

OFFICE OF MANAGEMENT AND BUDGET

*Legislative Reference Division
Labor-Welfare-Personnel Branch*

Telecopier Transmittal Sheet

FROM: Melissa Benton

395-7887

DATE: 9/10/98TIME: 11:15 amPages sent (including transmittal sheet): 5

COMMENTS:

FYI, Comments to date on S. 2432. (NCD has also said that it will have comments - it will submit them later today.)

TO:

Randy Hansen, ED

cc: J. Travers, OMB

C. Rice, DPC

PLEASE CALL THE PERSON(S) NAMED ABOVE FOR IMMEDIATE PICK-UP.

LRM ID: MNB220

VA would like to offer the following comments regarding S. 2432.

Section 201 would amend section 203 of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1998, to, among other things, require the "[Interagency Committee on Disability Research] to identify, and establish, clear research priorities related to assistive technology research and research that incorporate the principles of universal design for the Federal Government."

We are concerned with the implication of this provision and its lack of clarity. The Committee should not have authority to identify and establish research priorities for VA's rehabilitation research program. It is not clear from the language whether this provision would so empower the Committee. VA's rehabilitation research program is uniquely targeted to meet the specific needs of veterans with disabilities, and the needs of this patient population are not specifically targeted by this legislation. For this reason, the Committee should not be empowered by this legislation to alter the Department's research agenda.

However, if this provision were to be interpreted as simply requiring the Committee to identify and establish those areas in need of additional or further research (in order of greatest need) at the Federal level generally, without requiring or permitting the Committee to in any way alter or change the Department's rehabilitation research agenda, we would not oppose this provision.

We also note that the Workforce Investment Act of 1998 is referenced in line 3 on page 41 of the bill as being the act of "1988" which appears to be a typographical error.

National Aeronautics and
Space Administration
Headquarters
Washington, DC 20546-0001



September 9, 1998

Reply to Airmail:

L:EMJ

To: Melissa N. Benton
Legislative Reference Division
Office of Management and Budget

From: Elizabeth M. Jarrell *Elizabeth M. Jarrell*
Office of Legislative Affairs
(202) 358-1942

Subject: NASA's Response to OMB's LRM ID: MNB220, dated
Sept. 3, 1998, RE S.2432, "Assistive Technology
Act of 1998"

As requested, NASA has reviewed S.2432, the "Assistive Technology Act of 1998." The Congressional finding with respect to NASA in Sec. 2(a)(12), page 7, lines 15 - 21, is incorrect. Specifically, among the many NASA technology transfer initiatives which benefit individuals with disabilities are the following:

1. NASA technology has been used for cooling suits for individuals who have difficulty regulating body temperature.
2. NASA technology has been used to assist visually impaired individuals.
3. NASA is conducting space-based research on the effects of microgravity on individuals' ability to maintain balance and spatial orientation which will benefit hearing-impaired individuals who have difficulty with balance.

Other than the above, NASA has no further comments. Thank you.

**ATTACHMENT
LRM#MNB220**

The purposes and goals of this act are laudable. Improving assistive technology to the benefit of the 50,000,000 individuals with disabilities in order to bring them access to mainstream information technology can provide enormous benefits to society as a whole. Where caution must be exhibited is in how incentives are structured to encourage universal design principles to promote assistive technology. The government has been slow to take full advantage of commercial-off-the-shelf (COTS) information technology products to fulfill its requirements at the lowest cost. Incentives that may be contemplated to promote the design and development of assistive technology should not place the government in the position of requiring technical, engineering, or functional specifications for information technology that differs from COTS products. For assistive technology to become universally available in commercial products it must show intrinsic benefits such as lower cost or improved performance. Any language that could be added to the proposed legislation promoting this view would be beneficial.

LRM ID: MNB220
1998

SUBJECT: OMB Request for Views on HR2432 Assistive Technology Act of

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Melissa N. Benton Phone: 395-7887 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

FROM: 9-9-98 (Date)
M. Holmstrup (Name)
DOT (Agency)
366-9296 (Telephone)

The following is the response of our agency to your request for views on the above-captioned subject:

- Concur
- No Objection
- No Comment
- See proposed edits on pages _____
- Other: _____
- FAX RETURN of _____ pages, attached to this response sheet

Comments: The "Findings" Section of the Bill, Section 2(a), at paragraphs 9, 12, and 13, makes statements about inadequacy of the federal effort in assistive technology for people with disabilities. We do not know that these statements are factual. While the Bill as a totality is praiseworthy, the Administration may not wish to have such findings on the statutory record.

OFFICE OF MANAGEMENT AND BUDGET

*Legislative Reference Division
Labor-Welfare-Personnel Branch*

Telecopier Transmittal Sheet

FROM: Melissa Benton 395-7887

DATE: 9/10/98 TIME: ~~11:15 am~~ 1:49 pmPages sent (including transmittal sheet): 5

COMMENTS:

FYI, Comments to date on S. 2432. (NCD has also said that it will have comments - it will submit them later today.)

NCD's comments follow.

TO:

Randy Hansen, ED

cc: J. Travers, OMB

C. Rice, DPC

PLEASE CALL THE PERSON(S) NAMED ABOVE FOR IMMEDIATE PICK-UP.



NATIONAL COUNCIL ON DISABILITY

An independent federal agency working with the President and Congress to increase the inclusion, independence, and empowerment of all Americans with disabilities.

FACSIMILE MEMORANDUM

TO: Melissa N. Benton, OMB
FROM: Andrew J. Imparato *AJ*
National Council on Disability
RE: Comments on S2432, LRM ID MNB220
DATE: September 10, 1998

Thank you for agreeing to an extension until 2 p.m. today for our comments on the Assistive Technology Act of 1998. We believe the legislation should be amended to promote universal design (built-in accessibility) at least as much as assistive technology (add-on accessibility). The term "universal design" should be included in the title of the act, preferably before the term "assistive technology," e.g., "The Universal Design and Assistive Technology Act of 1998." More funding in the act should be specifically targeted to universal design over assistive technology. The rate of technological development is now too fast for assistive technologies to keep pace with specialized interfaces and connections for accessibility. As much as possible, the accessibility needs to be built into the technology for people with disabilities to have timely and meaningful use.

The term "authorized representative" can be used as in the 1998 amendments to the Rehabilitation Act, rather than the verbose form of listing family members, advocates, etc.

The process of setting, measuring, and reporting on goals by projects funded under this act should be the same as federal agencies have to do under GPRA. The current formulation does not stress that goals have to be measurable and outcome oriented. Otherwise, goals by grantees may not be performance-based in the spirit of reinventing government.

The State Rehabilitation Council should be specifically mentioned in the list that includes the State Independent Living Council, State Developmental Disabilities Council, etc. as a group the state project should consult.

The "Challenge Grant" program is not clearly differentiated from the current program of grants to states under the existing Tech Act. It appears that states could continue doing essentially the same things under this new grant program.

A public Internet site on assistive technology and universal design is a good idea. It should not be restricted to university applicants. It should conform to the latest guidelines of the World Wide Web Consortium for accessibility (located at <http://www.w3.org>).

Outcomes of the P&A System on assistive tech advocacy should be reviewed to determine whether such agencies should receive priority over other advocacy organizations for funding. Unless the P&A system has demonstrated its effectiveness in this area, grants should be made on a competitive basis for technology advocacy, not restricted to agencies of the Protection and Advocacy system.

Federal funding should be specifically targeted for training on use of the Internet because of its revolutionary potential to equalize opportunities for people with disabilities. Such funding would include assistance in determining appropriate equipment, procuring it, and operating it for educational and employment related purposes.

Federal funding should be specifically targeted for consumer-based evaluations of mainstream and assistive technologies on the basis of accessibility. It is not enough to have information on products and services available, since it can easily become overwhelming and will tend to be biased by the vendors. People need to be able to gather considered, objective opinions about the comparative value of different choices.

Federal funding should be specifically targeted to the development of higher education curricular on universal design, and to its incorporation into engineering courses at colleges and universities.

