

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4278
OFFERED BY MR. MCKEON

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

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

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

9 “SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

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

“Sec. 2. Findings and purposes.

“Sec. 3. Definitions.

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

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

“Sec. 6. Administrative provisions.

“Sec. 7. National activities.

“Sec. 8. Authorization of appropriations.



1 **“SEC. 2. FINDINGS AND PURPOSES.**

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

3 “(1) Disability is a natural part of the human
4 experience and in no way diminishes the right of in-
5 dividuals to—

6 “(A) live independently;

7 “(B) enjoy self-determination and make
8 choices;

9 “(C) benefit from an education;

10 “(D) pursue meaningful careers; and

11 “(E) enjoy full inclusion and integration in
12 the economic, political, social, cultural, and edu-
13 cational mainstream of society in the United
14 States.

15 “(2) Technology is one of the primary engines
16 for economic activity, education, and innovation in
17 the Nation, and throughout the world. The commit-
18 ment of the United States to the development and
19 utilization of technology is one of the main factors
20 underlying the strength and vibrancy of the economy
21 of the United States.

22 “(3) As technology has come to play an increas-
23 ingly important role in the lives of all persons in the
24 United States, in the conduct of business, in the
25 functioning of government, in the fostering of com-
26 munication, in the conduct of commerce, and in the



1 provision of education, its impact upon the lives of
2 individuals with disabilities in the United States has
3 been comparable to its impact upon the remainder
4 of the citizens of the United States. Any develop-
5 ment in mainstream technology would have profound
6 implications for individuals with disabilities in the
7 United States.

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

17 “(5) Substantial progress has been made in the
18 development of assistive technology devices, includ-
19 ing adaptations to existing devices that facilitate ac-
20 tivities of daily living, that significantly benefit indi-
21 viduals with disabilities of all ages. These devices
22 and adaptations increase the involvement, and re-
23 duce expenditures associated with, programs and ac-
24 tivities that facilitate communication, ensure inde-
25 pendent living and functioning, enable early child-



1 hood development, support educational achievement,
2 provide and enhance employment options, and enable
3 full participation in community living and recreation
4 for individuals with disabilities.

5 “(6) Despite the success of the Federal-State
6 partnership in providing access to assistive tech-
7 nology and services, there is a continued need to
8 provide information about the availability of assistive
9 technology, advances in improving accessibility and
10 functionality of assistive technology, and appropriate
11 methods to secure and utilize assistive technology in
12 order to maximize their independence and participa-
13 tion of individuals with disabilities in society.

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

15 “(1) to support State efforts to improve the
16 provision of assistive technology to individuals with
17 disabilities through comprehensive statewide pro-
18 grams of technology-related assistance, for individ-
19 uals with disabilities of all ages, that are designed
20 to—

21 “(A) increase the availability of, funding
22 for, access to, provision of, and training about
23 assistive technology devices and assistive tech-
24 nology services;



1 “(B) increase the ability of individuals
2 with disabilities of all ages to secure and main-
3 tain possession of assistive technology devices
4 as such individuals make the transition between
5 services offered by human service agencies or
6 between settings of daily living (for example,
7 between home and work);

8 “(C) increase the capacity of public agen-
9 cies and private entities to provide and pay for
10 assistive technology devices and assistive tech-
11 nology services on a statewide basis for individ-
12 uals with disabilities of all ages;

13 “(D) increase the involvement of individ-
14 uals with disabilities and, if appropriate, their
15 family members, guardians, advocates, and au-
16 thorized representatives, in decisions related to
17 the provision of assistive technology devices and
18 assistive technology services;

19 “(E) increase and promote coordination
20 among State agencies, between State and local
21 agencies, among local agencies, and between
22 State and local agencies and private entities
23 (such as managed care providers), that are in-
24 volved or are eligible to be involved in carrying
25 out activities under this Act;



1 “(F) increase the awareness and facilitate
2 the change of laws, regulations, policies, prac-
3 tices, procedures, and organizational structures,
4 that facilitate the availability or provision of as-
5 sistive technology devices and assistive tech-
6 nology services; and

7 “(G) increase awareness and knowledge of
8 the benefits of assistive technology devices and
9 assistive technology services among targeted in-
10 dividuals and the general population; and

11 “(2) to provide States with financial assistance
12 that supports programs designed to maximize the
13 ability of individuals with disabilities and their fam-
14 ily members, guardians, advocates, and authorized
15 representatives to obtain assistive technology devices
16 and assistive technology services.

