer, or a court under any other applicable law.

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

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS AND DISTRIBUTION OF FUNDS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

''(1) $44,000,000 for fiscal year 2023;

''(2) $45,980,000 for fiscal year 2024;

''(3) $48,049,100 for fiscal year 2025;

"(4) $50,211,310 for fiscal year 2026; and

"(5) $52,470,819 for fiscal year 2027.

"(b) RESERVATIONS AND DISTRIBUTION OF FUNDS.—Subject to subsection (c), for each fiscal year for which funds are made available under subsection (a) to carry out this Act, the Secretary shall—

"(1) reserve an amount equal to 3 percent of the funds made available for each such fiscal year to carry out paragraphs (1) and (2) of section 6(b); and

"(2) from the amounts remaining after making the reservation under paragraph (1)—

"(A) use 85.5 percent of such amounts to carry out section 4; and

"(B) use 14.5 percent of such amounts to carry out section 5.

"(c) LIMIT FOR PROJECTS OF NATIONAL SIGNIFICANCE.—For any fiscal year for which the amount made available under subsection (a) exceeds $49,000,000 the Secretary may—

"(1) reserve for section 7, an amount of such available funds that does not exceed the lesser of—

"(A) the excess amount made available; or

"(B) $2,000,000; and

''(2) make the reservation under paragraph (1) before carrying out subsection (b).''.

SEC. [__03]. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the day that is 6 months after the date of enactment of this Act.