Finally, and importantly, we are concerned that the bill gives the National Council on Disability the task of producing a report on assistive technology but does not allocate any funds to NCD to accomplish this goal by the assigned date. We think the scope of the report should be broadened to look at access to technology for people with disabilities as opposed to access to "assistive technology". We are glad that we are being asked to look at this issue, as it fits in with our strategic plan priorities, but if we are expected to produce the report by the specified date we believe that we should receive sufficient funds to accomplish this task. We are eager to discuss what we believe the task would cost with you or other appropriate OMB and Congressional staff, but preliminarily we would estimate that a comprehensive and useful report might cost as much as \$200,000 for us to produce. I look forward to discussing this issue further with OMB staff.

Thanks again for the extension on the deadline for our comments. Feel free to call me at 272-2112 if you have any questions or would like to discuss any of the matters raised above.

9/10

July H / Dept. of E

We want a bill → don't want to take it
off track
→ they haven't made all changes

Tom K.

SAP - Admin supports passage
work w/ Congress

Remaining concerns

Current law - each state 10 yrs of funding

① DOE would have preferred

→ prop 10 yr projects to continue

→ State bill allows them to
opt out ~~to~~

② States completed 10 yrs of funding

→ DOE wanted to push states
to next level

Basically, doesn't ask enough of states
for the future

③ Funding for future for law

④ Presumptive on D&E

Now \$36 mi → will get \$30 mi in FY 1999

Tech Act

↳ unique in the world
we want it redone

but we ~~wanted~~ wanted more next step
→ pushing the envelope

"The Administration supports
passage of this Act."

We hope this legislation will
enable us to move into
the 21st century

We particularly support technology
enable all people incl people with disabilities

1:00 conference call

1-1:30

- Cynthia Rice
- Cynthia Dastard
- Judy Heuman Dept of Ed
(call Laura @ 260-1720)

Tom Kalil 6 5366

Lisa Brown 6-7022

6-9089

456-6755

code 6345

Lisa M. Brown @ OVP

09/10/98 09:06:50 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Re: Judy Heuman of Dept of Ed would be happy to Assistive Technology Act of 1998

Yes, I would like to be on the call. I have mtgs at 9:15, 12 and 3:30, each of which will last for about an hour. Otherwise I'm free. Our Dom Policy shop is interested in this so I will see if they want someone participating too. Thanks!

Not

10:30 - 11:30

Yes

12:00 - 1:00

1:00 -

2:00 - 3:00

3:30 - 4:30

Could do

5:00 - 6:00

LRM ID: MNB220

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Thursday, September 3, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
FROM: *Janet R. Forsgren*
Janet R. Forsgren (for) Assistant Director for Legislative Reference
OMB CONTACT: Melissa N. Benton
PHONE: (202)395-7887 FAX: (202)395-6148
SUBJECT: OMB Request for Views on HR2432 Assistive Technology Act of 1998
DEADLINE: COB Wednesday, September 9, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Please note: S. 2342 is scheduled to be marked up by the Senate Labor and Human Resources Committee this Thursday, September 10th (9:30 a.m.). We understand that the bill will not be amended by the Committee, and that the bill has been hotlined for Senate floor action and subsequent House action.

AGENCIES PLEASE NOTE: The bill text is too long to fax, but is available on Thomas (<http://thomas.loc.gov>).

DISTRIBUTION LIST

AGENCIES:

129-VETERANS AFFAIRS - John H. Thompson - (202) 273-6666
16-ArchTrans Barriers Compliance Board - Kathleen Roy Johnson - (202) 272-5434
30-EDUCATION - Jack Kristy - (202) 401-8313
52-HHS - Sondra S. Wallace - (202) 690-7760
95-Office of Science and Technology Policy - Jeff Smith - (202) 456-6047
69-National Aeronautics & Space Administration - Ed Heffernan - (202) 358-1948
62-LABOR - Robert A. Shapiro - (202) 219-8201
25-COMMERCE - Michael A. Levitt - (202) 482-3151
71-National Council on Disability - Andrew Imparato - (202) 272-2112
61-JUSTICE - L. Anthony Sutin - (202) 514-2141
117 & 340-TRANSPORTATION - Tom Herlihy - (202) 366-4687
59-INTERIOR - Jane Lyder - (202) 208-4371
84-National Science Foundation - Lawrence Rudolph - (703) 306-1060
100-Pres Committee Employ People W/Disabilities - John Lancaster - (202) 376-6200
51-General Services Administration - William R. Ratchford - (202) 501-0563
107-Small Business Administration - Mary Kristine Swedin - (202) 205-6700

EOP:

Barry White

Wayne Upshaw

Jonathan Travers

Cynthia A. Rice

Lewis W. Oleinick

Tracey E. Thornton

Elizabeth Gore

Brian S. Mason

Thomas A. Kalil

Lauren Uher

Mathew C. Blum

Heather A. Johnston

Justin D. Sullivan

Constance J. Bowers

Janet R. Forsgren

S 2432 IS

105th CONGRESS

2d Session

S. 2432

To support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

September 2 (legislative day, AUGUST 31), 1998

Mr. JEFFORDS (for himself, Mr. HARKIN, Mr. BOND, Mr. KERRY, Mr. MCCONNELL, Ms. COLLINS, Mr. KENNEDY, Mr. REED, and Mr. FRIST) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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 for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions and rule.

TITLE I--STATE GRANT PROGRAMS

Sec. 101. Continuity grants for States that received funding for a limited period for technology-related assistance.

Sec. 102. State challenge grants.

Sec. 103. Supplementary millennium grants to States for State and local capacity building.

Sec. 104. State grants for protection and advocacy related to assistive technology.

Sec. 105. Administrative provisions.

Sec. 106. Technical assistance program.

Sec. 107. Authorization of appropriations.

TITLE II--NATIONAL ACTIVITIES

Subtitle A--Rehabilitation Act of 1973

Sec. 201. Coordination of Federal research efforts.

Sec. 202. National Council on Disability.

Sec. 203. Architectural and Transportation Barriers Compliance Board.

Subtitle B--Other National Activities

Sec. 211. Small-business incentives.

Sec. 212. Technology transfer and universal design.

Sec. 213. Universal design in products and the built environment.

Sec. 214. Outreach.

Sec. 215. Training pertaining to rehabilitation engineers and technicians.

Sec. 216. Assistive technology taxonomy.

Sec. 217. President's Committee on Employment of People With Disabilities.

Sec. 218. Authorization of appropriations.

TITLE III--ALTERNATIVE FINANCING MECHANISMS

Sec. 301. General authority.

Sec. 302. Amount of grants.

Sec. 303. Applications and procedures.

Sec. 304. Contracts with community-based organizations.

Sec. 305. Grant administration requirements.

Sec. 306. Information and technical assistance.

Sec. 307. Annual report.

Sec. 308. Authorization of appropriations.

TITLE IV--REPEAL AND CONFORMING AMENDMENTS

Sec. 401. Repeal.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS- Congress finds the following:

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

of individuals to--

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

(2) Technology has become 1 of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is 1 of the main factors underlying the strength and vibrancy of the economy of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) an increased focus on universal design;

(C) the increased importance of assistive technology in employment, as more individuals with disabilities move from public assistance to work through training and on-the-job accommodations;

(D) the role and impact that new technologies have on how individuals with

disabilities will learn about, access, and participate in programs or services that will affect their lives; and

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

(b) PURPOSES- The purposes of this Act are--

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

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

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

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

(D) increase the provision of outreach to underrepresented populations and rural populations, to enable the 2 populations to enjoy the benefits of activities carried out under this Act to the same extent as other populations;

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

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

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

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

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

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

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

(K) increase the capacity of public agencies and private entities to provide and pay for

http://dionias.hcc.gov/cgi-bin/query?C=C105&temp=C1050W Equip
assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

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

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

(A) provide States with financial assistance that supports--

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

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

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

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

SEC. 3. DEFINITIONS AND RULE.