17 **“SEC. 3. DEFINITIONS.**

18 “In this Act:

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



1 “(2) AMERICAN INDIAN CONSORTIUM.—The
2 term ‘American Indian Consortium’ has the meaning
3 given the term in section 102(1) of the Develop-
4 mental Disabilities Assistance and Bill of Rights Act
5 of 2000 and that is established to provide protection
6 and advocacy services for purposes of receiving fund-
7 ing under subtitle C of title I of such Act.

8 “(3) ASSISTIVE TECHNOLOGY.—The term ‘as-
9 sistive technology’ means technology designed to be
10 utilized in an assistive technology device or assistive
11 technology service.

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

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

23 “(A) the evaluation of the assistive tech-
24 nology needs of an individual with a disability,
25 including a functional evaluation of the impact



1 of the provision of appropriate assistive tech-
2 nology and appropriate services to the indi-
3 vidual in the customary environment of the in-
4 dividual;

5 “(B) services consisting of purchasing,
6 leasing, or otherwise providing for the acquisi-
7 tion of assistive technology devices by individ-
8 uals with disabilities;

9 “(C) services consisting of selecting, de-
10 signing, fitting, customizing, adapting, apply-
11 ing, maintaining, repairing, or replacing assist-
12 ive technology devices;

13 “(D) coordination and use of necessary
14 therapies, interventions, or services with assist-
15 ive technology devices, such as therapies, inter-
16 ventions, or services associated with education
17 and rehabilitation plans and programs;

18 “(E) training or technical assistance for an
19 individual with disabilities, or, where appro-
20 priate, the family members, guardians, advo-
21 cates, or authorized representatives of such an
22 individual; and

23 “(F) training or technical assistance for
24 professionals (including individuals providing
25 education and rehabilitation services), employ-



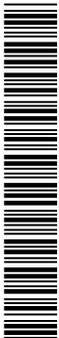
1 ers, or other individuals who provide services to,
2 employ, or are otherwise substantially involved
3 in the major life functions of individuals with
4 disabilities.

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

8 “(A) result in laws, regulations, policies,
9 practices, procedures, or organizational struc-
10 tures that promote consumer-responsive pro-
11 grams or entities; and

12 “(B) facilitate and increase access to, pro-
13 vision of, and funding for, assistive technology
14 devices and assistive technology services,
15 in order to empower individuals with disabilities to
16 achieve greater independence, productivity, and inte-
17 gration and inclusion within the community and the
18 workforce.

19 “(7) COMPREHENSIVE STATEWIDE PROGRAM OF
20 TECHNOLOGY-RELATED ASSISTANCE.—The term
21 ‘comprehensive statewide program of technology-re-
22 lated assistance’ means a consumer-responsive pro-
23 gram of technology-related assistance for individuals
24 with disabilities, implemented by a State, and equal-
25 ly available to all individuals with disabilities resid-



1 ing in the State, regardless of their type of dis-
2 ability, age, income level, or location of residence in
3 the State, or the type of assistive technology device
4 or assistive technology service required.

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

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

10 “(i) respect for individual dignity, per-
11 sonal responsibility, self-determination, and
12 pursuit of meaningful careers, based on in-
13 formed choice, of individuals with disabili-
14 ties;

15 “(ii) respect for the privacy, rights,
16 and equal access (including the use of ac-
17 cessible formats) of such individuals;

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

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



1 “(v) support for individual and sys-
2 tems advocacy and community involve-
3 ment; and

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

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

12 “(ii) responds to the needs of individ-
13 uals with disabilities in a timely and appro-
14 priate manner; and

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

22 “(I) decisions relating to the pro-
23 vision of assistive technology devices
24 and assistive technology services to
25 such individuals; and



1 “(II) decisions related to the
2 maintenance, improvement, and eval-
3 uation of the comprehensive statewide
4 program of technology-related assist-
5 ance, including decisions that affect
6 capacity building and advocacy activi-
7 ties.