(a) **DEFINITIONS-** In this Act:

(1) **ADVOCACY SERVICES-** The term 'advocacy services', except as used as part of the term 'protection and advocacy services', means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

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

(3) **ASSISTIVE TECHNOLOGY DEVICE-** The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(4) **ASSISTIVE TECHNOLOGY SERVICE-** The term 'assistive technology service' means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes--

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

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

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

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

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

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

(5) CAPACITY BUILDING AND ADVOCACY ACTIVITIES- The term 'capacity building and advocacy activities' means efforts that--

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

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

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

(6) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE- The term 'comprehensive statewide program of technology-related assistance' means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the

State, or the type of assistive technology device or assistive technology service required.

(7) CONSUMER-RESPONSIVE- The term 'consumer-responsive'--

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

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

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

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

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

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

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

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

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

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

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

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

(8) **DISABILITY**- The term 'disability' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

(9) **INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES**-

(A) **INDIVIDUAL WITH A DISABILITY**- The term 'individual with a disability' means any individual of any age, race, or ethnicity--

(i) who has a disability; and

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

(B) **INDIVIDUALS WITH DISABILITIES**- The term 'individuals with disabilities' means more than 1 individual with a disability.

(10) **INSTITUTION OF HIGHER EDUCATION**- The term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

(11) **PROTECTION AND ADVOCACY SERVICES**- The term 'protection and advocacy services' means services that--

(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

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

(12) **SECRETARY**- The term 'Secretary' means the Secretary of Education.

(13) **STATE**-

(A) IN GENERAL- Except as provided in subparagraph (B) and section 302, the term

'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(B) OUTLYING AREAS- In sections 101(c), 102(c), 103(d), and 104(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.

(14) TARGETED INDIVIDUALS- The term 'targeted individuals' means--

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

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

(C) educators and related services personnel;

(D) technology experts (including engineers);

(E) health and allied health professionals;

(F) employers; and

(G) other appropriate individuals and entities.

(15) TECHNOLOGY-RELATED ASSISTANCE- The term 'technology-related assistance' means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (K) of section 2(b)(1).

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

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

(b) REFERENCES- References in this Act to a provision of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 shall be considered to be references to such provision as in effect on the day before the date of enactment of this Act.

TITLE I--STATE GRANT PROGRAMS

SEC. 101. CONTINUITY GRANTS FOR STATES THAT RECEIVED FUNDING FOR A LIMITED PERIOD FOR TECHNOLOGY-RELATED ASSISTANCE.

(a) GRANTS TO STATES-

(1) IN GENERAL- The Secretary shall award grants, in accordance with this section, to eligible States to support capacity building and advocacy activities, designed to assist the States in maintaining permanent comprehensive statewide programs of technology-related assistance that accomplish the purposes described in section 2(b)(1).

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

(b) USE OF FUNDS-

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

(2) MANDATORY ACTIVITIES-

(A) PUBLIC AWARENESS PROGRAM-

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

(ii) LINK- Such a public awareness program shall have an electronic link to the National Public Internet Site authorized under section 106(c)(1).

(iii) CONTENTS- The public awareness program may include--

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

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

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

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

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

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

(B) INTERAGENCY COORDINATION-

(i) IN GENERAL- The State shall develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are

responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

(ii) APPOINTMENT TO CERTAIN INFORMATION TECHNOLOGY PANELS- The State shall appoint the director of the lead agency described in subsection (d) or the designee of the director, to any committee, council, or similar organization created by the State to assist the State in the development of the information technology policy of the State.

(iii) COORDINATION ACTIVITIES- The development and promotion described in clause (i) may include support for--

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

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

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

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

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

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

(C) TECHNICAL ASSISTANCE AND TRAINING- The State shall carry out directly, or provide support to public or private entities to carry out, technical assistance and training activities for targeted individuals, including--

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

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

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

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

(bb) the rights of targeted individuals to assistive technology devices and assistive technology services are addressed under laws other than this Act, to promote fuller independence, productivity, and inclusion in and

integration into society of such individuals; or

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

(iii)(I) the enhancement of the assistive technology skills and competencies of--

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

(bb) educators and related services personnel;

(cc) technology experts (including engineers);

(dd) health and allied health professionals;

(ee) employers; and

(ff) other appropriate personnel; and

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

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

(3) DISCRETIONARY ACTIVITIES-

(A) ALTERNATIVE STATE-FINANCED SYSTEMS- The State may support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including--

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

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

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

(aa) a low-interest loan fund;

- (bb) an interest buy-down program;
- (cc) a revolving loan fund;
- (dd) a loan guarantee or insurance program;
- (ee) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or
- (ff) another mechanism that meets the requirements of title III and is approved by the Secretary;

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

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

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

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

(D) TECHNOLOGY-RELATED INFORMATION-

- (i) IN GENERAL- The State may operate and expand a system for public access to information concerning an activity carried out under another paragraph of this subsection, including information about assistive technology devices and assistive technology services, funding sources and costs of such devices and services, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities. The system shall be part of, and complement the information that is available through a link to, the National Public Internet Site described in section 106(c)(1).

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

- (iii) INFORMATION COLLECTION AND PREPARATION- In operating or expanding a system described in subparagraph (A), the State may--

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

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

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

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

(E) INTERSTATE ACTIVITIES-

(i) IN GENERAL- The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive

technology services that such individuals need at home, at school, at work, or in other environments that are part of daily living.

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

(F) PARTNERSHIPS AND COOPERATIVE INITIATIVES- The State may support partnerships and cooperative initiatives between the public sector and the private sector to promote greater participation by business and industry in--

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

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

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

(H) ADVOCACY SERVICES- The State may provide advocacy services.

(c) AMOUNT OF FINANCIAL ASSISTANCE-

(1) GRANTS TO OUTLYING AREAS- From the funds appropriated under section 107(a) and reserved under clause (i) of subparagraph (A), (B), or (C) of section 107(b)(1) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than \$105,000 to each eligible outlying area.

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

(3) CALCULATION OF STATE GRANTS-

(A) CALCULATIONS FOR GRANTS IN THE SECOND OR THIRD YEAR OF A SECOND EXTENSION GRANT- For any fiscal year, the Secretary shall calculate the amount of a grant under paragraph (2) for each eligible State that would be in the second or third year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, if that Act had been reauthorized for that fiscal year, in accordance with section 103(c)(2) of such Act.

(B) CALCULATIONS FOR GRANTS IN THE FOURTH OR FIFTH YEAR OF A SECOND EXTENSION GRANT-

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

(ii) FIFTH YEAR- An eligible State that would have been in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 during a fiscal year, if that Act had been reauthorized for that fiscal year, shall receive under paragraph (2) a grant in an amount equal to 66 2/3 percent of the funding that the State received in the prior fiscal year under section 103 of that Act or under this section, as appropriate.

(C) ADDITIONAL STATES-

(i) IN GENERAL- For purposes of this paragraph, the Secretary shall treat a State described in clause (ii)--

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

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

(ii) STATE- A State referred to in clause (i) shall be a State that--

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

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

(d) LEAD AGENCY-

(1).IDENTIFICATION-

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

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

(2) DUTIES OF THE LEAD AGENCY- The duties of the lead agency shall include--

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

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

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

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

(iii) continuing the coordination of efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 104, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant; and

(D) the delegation, in whole or in part, of any responsibilities described in subparagraph (A), (B), or (C) to 1 or more appropriate offices, agencies, entities, or individuals.

(e) APPLICATION SUPPLEMENT-

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

(A) GOALS AND ACTIVITIES- A description of--

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

(I) health care;

(II) education;

(III) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

(IV) telecommunication and information technology; or

(V) community living, including participation in recreation; and

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

(B) MEASURES OF GOAL ACHIEVEMENT- A description of how the State will measure whether the goals set by the State have been achieved.

(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES- A description of how individuals with disabilities of all ages and their families--

(i) were involved in selecting--

(I) the goals;

(II) the activities to be undertaken in achieving the goals; and

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

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

(D) REDESIGNATION OF THE LEAD AGENCY- If the Governor elects to change the lead agency, the following information:

(i) With regard to the original lead agency, evidence of--

(I) lack of progress in employment of qualified staff;

(II) lack of consumer-responsive activities;

(III) lack of resource allocation for systems change and advocacy activities;

(IV) lack of progress in meeting the assurances in the application submitted by the State under section 102(e) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988; or

(V) inadequate fiscal management.