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

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

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

18 “(i) who has a disability; and

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



1 “(B) INDIVIDUALS WITH DISABILITIES.—

2 The term ‘individuals with disabilities’ means
3 more than one individual with a disability.

4 “(11) INSTITUTION OF HIGHER EDUCATION.—

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

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

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

21 “(B) assist individuals with disabilities
22 with respect to assistive technology devices and
23 assistive technology services.

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



1 “(14) STATE.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), the term ‘State’ means each
4 of the several States of the United States, the
5 District of Columbia, the Commonwealth of
6 Puerto Rico, the United States Virgin Islands,
7 Guam, American Samoa, and the Common-
8 wealth of the Northern Mariana Islands.

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

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

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

21 “(15) TARGETED INDIVIDUALS.—The term
22 ‘targeted individuals’ means—

23 “(A) individuals with disabilities of all ages
24 and their family members, guardians, advo-
25 cates, and authorized representatives;



1 “(B) individuals who work for public or
2 private entities (including insurers or managed
3 care providers), that have contact with individ-
4 uals with disabilities;

5 “(C) educators and related services per-
6 sonnel;

7 “(D) technology experts (including engi-
8 neers);

9 “(E) health and allied health professionals;

10 “(F) employers; and

11 “(G) other appropriate individuals and en-
12 tities.

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

19 “(17) UNDERREPRESENTED POPULATION.—
20 The term ‘underrepresented population’ means a
21 population that is typically underrepresented in serv-
22 ice provision, and includes populations such as per-
23 sons who have low-incidence disabilities, persons who
24 are minorities, poor persons, persons with limited-



1 English proficiency, older individuals, or persons
2 from rural areas.

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

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

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

22 “(b) USE OF FUNDS.—

23 “(1) IN GENERAL.—

24 “(A) REQUIRED ACTIVITY.—Except as pro-
25 vided in subparagraph (C), any State that re-



1 ceives a grant under this section shall use a
2 portion of the funds made available through the
3 grant to carry out the activities described in
4 subparagraphs (A) and (B) of paragraph (2).

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

10 “(C) SPECIAL RULE.—Any State which
11 provides sufficient financial support for the ac-
12 tivities described in subparagraph (A) or (B) of
13 paragraph (2) from State or other resources
14 shall not be required to expend the funds pro-
15 vided under the grant to carry out the activities
16 described in subparagraph (A) or (B), as the
17 case may be.

18 “(2) STATE-LEVEL ACTIVITIES.—

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



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

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

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

13 “(I) a low-interest loan fund;

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

16 “(III) a revolving loan fund;

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

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

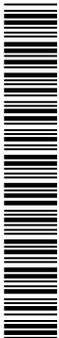
24 “(VI) another mechanism ap-
25 proved by the Secretary.



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

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

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



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

3 “(3) STATE LEADERSHIP ACTIVITIES.—

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

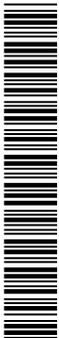
9 “(B) REQUIRED ACTIVITIES.—The State
10 shall support—

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

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

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

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



1 technology devices and assistive
2 technology services; and

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

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

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



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

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

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

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

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

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



1 technology devices and assistive
2 technology services; and

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

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

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

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

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

17 “(ee) employers; and

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

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



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

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



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

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

7 “(c) AMOUNT OF FINANCIAL ASSISTANCE.—

8 “(1) GRANTS TO OUTLYING AREAS.—From the
9 funds appropriated under section 8(a) and available
10 under section 8(b)(3) for any fiscal year for grants
11 under this section, the Secretary shall make a grant
12 in an amount of not more than \$105,000 to each eli-
13 gible outlying area.

14 “(2) GRANTS TO STATES.—From the funds de-
15 scribed in paragraph (1) that are not used to make
16 grants under paragraph (1), the Secretary shall
17 make grants to States in accordance with the re-
18 quirements described in paragraph (3).

19 “(3) CALCULATION OF STATE GRANTS.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the Secretary shall allocate
22 funds to each State for a fiscal year in an
23 amount that bears the same ratio as the popu-
24 lation of the State bears to the population of all
25 States.



1 “(B) MINIMUM ALLOTMENT.—A State
2 shall receive an amount under a grant for a fis-
3 cal year that is not less than the amount the
4 State received under the grant provided under
5 title I of this Act (as in effect on the day before
6 the date of the enactment of the Improving Ac-
7 cess to Assistive Technology for Individuals
8 with Disabilities Act of 2004) for fiscal year
9 2004.

10 “(C) RATABLE REDUCTIONS.—

11 “(i) IN GENERAL.—If amounts made
12 available under section 8(b)(3) for any fis-
13 cal year are insufficient to meet the min-
14 imum allotment requirement for each State
15 under subparagraph (B) for such fiscal
16 year, the Secretary shall ratably reduce
17 such amounts for such fiscal year.

18 “(ii) ADDITIONAL FUNDS.—If addi-
19 tional funds become available for making
20 payments described under this subsection
21 for any such fiscal year, the amounts that
22 were reduced under clause (i) shall be in-
23 creased on the same basis as such amounts
24 were reduced.

25 “(d) LEAD AGENCY.—



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

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

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

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

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

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

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

22 “(F) an organization described in section
23 501(c)(3) of Internal Revenue Code of 1986
24 and exempt from tax under section 501(a) of
25 that Act; or



1 “(G) another appropriate office, agency,
2 entity, or organization.

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

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

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

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

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

20 “(iii) coordinating efforts, especially efforts
21 carried out with entities that provide protection
22 and advocacy services described in section 5, re-
23 lated to the active, timely, and meaningful par-
24 ticipation by individuals with disabilities and
25 their family members, guardians, advocates, or



1 authorized representatives, and other appro-
2 priate individuals, with respect to activities car-
3 ried out under the grant;

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

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

12 “(4) CHANGE IN LEAD AGENCY.—The Governor
13 may change the lead agency of the State (to an
14 agency other than the lead agency of the State as
15 of the date of the enactment of the Improving Ac-
16 cess to Assistive Technology for Individuals with
17 Disabilities Act of 2004) if the Governor provides a
18 justification in the application to the Secretary for
19 such action. Nothing in this subsection shall be con-
20 strued to require the Governor of a State to change
21 the lead agency of the State to an agency other than
22 the lead agency of such State as of the date of the
23 enactment of the Improving Access to Assistive
24 Technology for Individuals with Disabilities Act of
25 2004.



1 “(e) STATE APPLICATION.—

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

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

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

11 “(B) MEASURABLE GOALS.—A description
12 of—

13 “(i) the measurable goals the State
14 has set for addressing the assistive tech-
15 nology needs of individuals with disabilities
16 in the State, including any measurable
17 goals, and a timeline for meeting such
18 goals, related to—

19 “(I) education, including goals
20 involving the provision of assistive
21 technology to individuals with disabili-
22 ties that receive services under the
23 Individuals with Disabilities Edu-
24 cation Act;



1 “(II) employment, including
2 goals involving the State vocational
3 rehabilitation program carried out
4 under title I of the Rehabilitation Act
5 of 1973;

6 “(III) telecommunication and in-
7 formation technology; and

8 “(IV) community living; and

9 “(ii) how the State will quantifiably
10 measure the goals to determine whether
11 the goals have been achieved.

12 “(C) INVOLVEMENT OF INDIVIDUALS WITH
13 DISABILITIES OF ALL AGES AND THEIR FAMI-
14 LIES.—A description of how individuals with
15 disabilities of all ages and their families—

16 “(i) were involved in selecting—

17 “(I) the goals;

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

20 “(III) the measures to be used in
21 judging if the goals have been
22 achieved; and

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



1 the acquisition, utilization, or maintenance of assistive
2 technology or assistive technology services for individuals
3 with disabilities.

4 “(b) AMOUNT OF FINANCIAL ASSISTANCE.—

5 “(1) GRANTS TO OUTLYING AREAS.—

6 “(A) OUTLYING AREAS.—From the funds
7 appropriated under section 8(a) and reserved
8 under section 8(b)(1) for any fiscal year, the
9 Secretary shall make a grant in an amount of
10 not more than \$30,000 to each eligible system
11 within an outlying area.