(ii) With regard to the new lead agency, a description of--

(I) the capacity of the new lead agency to administer and conduct activities described in subsection (b) and this paragraph; and

(II) the procedures that the State will implement to avoid the deficiencies, described in clause (i), of the original lead agency.

(iii) Information identifying which agency prepared the application supplement.

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

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

(4) DURATION OF APPLICATION SUPPLEMENT-

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

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

(f) OPTIONS RELATED TO FUNDING FOR FISCAL YEARS 1999 THROUGH 2004-

(1) EXTENSIONS-

(A) IN GENERAL- In the case of a State that was in the fifth year of a second extension grant made under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 in fiscal year 1998, the Secretary may, in the discretion of the Secretary, award a 1-year extension of the grant received for fiscal year 1999 to such a State if the State submits an application supplement under subsection (e) and meets other related requirements for a State seeking a grant under this section.

(B) AMOUNT- A State that receives a 1-year extension of a grant under subparagraph (A), shall receive through the grant, for fiscal year 1999, an amount equivalent to the amount the State received for fiscal year 1998 under section 103 of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, from funds appropriated under section 107(a) and reserved under clause (i) of subparagraph (A), (B), or (C) of section 107(b)(1) for grants under this section.

(2) CHALLENGE GRANTS- For fiscal year 2000, any State eligible to receive funds under this section may elect to meet the requirements of and receive funds under section 102 instead of meeting the requirements of and receiving funds under this section. No State may receive funds under this section and section 102 for a fiscal year.

SEC. 102. STATE CHALLENGE GRANTS.

(a) GRANTS TO STATES- The Secretary shall award grants to States to assist the States in maintaining and improving comprehensive statewide programs of technology-related assistance for individuals with disabilities in accordance with the provisions of this section. The Secretary shall provide assistance through such a grant to a State for 5 years.

(b) USE OF FUNDS-

(1) IN GENERAL- A State that receives a grant under this section shall use the funds made

available through the grant to accomplish the purposes described in section 2(b)(1) by carrying out activities described in this subsection, based on an assessment of the needs for assistive technology devices and assistive technology services of individuals

with disabilities in the State, as reported by such individuals, and through other means. The State shall, in appropriate cases, promote, consider, take into account, and incorporate the principles of universal design.

(2) MANDATORY ACTIVITIES-

(A) INTERAGENCY COORDINATION- The State shall develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that affect the provision of assistive technology devices and assistive technology services for such individuals. The State shall appoint the director of the State Assistive Technology Office designated under subsection (d)(1)(A) or the designee of the director, to any committee, council, or similar organization created by the State to assist the State in the development of the information technology policy of the State.

(B) ASSISTIVE TECHNOLOGY INFORMATION SYSTEM- The State shall provide for the continuation and enhancement of a statewide information and referral system for individuals with disabilities and providers of services for individuals with disabilities. The system shall include an accessible Internet site with linkages to other appropriate sites, such as the National Public Internet Site described in section 106(c)(1). The system shall provide for public access to information about assistive technology devices and assistive technology services, including information on the evaluation of such devices and services and entities that provide such evaluations, and funding sources for and costs of obtaining such devices and services.

(C) PUBLIC AWARENESS PROGRAM- The State shall support, in collaboration with targeted individuals, targeted public awareness campaigns designed to provide information to targeted individuals about the availability, through public and private sources, and benefits, of assistive technology devices and assistive technology services.

(D) CAPACITY BUILDING AND ADVOCACY ACTIVITIES; TECHNICAL ASSISTANCE AND TRAINING-

(i) IN GENERAL- The State shall support capacity building and advocacy activities that include--

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

(II) the training and preparation of personnel to design, build, provide instruction on the use of, repair, and recycle assistive technology devices and to provide assistive technology services.

(ii) TARGETED TECHNICAL ASSISTANCE AND TRAINING- The State shall also support public or private entities to carry out targeted technical assistance and training activities.

(E) OUTREACH- The State shall provide support to statewide and community-based

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

(3) DISCRETIONARY ACTIVITIES- A State that receives a grant under this section may use the funds made available through the grant to carry out additional activities that were authorized under the

Technology-Related Assistance for Individuals With Disabilities Act of 1988, or other activities identified by the Secretary or the State, to which the Secretary gives approval.

(c) AMOUNT OF FINANCIAL ASSISTANCE-

(1) GRANTS TO OUTLYING AREAS- From the funds appropriated under section 107(a) and reserved under clause (i) of subparagraph (A), (B), or (C) of section 107(b)(1) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than \$105,000 to each eligible outlying area.

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

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

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

(B) from the remainder of the funds--

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

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

(d) STATE TECHNOLOGY PLAN- Any State that desires to receive a grant under this section shall submit to the Secretary a plan, at such time, in such manner, and for such period as the Secretary may specify, that contains the following information and assurances:

(1) DESIGNATION OF PUBLIC AGENCY AND STATE ASSISTIVE TECHNOLOGY OFFICE-

(A) IN GENERAL- Information identifying, and a description of, the public agency designated by the Governor to control and administer the funds made available through the grant awarded to the State under this section, and information identifying the entity designated by the Governor to be the State Assistive Technology Office (which shall carry out State activities under this section), if such entity is different than the designated public agency. In designating the entity to be the State Assistive

Technology Office, the Governor may designate--

- (i) a commission, council, or other official body appointed by the Governor;
- (ii) a public-private partnership or consortium;
- (iii) a public agency, including the immediate office of the Governor of the State, a State oversight office, a State agency, a public institution of higher education, a university-affiliated program, or another public entity;
- (iv) a council established under Federal or State law; or
- (v) another appropriate office, agency, entity, or individual.

(B) EXPERTISE, EXPERIENCE, AND ABILITY OF STATE ASSISTIVE TECHNOLOGY OFFICE- A description demonstrating that the entity designated as the State Assistive Technology Office has the expertise, experience, and ability to--

- (i) provide leadership in developing State policy related to assistive technology, including policy relating to the procurement of accessible electronic and information technology by State agencies and the incorporation of principles of universal design in the State infrastructure;
- (ii) respond to assistive technology needs of individuals with disabilities with the full range of disabilities and of all ages;
- (iii) promote availability throughout the State of assistive technology devices and assistive technology services;
- (iv) promote and implement system improvement and policy advocacy activities pertaining to assistive technology devices and assistive technology services;
- (v) work proactively and collaboratively with State agencies and private entities involved in funding and delivering assistive technology devices and assistive technology services;
- (vi) provide technical assistance for capacity building and advocacy activities and training relating to assistive technology devices and assistive technology services, and enhancement of access to funding for assistive technology, across all State agencies;
- (vii) promote and develop public-private partnerships related to assistive technology devices and assistive technology services;
- (viii) exercise leadership in identifying and responding to the technology needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives; and
- (ix) promote consumer confidence, responsiveness, and advocacy related to assistive technology devices and assistive technology services.

(2) INVOLVEMENT OF ENTITIES AND TARGETED INDIVIDUALS IN THE DEVELOPMENT OF THE PLAN AND IMPLEMENTATION OF THE ACTIVITIES-

(A) ENTITIES- A description of how various public and private entities were involved in the development of the plan and will be involved in the planned implementation of the activities to be carried out under the grant; including a

description of the nature and extent of each type of involvement.

(B) TARGETED INDIVIDUALS- A description of how targeted individuals, especially individuals with disabilities who use assistive technology, were involved in the development of the plan and will be involved in the planned implementation of the activities, including a description of the nature and extent of each type of involvement.

(3) ADVISORY GROUP- A description of an advisory group of targeted individuals, a majority of whom are individuals with disabilities and parents of such individuals, who will assist the State Assistive Technology Office in identifying the unmet assistive technology needs of individuals with disabilities and assist the Office in deciding how the assistive technology needs of such individuals will be addressed by the State.

(4) NEEDS ASSESSMENT- A description and the results of a needs assessment from which the goals described in paragraph (7) were derived.

(5) STATE RESOURCES- A description of State resources and other resources that are available to commit to the maintenance of the comprehensive statewide program of technology-related assistance.