12 “(B) AMERICAN INDIAN CONSORTIUM.—

13 From the funds appropriated under section 8(a)
14 and reserved under section 8(b)(1) for any fis-
15 cal year, the Secretary shall make a grant in an
16 amount of not more than \$30,000 to the Amer-
17 ican Indian Consortium to provide services in
18 the same manner as an eligible system de-
19 scribed under this section. If the amount re-
20 served under section 8(b)(1) for a fiscal year
21 exceeds the amount reserved under such section
22 for the preceding fiscal year, then the amount
23 referred to in the preceding sentence shall be
24 increased for such fiscal year by the same per-
25 centage as such amount reserved under section



1 8(b)(1) exceeds the amount reserved under such
2 section for the preceding fiscal year.

3 “(2) GRANTS TO STATES.—For any fiscal year,
4 after reserving funds to make grants under para-
5 graph (1), the Secretary shall make allotments from
6 the remainder of the funds in accordance with para-
7 graph (3) to eligible systems within States to sup-
8 port protection and advocacy services as described in
9 subsection (a). The Secretary shall make grants to
10 the eligible systems from the allotments.

11 “(3) SYSTEMS WITHIN STATES.—

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

19 “(B) MINIMUMS.—Subject to the avail-
20 ability of appropriations to carry out this sec-
21 tion, the allotment to any system under sub-
22 paragraph (A) shall be not less than \$50,000,
23 and the allotment to any system under this
24 paragraph for any fiscal year that is less than
25 \$50,000 shall be increased to \$50,000.



1 “(4) REALLOTMENT.—Whenever the Secretary
2 determines that any amount of an allotment under
3 paragraph (3) to a system within a State for any fis-
4 cal year will not be expended by such system in car-
5 rying out the provisions of this section, the Sec-
6 retary shall make such amount available for carrying
7 out the provisions of this section to all other systems
8 in the same proportion such amounts were first allo-
9 cated to such systems.

10 “(5) CARRYOVER.—Any amount paid to an eli-
11 gible system for a fiscal year under this section that
12 remains unobligated at the end of such fiscal year
13 shall remain available to such system for obligation
14 during the subsequent fiscal year.

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

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



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

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

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

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

22 “(d) REPORTS AND UPDATES TO STATE AGEN-
23 CIES.—An entity that receives a grant under this section
24 shall prepare and submit to the lead agency the report



1 described in subsection (c) and quarterly updates con-
2 cerning the activities described in subsection (c).

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

10 **“SEC. 6. ADMINISTRATIVE PROVISIONS.**

11 “(a) GENERAL ADMINISTRATION.—Notwithstanding
12 any other provision of law, the Rehabilitation Services Ad-
13 ministration in the Office of Special Education and Reha-
14 bilitative Services of the Department of Education shall
15 be responsible for the administration of this Act.

16 “(b) REVIEW OF PARTICIPATING ENTITIES.—

17 “(1) IN GENERAL.—The Secretary shall assess
18 the extent to which entities that receive grants pur-
19 suant to this Act are complying with the applicable
20 requirements of this Act and achieving the quantifi-
21 able, measurable goals that are consistent with the
22 requirements of the grant programs under which the
23 entities applied for the grants.

24 “(2) PROVISION OF INFORMATION.—To assist
25 the Secretary in carrying out the responsibilities of



1 the Secretary under this section, the Secretary may
2 require States to provide relevant information, in-
3 cluding the information required under subsection
4 (d).

5 “(c) CORRECTIVE ACTION AND SANCTIONS.—

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

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

20 “(A) Partial or complete withholding of
21 funds under the grant program until such plan
22 is developed and implemented.

23 “(B) Reduction in the amount of funding
24 that may be used for indirect costs under sec-



1 tion 4(b)(4) for the following year under the
2 grant program.

3 “(C) Required redesignation of the lead
4 agency designated under section 4(d) or an en-
5 tity responsible for administering the grant pro-
6 gram.

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

13 “(4) SECRETARIAL ACTION.—As part of the an-
14 nual report required under subsection (d), the Sec-
15 retary shall describe each such action taken under
16 paragraph (1) or (2) and the outcomes of each such
17 action.

18 “(5) PUBLIC NOTIFICATION.—The Secretary
19 shall notify the public by posting on the Internet
20 website of the Department of Education of each ac-
21 tion taken by the Secretary under paragraph (1) or
22 (2). As a part of such notification, the Secretary
23 shall describe each such action taken under para-
24 graph (1) or (2) and the outcomes of each such ac-
25 tion.



1 “(d) ANNUAL REPORT.—

2 “(1) IN GENERAL.—Not later than December
3 31 of each year, the Secretary shall prepare, and
4 submit to the President and to the Committee on
5 Education and the Workforce of the House of Rep-
6 resentatives and the Committee on Health, Edu-
7 cation, Labor, and Pensions of the Senate, a report
8 on the activities funded under this Act to improve
9 the access of individuals with disabilities to assistive
10 technology devices and assistive technology services.

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

13 “(A) the type of alternative financing
14 mechanisms used by each State and the com-
15 munity-based organization with which each
16 State entered into a contract, under the pro-
17 gram;

18 “(B) the amount and type of assistance
19 given to consumers (who shall be classified by
20 age, type of disability, type of assistive tech-
21 nology device or assistive technology service fi-
22 nanced through the program, geographic dis-
23 tribution within the State, gender, and whether
24 the consumers are part of an underrepresented
25 population or rural population), including—



1 “(i) the number of applications for as-
2 sistance received;

3 “(ii) the number of applications ap-
4 proved and rejected;

5 “(iii) the default rate;

6 “(iv) the range and average interest
7 rate;

8 “(v) the range and average income of
9 approved loan applicants; and

10 “(vi) the types and dollar amounts of
11 assistive technology financed;

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

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

23 “(E) the number and type of equipment
24 demonstrations provided, including an analysis



1 of individuals with disabilities who have bene-
2 fited from the program;

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

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

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

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

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



1 **“SEC. 7. NATIONAL ACTIVITIES.**

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

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

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

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

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

23 “(c) AUTHORIZED ACTIVITIES.—The Secretary shall
24 support activities designed to maximize the impact and
25 benefit of assistive technology devices and assistive tech-



1 nology services for individuals with disabilities, including
2 the following activities:

3 “(1) NATIONAL PUBLIC INTERNET SITE.—

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

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

21 “(i) working with assistive technology
22 and intelligent agent interactive informa-
23 tion dissemination systems;

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



1 “(iii) delivering education, informa-
2 tion, and referral services to individuals
3 with disabilities, including technology-
4 based curriculum development services for
5 adults with low-level reading skills;

6 “(iv) developing cooperative partner-
7 ships with the private sector, particularly
8 with private sector computer software,
9 hardware, and Internet services entities;
10 and

11 “(v) developing and designing ad-
12 vanced Internet sites.

13 “(C) FEATURES OF INTERNET SITE.—The
14 National Public Internet Site described in sub-
15 paragraph (A) shall contain the following fea-
16 tures:

17 “(i) AVAILABILITY OF INFORMATION
18 AT ANY TIME.—The site shall be designed
19 so that any member of the public may ob-
20 tain information posted on the site at any
21 time.

22 “(ii) INNOVATIVE AUTOMATED INTEL-
23 LIGENT AGENT.—The site shall be con-
24 structed with an innovative automated in-
25 telligent agent that is a diagnostic tool for



1 assisting users in problem definition and
2 the selection of appropriate assistive tech-
3 nology devices and assistive technology
4 services resources.

5 “(iii) RESOURCES.—

6 “(I) LIBRARY ON ASSISTIVE
7 TECHNOLOGY.—The site shall include
8 access to a comprehensive working li-
9 brary on assistive technology for all
10 environments, including home, work-
11 place, transportation, and other envi-
12 ronments.

13 “(II) RESOURCES FOR A NUMBER
14 OF DISABILITIES.—The site shall in-
15 clude resources relating to the largest
16 possible number of disabilities, includ-
17 ing resources relating to low-level
18 reading skills.