(6) ELECTRONIC AND INFORMATION TECHNOLOGY- An assurance that the State, and any recipient of funds made available to the State under this section, not later than fiscal year 2001, will have procurement policies and procedures in effect that are consistent with the objectives, complaint procedures, and standards of section 508 of the Rehabilitation Act of 1973.

(7) GOALS AND ACTIVITIES-

(A) IN GENERAL- A description of--

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

(I) health care;

(II) education;

(III) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

(IV) telecommunication and information technology; or

(V) community living, including participation in recreation; and

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

(B) MEASURES OF GOAL ACHIEVEMENT- A description of how the State will measure whether the goals set by the State have been achieved.

(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES- A description of how individuals with disabilities of all ages and their families--

(i) were involved in selecting--

(I) the goals;

(II) the activities to be undertaken in achieving the goals; and

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

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

(8) ANNUAL ASSESSMENT- An assurance that the State will conduct an annual assessment of the comprehensive statewide program of technology-related assistance, in order to determine--

(A) the extent to which the goals described in paragraph (7) have been achieved; and

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

(9) DATA COLLECTION- A description of the data collection system used for compiling information on the program, which shall be consistent with any standardized data collection requirements specified by the Secretary.

(10) USE OF GRANT FUNDS- An assurance that funds received through the grant will be expended in accordance with the provisions of this section and of the State technology plan.

(11) SUPPLEMENT OTHER FUNDS- An assurance that funds received through the grant--

(A) 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; and

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

(12) CONTROL OF FUNDS AND PROPERTY- An assurance that--

(A) the designated public agency shall control and administer funds made available through the grant;

(B) the designated public agency shall hold title to and administer property purchased with such funds; and

(C) an individual with a disability may control and use such property.

(13) REPORTS- An assurance that the State will--

(A) prepare reports to the Secretary at such time, in such manner, and containing such information as the Secretary may require to carry out the functions of the Secretary under this section or section 105; and

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

(14) COMMINGLING OF FUNDS-

(A) IN GENERAL- An assurance that funds received through the grant will not be commingled with State or other funds. .AF

(B) CONSTRUCTION- Subparagraph (A) shall not be construed to prevent, subject to such requirements as the Secretary may establish concerning documentation satisfactory to the Secretary; pooling of funds received through the grant with other public or private funds to achieve a goal specified in the grant application involved, as approved by the Secretary.

(15) FISCAL CONTROL AND ACCOUNTING PROCEDURES- An assurance that the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funds received through the grant.

(16) AVAILABILITY OF INFORMATION- An assurance that the State will make available to individuals with disabilities and their family members, guardians, advocates, or authorized representatives information concerning technology-related assistance in a form that will allow such persons to effectively use such information.

(17) AUTHORITY TO USE FUNDS- An assurance that the State Assistive Technology Office will have the authority to use funds made available through a grant awarded under this section.

(18) TRAINING ACTIVITIES- An assurance that the State will develop and implement strategies for including personnel training regarding assistive technology within other federally funded and State funded training initiatives to enhance the assistive technology skills and competencies of personnel.

(19) LIMIT ON INDIRECT COSTS- An assurance that the percentage of the funds made available under the grant that is used for indirect costs shall not exceed 10 percent.

(20) COORDINATION WITH STATE COUNCILS- An assurance that the State Assistive Technology Office will coordinate the activities funded through the grant made under this section with the activities carried out by other councils within the State, including--

(A) any council or commission specified in the State plan provision provided by the State in accordance with section 101(a)(21) of the Rehabilitation Act of 1973;

(B) the Statewide Independent Living Council established under section 705 of the Rehabilitation Act of 1973;

(C) the advisory panel established under section 612(a)(21) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(21));

(D) the State Interagency Coordinating Council established under section 641 of the Individuals with Disabilities Education Act (20 U.S.C. 1441);

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

(F) the State mental health planning council established under section 1914 of the Public Health Service Act (42 U.S.C. 300x-4); and

(G) any council established under section 204, 206(g)(2)(A), or 712(a)(3)(H) of the Older Americans Act of 1965 (42 U.S.C. 3015, 3017(g)(2)(A), or 3058g(a)(3)(H)).

(21) OTHER INFORMATION AND ASSURANCES- Such other information and assurances as the Secretary may reasonably require.

(e) **PROGRESS REPORTS-** Each State that receives a grant under this section shall annually prepare and submit to the Secretary a report that documents progress in meeting the goals described in subsection (d)(7) and maintaining a comprehensive statewide program of technology-related assistance, including--

- (1) the results of the annual assessment described in subsection (d)(8);
- (2) to the extent not addressed through the measurement and assessment conducted under paragraph (7) or (8) of subsection (d), a description of the capacity building and advocacy activities carried out by the State, including a description of any written policies and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services, particularly policies and procedures regarding access to, provision of, and funding for, such devices and services under education (including special education), vocational rehabilitation, and medical assistance programs;
- (3) if not addressed under paragraph (1) or (2), a description of the degree of involvement of various State agencies and private entities, especially agencies and entities involved in providing health insurance and education, in the development, implementation, and evaluation of the program, including a description of any interagency agreements that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services, such as agreements that identify available resources for assistive technology devices and assistive technology services and the responsibility of each such agency or entity for paying for such devices and services; and
- (4) any other information the Secretary may reasonably require.

SEC. 103. SUPPLEMENTARY MILLENNIUM GRANTS TO STATES FOR STATE AND LOCAL CAPACITY BUILDING.

(a) **GRANTS TO STATES-**

(1) **IN GENERAL-** The Secretary shall award supplementary grants, on a competitive basis--

(A) to States, to carry out 1 or more of the targeted activities described in subsection (b) to expand the capacity of the States to address the unmet assistive technology needs of individuals with disabilities; or

(B) to States, to provide funds to local entities on a competitive basis, through subgrants or any other mechanism, to enable each such local entity to carry out 1 of the targeted activities described in subsection (c) to expand the capacity of the local entities to address the unmet needs of individuals with disabilities for assistive technology and assistive technology services, especially the unmet needs of underrepresented populations.

(2) **PERIOD-** The Secretary shall award the grants for periods of not more than 5 years.

(3) **ELIGIBLE STATES-** To be eligible to receive a grant under this section, a State shall have received a grant under section 102.

(b) **STATEWIDE CAPACITY BUILDING ACTIVITIES-** The State may use funds made available through a grant described in subsection (a)(1)(A) to carry out 1 or more of the following activities:

(1) Obtaining, under State law or through other equivalent means, the compliance of all

public agencies in the State with section 508 of the Rehabilitation Act of 1973, which shall include establishing a mechanism for informing individuals with disabilities of their rights with regard to such section 508, addressing their complaints, and establishing a lead agency to monitor and enforce compliance with such section 508.

(2) Developing and implementing, documenting, and reviewing a plan for enhancing the participation of all individuals with disabilities in the State, in education, employment, transportation, and communication, and enhancing general access of the individuals, in ways that complement and exceed the requirements for public and private entities under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), through--

(A) incorporating concepts of universal design in physical structures, products, and services; or

(B) providing fiscal-related incentives to public and private telecommunication ventures.

(3) Developing and implementing activities for incorporating the principles of universal design in the construction and renovation of facilities, information technology and telecommunications, and other products and services such as transportation.

(4) Planning and adopting State personnel standards or professional certification procedures that apply to individuals who, or entities that, provide assistive technology services.

(5) Conducting evaluations of assistive technology devices and assistive technology services, including computer software, for the purpose of evaluating and documenting the effectiveness, benefits, and compatibility of the devices or services with other technologies, for individuals with disabilities.

(6) Engaging in another activity, pursuant to a priority mechanism announced by the Secretary, that will have a statewide impact and address the unmet assistive technology needs of individuals with disabilities.

(c) LOCAL CAPACITY BUILDING ACTIVITIES- The State may use funds made available through a grant described in subsection (a)(1)(B) to provide funds to local entities that submit acceptable plans, to enable each such local entity to carry out 1 of the following activities:

(1) Developing and implementing micro-loan and alternative financing programs.

(2) Planning and carrying out equipment demonstrations in community settings frequented by the public.

(3) Developing and implementing an equipment loan program involving long-term and short-term loans.

(4) Developing and implementing an equipment recycling program.

(5) Developing and implementing outreach activities and training, especially empowerment training, for individuals with disabilities, teachers and parents of individuals with disabilities, and underserved populations.

(6) Carrying out other initiatives, including model innovative initiatives, that meet an unmet local need related to assistive technology.

(d) AMOUNTS OF SUPPLEMENTARY GRANTS-

(1) PAYMENTS TO STATES- The Secretary shall make payments to States and to outlying areas that successfully compete for supplementary grants awarded under this

section, in accordance with the requirements of this section.

(2) OBLIGATION AND EXPENDITURE- A State that receives a grant under this section may obligate and expend the funds made available through the grant during the period of the grant.

(3) MATCHING REQUIREMENT- A State that receives a grant under this section in an amount that exceeds \$250,000 shall make available non-Federal contributions in an amount not less than \$1 for every \$2 of the amount that exceeds \$250,000.

(e) APPLICATIONS- Any State that desires to receive a grant under this section shall submit to the Secretary an application, at such time, and in such manner, as the Secretary may require, that contains the following information and assurances:

(1) PARTNERS-

(A) STATE ASSISTIVE TECHNOLOGY OFFICE- An assurance that the State Assistive Technology Office designated under section 102(d)(1)(A) participated in the development of the application and will participate in the implementation of the activities to be carried out under the grant, even if the State Assistive Technology Office is not the grant applicant under this section.

(B) PARTNERS- A description of the partners of the State involved in carrying out statewide activities under the grant, including--

- (i) the identity of each partner;
- (ii) the role of each partner in the development of the application;
- (iii) the capacity of each partner to contribute to the grant activities; and
- (iv) the contribution of each partner to the grant activities.

(2) TARGETED INDIVIDUALS- A description of how targeted individuals, especially individuals with disabilities who use assistive technology, were involved in the development of the application and will be involved in the implementation of the activities to be carried out under the grant.

(3) DATA- Data that affected the selection of the activities to be carried out under the grant.

(4) RESOURCES- A description of State resources and other resources that have been committed to carry out the activities.

(5) GOALS AND ACTIVITIES-

(A) IN GENERAL- A description of--

- (i) the goals the State has set for the supplementary grant; and
- (ii) the activities the State will undertake to achieve such goals, in accordance with the requirements of subsections (b) and (c).

(B) MEASURES OF GOAL ACHIEVEMENT- A description of how the State will measure whether the goals set by the State have been achieved.

(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES- A description of how individuals with disabilities of all ages and their families--

(i) were involved in selecting--

(I) the goals;

(II) the activities to be undertaken in achieving the goals; and

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

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

(6) ANNUAL ASSESSMENT- An assurance that the State will conduct an annual assessment of the activities carried out under the grant, in order to determine--

(A) the extent to which the goals described in paragraph (5) have been achieved; and

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

(7) USE OF FUNDS- An assurance that funds received through the grant will be expended in accordance with the provisions of this section and of the application.

(8) SUPPLEMENT OTHER FUNDS- An assurance that funds received through the grant will be used to supplement, and not supplant, funds available from other sources for any activity carried out under the grant.

(9) REPORTS- An assurance that the State will, or will ensure that a recipient of assistance through the grant will--

(A) prepare reports to the Secretary at such time, in such manner, and containing such information as the Secretary may require to carry out the functions of the Secretary under this section or section 105; and

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

(10) COMMINGLING OF FUNDS-

(A) IN GENERAL- An assurance that funds received through the grant will not be commingled with State or other funds. AF

(B) CONSTRUCTION- Subparagraph (A) shall not be construed to prevent, subject to such requirements as the Secretary may establish concerning documentation satisfactory to the Secretary, pooling of funds received through the grant with other public or private funds to achieve a goal specified in the grant application involved, as approved by the Secretary.

(11) FISCAL CONTROL AND ACCOUNTING PROCEDURES- An assurance that the State will adopt, and will ensure that a recipient of assistance through the grant will adopt, such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for funds received through the grant.

(12) AUTHORITY TO USE FUNDS- An assurance that, the partners described in paragraph (1)(B) will have the authority to use funds made available through a grant awarded under this section.

(13) LIMIT ON INDIRECT COSTS- An assurance that the percentage of the funds made

available

under the grant that is used for indirect costs shall not exceed 10 percent.

(14) OTHER INFORMATION AND ASSURANCES- Such other information and assurances as the Secretary may reasonably require.

(f) SUBMISSION-

(1) JOINT SUBMISSION- When a State submits the State technology plan for the State under section 102(d), the State may jointly submit an application described in subsection (e) for funding activities under this section.

(2) SEPARATE INFORMATION- In making such a joint submission the State shall distinguish between activities to be carried out under a grant awarded under section 102 and activities to be carried out under a grant awarded under this section, and include a budget that separately reflects proposed expenditures for the 2 types of grant activities for each fiscal year involved.

(g) PROGRESS REPORTS- Each State that receives a grant under this section, and any other entity that receives assistance through a grant awarded under this section, shall annually prepare and submit to the Secretary a report that documents the progress of the State or entity in meeting the goals described in subsection (e)(5), and any other information the Secretary may reasonably require.

SEC. 104. STATE GRANTS FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.

(a) GRANTS TO STATES-

(1) IN GENERAL- On the appropriation of funds under section 107, the Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

(2) CERTAIN STATES- Notwithstanding paragraph (1), for a State that, on the day before the date of enactment of this Act, was described in section 102(f)(1) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988, the Secretary shall make the grant to the lead agency designated under section 101(d) or the State Assistive Technology Office designated under section 102(d)(1)(A) in that State, whichever is appropriate. The lead agency or office shall determine how the funds made available under this section shall be divided among the entities that were providing protection and advocacy services in that State on that day, and distribute the funds to the entities. In distributing the funds, the lead agency or office shall not establish any further eligibility or procedural requirements for an entity in that State that supports protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.). Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under paragraph (1).

(3) PERIODS- The Secretary shall provide assistance through such a grant to a State for 5 years.

(b) AMOUNT OF FINANCIAL ASSISTANCE-

(1) GRANTS TO OUTLYING AREAS- From the funds appropriated under section 107(a) and reserved under clause (ii) of subparagraph (A), (B), or (C) of section 107(b)(1) for any fiscal year, the Secretary shall make a grant in an amount of not more than \$30,000 to each eligible system within an outlying area.

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

(3) SYSTEMS WITHIN STATES-

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

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

(4) ADJUSTMENT FOR INFLATION- For any fiscal year, beginning in fiscal year 2000, in which the total amount appropriated and reserved as described in paragraph (1) exceeds the total amount so appropriated and reserved for the preceding fiscal year, the Secretary shall increase each of the minimum allotments under paragraph (3)(B) by a percentage that shall not exceed the percentage increase in the total amount so appropriated and reserved between the preceding fiscal year and the fiscal year involved.

(5) PROPORTIONAL REDUCTION- To provide minimum allotments to systems within States (as increased under paragraph (4)) under paragraph (3)(B), the Secretary shall proportionately reduce the allotments of the remaining systems within States under paragraph (3), with such adjustments as may be necessary to prevent the allotment of any such remaining system within a State from being reduced to less than the minimum allotment for a system within a State (as increased under paragraph (4)) under paragraph (3)(B).

(6) REALLOTMENT- Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provisions of this section to 1 or more of the systems that the Secretary determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a system for any fiscal year pursuant to the preceding sentence shall, for the purposes of this section, be regarded as an increase in the allotment of the system (as determined under the preceding provisions of this section) for such year.

(c) REPORT TO SECRETARY- An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in--

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

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

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

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

(5) coordinating activities with protection and advocacy services funded through sources other than this title, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency or State Assistive Technology Office, as appropriate.

(d) **REPORTS AND UPDATES TO STATE AGENCIES-** An entity that receives a grant under this section shall prepare and submit to the State Assistive Technology Office the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

(e) **COORDINATION-** On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 101(d), or the State Assistive Technology Office, whichever is appropriate, with respect to efforts at coordination, collaboration, and promoting outcomes between the lead agency or the State Assistive Technology Office, as appropriate, and the entity that receives the grant under this section.