19 “(iv) LINKS TO PRIVATE SECTOR RE-
20 SOURCES AND INFORMATION.—To the ex-
21 tent feasible, the site shall be linked to rel-
22 evant private sector resources and informa-
23 tion, under agreements developed between
24 the institution of higher education and co-
25 operating private sector entities.



1 “(D) MINIMUM LIBRARY COMPONENTS.—

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

4 “(i) how to plan, develop, implement,
5 and evaluate activities to further extend
6 comprehensive statewide programs of tech-
7 nology-related assistance, including the de-
8 velopment and replication of effective ap-
9 proaches to—

10 “(I) providing information and
11 referral services;

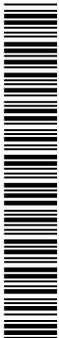
12 “(II) promoting interagency co-
13 ordination of training and service de-
14 livery among public and private enti-
15 ties;

16 “(III) conducting outreach to
17 underrepresented populations and
18 rural populations;

19 “(IV) mounting successful public
20 awareness activities;

21 “(V) improving capacity building
22 in service delivery;

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



1 “(VII) improving evaluation
2 strategies, research, and data collec-
3 tion;

4 “(ii) effective approaches to the devel-
5 opment of consumer-controlled systems
6 that increase access to, funding for, and
7 awareness of, assistive technology devices
8 and assistive technology services;

9 “(iii) successful approaches to increas-
10 ing the availability of public and private
11 funding for and access to the provision of
12 assistive technology devices and assistive
13 technology services by appropriate State
14 agencies; and

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

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

21 “(A) to address State-specific information
22 requests concerning assistive technology from
23 other entities funded under this Act and public
24 entities not funded under this Act, including—



1 “(i) requests for state-of-the-art, or
2 model, Federal, State, and local laws, regu-
3 lations, policies, practices, procedures, and
4 organizational structures, that facilitate,
5 and overcome barriers to, funding for, and
6 access to, assistive technology devices and
7 assistive technology services;

8 “(ii) requests for examples of policies,
9 practices, procedures, regulations, or
10 judicial decisions that have enhanced or
11 may enhance access to funding for assist-
12 ive technology devices and assistive tech-
13 nology services for individuals with disabil-
14 ities;

15 “(iii) requests for information on ef-
16 fective approaches to Federal-State coordi-
17 nation of programs for individuals with
18 disabilities, related to improving funding
19 for or access to assistive technology devices
20 and assistive technology services for indi-
21 viduals with disabilities of all ages;

22 “(iv) requests for information on ef-
23 fective approaches to the development of
24 consumer-controlled systems that increase
25 access to, funding for, and awareness of,



1 assistive technology devices and assistive
2 technology services;

3 “(v) other requests for technical as-
4 sistance from other entities funded under
5 this Act and public entities not funded
6 under this Act; and

7 “(vi) other assignments specified by
8 the Secretary, including assisting entities
9 described in section 6(b) to develop correc-
10 tive action plans; and

11 “(B) to assist targeted individuals by dis-
12 seminating information about—

13 “(i) Federal, State, and local laws,
14 regulations, policies, practices, procedures,
15 and organizational structures, that facili-
16 tate, and overcome barriers to, funding for,
17 and access to, assistive technology devices
18 and assistive technology services, to pro-
19 mote fuller independence, productivity, and
20 inclusion in society for individuals with dis-
21 abilities of all ages; and

22 “(ii) technical assistance activities un-
23 dertaken under subparagraph (A).

24 “(d) ELIGIBLE ENTITIES.—To be eligible to compete
25 for grants, contracts, and cooperative agreements under



1 this section, entities shall have documented experience
2 with and expertise in assistive technology service delivery
3 or systems, interagency coordination, and capacity build-
4 ing and advocacy activities.

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

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

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

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

17 “(1) \$4,419,000 shall be reserved to provide
18 grants under section 5, except that such amount
19 shall be increased by the lesser of—

20 “(A) the percentage increase, if any, from
21 the preceding fiscal year in the allocation under
22 this subsection; and

23 “(B) the percentage increase, if any, from
24 the preceding fiscal year in the Consumer Price
25 Index For All Urban Consumers published by



1 the Bureau of Labor Statistics of the Depart-
2 ment of Labor;

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

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