SEC. 105. ADMINISTRATIVE PROVISIONS.

(a) REVIEW OF PARTICIPATING ENTITIES-

(1) **IN GENERAL-** The Secretary shall assess the extent to which entities that receive grants pursuant to this title are complying with the applicable requirements of this title and achieving the goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

(2) ONSITE VISITS OF STATES RECEIVING CERTAIN GRANTS-

(A) IN GENERAL- The Secretary shall conduct an onsite visit--

(i) for each State that receives a grant under section 101 and that would have been in the third or fourth year of a

second extension grant under the Technology-Related Assistance for Individuals With Disabilities Act of 1988 if that Act had been reauthorized for that fiscal year, prior to the end of that year; and

(ii) for each State that receives a grant under section 102, prior to the end of the fourth year of that grant.

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

(3) **ADVANCE PUBLIC NOTICE-** The Secretary shall provide advance public notice of an onsite visit conducted under paragraph (2) and solicit public comment through such notice

from targeted individuals, regarding State goals and related activities to achieve such goals funded through a grant made under section 101 or 102, as appropriate.

(4) MINIMUM REQUIREMENTS- At a minimum, the visit shall allow the Secretary to determine the extent to which the State is making progress in meeting State goals and maintaining a comprehensive statewide program of technology-related assistance consistent with the purposes described in section 2(b)(1).

(5) PROVISION OF INFORMATION- To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information.

(b) CORRECTIVE ACTION AND SANCTIONS-

(1) CORRECTIVE ACTION- If the Secretary determines that an entity fails to substantially comply with the requirements of this title with respect to a grant program, the Secretary shall assist the entity through a technical assistance center funded under section 106 or other means, within 90 days after such determination, to develop a corrective action plan.

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

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

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

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

(D) Required redesignation of the lead agency designated under section 101(d) or an entity responsible for administering the grant program.

(3) APPEALS PROCEDURES- The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this title.

(c) ANNUAL REPORT-

(1) IN GENERAL- Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to Congress, a report on the activities funded under this Act, to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

(2) CONTENTS- Such report shall include information on--

(A) the demonstrated successes of the funded activities in improving interagency coordination relating to assistive technology, streamlining access to funding for assistive technology, and producing beneficial outcomes for users of assistive technology;

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

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

(ii) establish additional options for obtaining such funding;

(C) the education and training activities carried out through the funded activities to educate and train targeted individuals about assistive technology, including increasing

awareness of funding through public programs for assistive technology;

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

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

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

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

(3) AVAILABILITY OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES- As soon as practicable, the Secretary shall include in the annual report required by this subsection information on the availability of assistive technology devices and assistive technology services. If the Secretary determines that a national classification system for assistive technology devices and assistive technology services has been developed the Secretary shall present such information in the report in a manner consistent with such national classification system.

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

SEC. 106. TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL- Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to fund a technical assistance program to provide technical assistance to entities, principally entities funded under any of sections 101 through 104.

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

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

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

(3) individuals employed by protection and advocacy systems funded under section 104.

(c) SCOPE OF TECHNICAL ASSISTANCE-

(1) NATIONAL PUBLIC INTERNET SITE-

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

(B) ELIGIBLE ENTITY- To be eligible to receive a grant or enter into a contract or

cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in--

- (i) working with assistive technology and intelligent agent interactive information dissemination systems;
- (ii) managing libraries of assistive technology and disability-related resources;
- (iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;
- (iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and
- (v) developing and designing advanced Internet sites.

(C) FEATURES OF INTERNET SITE- The National Public Internet Site described in subparagraph (A) shall contain the following features:

- (i) AVAILABILITY OF INFORMATION AT ANY TIME- The site shall be designed so that any member of the public may obtain information posted on the site at any time.
- (ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT- The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.
- (iii) RESOURCES-
 - (I) LIBRARY ON ASSISTIVE TECHNOLOGY- The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.
 - (II) RESOURCES FOR A NUMBER OF DISABILITIES- The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.
- (iv) LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION- To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

(D) MINIMUM LIBRARY COMPONENTS- At a minimum, the Internet site shall maintain updated information on--

- (i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to--
 - (I) providing information and referral services;
 - (II) promoting interagency coordination of training and service delivery

among public and private entities;

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

(IV) mounting successful public awareness activities;

(V) improving capacity building in service delivery;

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

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

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

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

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

(2) TECHNICAL ASSISTANCE EFFORTS- In carrying out the technical assistance program, taking into account the input required under subsection (b), the Secretary shall ensure that entities--

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

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

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

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

(iv) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services, including information on the identification and description of mechanisms and means that successfully support self-help and peer mentoring groups for individuals with disabilities;

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

(vi) other assignments specified by the Secretary, including assisting entities described in section 105(b) to develop corrective action plans; and

(B) assist targeted individuals by disseminating information about--

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

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

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

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

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL-** There are authorized to be appropriated to carry out this title \$36,000,000 for fiscal year 1999 and such sums as may be necessary for fiscal years 2000 through 2004.

(b) **RESERVATIONS OF FUNDS-**

(1) **IN GENERAL-** Except as provided in paragraphs (2) through (4)--

(A) if the amount appropriated under subsection (a) for a fiscal year is less than \$33,000,000--

(i) 87.5 percent of the amount shall be reserved to fund grants under sections 101 and 102;

(ii) 7.9 percent shall be reserved to fund grants under section 104; and

(iii) 4.6 percent shall be reserved for activities funded under section 106;

(B) if the amount appropriated under subsection (a) for a fiscal year is not less than \$33,000,000 and is less than \$36,000,000--

(i) 85 percent of the amount shall be reserved to fund grants under sections 101 and 102;

(ii) 11 percent shall be reserved to fund grants under section 104; and

(iii) 4 percent shall be reserved for activities funded under section 106; and

(C) if the amount appropriated under subsection (a) for a fiscal year is not less than \$36,000,000--

(i) 80 percent of the amount shall be reserved to fund grants under sections 101, 102, and (to the extent provided in paragraph (2)) 103;

(ii) 15 percent shall be reserved to fund grants under section 104; and

(iii) 5 percent shall be reserved for activities funded under section 106.

(2) **CONDITION APPLICABLE TO SUPPLEMENTARY GRANTS-** Beginning in fiscal year 2000, if the amount appropriated under subsection (a) for a fiscal year is not less than \$40,000,000, the Secretary may reserve not more than 5 percent of the amount to fund grants under section 103.

(3) **RESERVATION FOR CONTINUATION OF TECHNICAL ASSISTANCE INITIATIVES-** For fiscal year 1999, the Secretary may use funds reserved under clause (iii) of subparagraph (A), (B), or (C) of paragraph (1) to continue funding technical assistance initiatives that were funded in fiscal year 1998 under the Technology-Related Assistance for Individuals With Disabilities Act of 1988.

(4) **RESERVATION FOR ONSITE VISITS-** The Secretary may reserve, from the amount appropriated under subsection (a) for any fiscal year, such sums as the Secretary considers to be necessary for the purposes of conducting onsite visits as required by section 105(a)(2).

TITLE II--NATIONAL ACTIVITIES

Subtitle A--Rehabilitation Act of 1973

SEC. 201. COORDINATION OF FEDERAL RESEARCH EFFORTS.

Section 203 of the Rehabilitation Act of 1973 (as amended by section 405 of the Workforce Investment Act of 1988) is amended--

(1) in subsection (a)(1), by inserting after 'programs,' insert 'including programs relating to assistive technology research and research that incorporates the principles of universal design,';

(2) in subsection (b)--

(A) by inserting '(1)' before 'After receiving';

(B) by striking 'from individuals with disabilities and the individuals' representatives' and inserting 'from targeted individuals';

(C) by inserting after 'research' the following: (including assistive technology research and research that incorporates the principles of universal design); and

(D) by adding at the end the following:

(2) In carrying out its duties with respect to the conduct of Federal research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities, the Committee shall--

(A) share information regarding the range of assistive technology research, and research that incorporates the principles of universal design, that is being carried out by members of the Committee and other Federal departments and organizations;

(B) identify, and make efforts to address, gaps in assistive technology research and research that incorporates the principles of universal design that are not being adequately addressed;

(C) identify, and establish, clear research priorities related to assistive technology research and research that incorporates the principles of universal design for the Federal Government;

(D) promote interagency collaboration and joint research activities relating to assistive technology research and research that incorporates the principles of universal design at the Federal level, and reduce unnecessary duplication of effort regarding these types of research within the Federal Government; and

(E) optimize the productivity of Committee members through resource sharing and other cost-saving activities, related to assistive technology research and research that incorporates the principles of universal design.';

(3) by striking subsection (c) and inserting the following:

(c) Not later than December 31 of each year, the Committee shall prepare and submit, to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report that--

(1) describes the progress of the Committee in fulfilling the duties described in subsection (b);

(2) makes such recommendations as the Committee determines to be appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities; and

(3) describes the activities that the Committee recommended to be funded through grants, contracts, cooperative agreements, and other mechanisms, for assistive technology research and development and research and development that incorporates the principles of universal design.'; and

(4) by adding at the end the following:

(d)(1) In order to promote coordination and cooperation among Federal departments and agencies conducting assistive technology research programs, to reduce duplication of effort among the programs, and to increase the availability of assistive technology for individuals with disabilities, the Committee may recommend activities to be funded through grants, contracts or cooperative agreements, or other mechanisms--

(A) in joint research projects for assistive technology research and research that incorporates the principles of universal design; and

(B) in other programs designed to promote a cohesive, strategic Federal program of research described in subparagraph (A).

(2) The projects and programs described in paragraph (1) shall be jointly administered by at least 2 agencies or departments with representatives on the Committee.

(3) In recommending activities to be funded in the projects and programs, the Committee shall obtain input from targeted individuals, and other organizations and individuals the Committee determines to be appropriate,

concerning the availability and potential of technology for individuals with disabilities.

(e) In this section, the terms 'assistive technology', 'targeted individuals', and 'universal design' have the meanings given the terms in section 3 of the Assistive Technology Act of 1998.'

SEC. 202. NATIONAL COUNCIL ON DISABILITY.

Section 401 of the Rehabilitation Act of 1973 (as amended by section 407 of the Workforce Investment Act of 1998) is amended by adding at the end the following:

(c)(1) Not later than December 31, 1999, the Council shall prepare a report describing the barriers in Federal assistive technology policy to increasing the availability of and access to assistive technology devices and assistive technology services for individuals with disabilities.

(2) In preparing the report, the Council shall obtain input from the National Institute on Disability and Rehabilitation Research and the Association of Tech Act Projects, and from targeted individuals, as defined in section 3 of the Assistive Technology Act of 1998.

(3) The Council shall submit the report, along with such recommendations as the Council determines to be appropriate, to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives.

SEC. 203. ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD.

(a) IN GENERAL- Section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) is amended--

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(2) by inserting after subsection (c) the following:

(d) Beginning in fiscal year 2000, the Access Board, after consultation with the Secretary, representatives of such public and private entities as the Access Board determines to be appropriate (including the electronic and information technology industry), targeted individuals (as defined in section 3 of the Assistive Technology Act of 1998), and State information technology officers, shall provide training for Federal and State employees on any obligations related to section 508 of the Rehabilitation Act of 1973; and

(3) in the second sentence of paragraph (1) of subsection (e) (as redesignated in paragraph (1)), by striking 'subsection (e)' and inserting 'subsection (f)'.

(b) CONFORMING AMENDMENT- Section 506(c) of the Rehabilitation Act of 1973 (29 U.S.C. 794(c)) is amended by striking 'section 502(h)(1)' and inserting 'section 502(i)(1)'.

Subtitle B--Other National Activities

SEC. 211. SMALL BUSINESS INCENTIVES.

(a) DEFINITION- In this section, the term 'small business' means a small-business concern, as described in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) CONTRACTS FOR DESIGN, DEVELOPMENT, AND MARKETING-

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

(2) SMALL BUSINESS INNOVATIVE RESEARCH PROGRAM- Contracts entered into pursuant to paragraph (1) shall be administered in accordance with the contract administration requirements applicable to the Department of Education under the Small Business Innovative Research Program, as described in section 9(g) of the Small Business Act (15 U.S.C. 638(g)). Contracts entered into pursuant to paragraph (1) shall not be included in the calculation of the required expenditures of the Department under section 9(f)

of such Act (15 U.S.C. 638(f)).

(c) **GRANTS FOR EVALUATION AND DISSEMINATION OF INFORMATION ON EFFECTS OF TECHNOLOGY TRANSFER-** The Secretary may make grants to small businesses to enable such businesses--

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

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

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

SEC. 212. TECHNOLOGY TRANSFER AND UNIVERSAL DESIGN.

(a) **IN GENERAL-** The Director of the National Institute on Disability and Rehabilitation Research may collaborate with the Federal Laboratory Consortium for Technology Transfer established under section 11(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)), to promote technology transfer that

will further development of assistive technology and products that incorporate the principles of universal design.

(b) **COLLABORATION-** In promoting the technology transfer, the Director and the Consortium described in subsection (a) may collaborate--

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

(2) to increase the awareness of staff members of the Federal Laboratories regarding assistive technology issues and the principles of universal design;

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

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

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

(c) **GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS-** The Secretary may make grants to or enter into contracts or cooperative agreements with commercial, non-profit, or other organizations, including institutions of higher education, to facilitate interaction with the Consortium to achieve the objectives of this section.

(d) **RESPONSIBILITIES OF CONSORTIUM-** Section 11(e)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)(1)) is amended--

- (1) in subparagraph (I), by striking `; and' and inserting a semicolon;
- (2) in subparagraph (J), by striking the period and inserting `; and'; and
- (3) by adding at the end the following:

(K) work with the Director of the National Institute on Disability and Rehabilitation Research to compile a compendium of current and projected Federal Laboratory technologies and projects that have or will have an intended or recognized impact on the available range of assistive technology for individuals with disabilities (as defined in section 3 of the Assistive Technology Act of 1998), including technologies and projects that incorporate the principles of universal design (as defined in section 3 of such Act), as appropriate.

SEC. 213. UNIVERSAL DESIGN IN PRODUCTS AND THE BUILT ENVIRONMENT.

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

SEC. 214. OUTREACH.

(a) ASSISTIVE TECHNOLOGY IN RURAL OR IMPOVERISHED URBAN AREAS- The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for rural and impoverished urban populations, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

(b) ASSISTIVE TECHNOLOGY FOR CHILDREN AND OLDER INDIVIDUALS- The Secretary may make grants, enter into cooperative agreements, or provide financial assistance through other mechanisms, for projects designed to increase the availability of assistive technology for populations of children and older individuals, by determining the unmet assistive technology needs of such populations, and designing and implementing programs to meet such needs.

SEC. 215. TRAINING PERTAINING TO REHABILITATION ENGINEERS AND TECHNICIANS.

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

(b) ACTIVITIES- An agency or organization that receives a grant or contract under subsection (a) may use the funds made available through the grant or contract--

- (1) to provide training programs for individuals employed or seeking employment in the field of rehabilitation engineering, including postsecondary education programs;
- (2) to provide workshops, seminars, and conferences concerning rehabilitation engineering that relate to the use of assistive technology devices and assistive technology services to improve the lives of individuals with disabilities; and

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

SEC. 216. ASSISTIVE TECHNOLOGY TAXONOMY.

(a) **STUDY-** The Secretary may, directly or (if necessary) by entering into contracts or cooperative agreements with appropriate entities, conduct a study to determine the benefits of and obstacles to implementing throughout the Federal Government the single assistive technology taxonomy developed by the Department.

(b) **REPORT-** Not later than December 31, 1999, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that contains information detailing the benefits and obstacles described in subsection (a) and that contains such policy recommendations as the Secretary determines to be appropriate.

SEC. 217. PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES.

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

(b) **ACTIVITIES-** The Committee may carry out activities through the programs that may include--

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

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

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

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

(ii) individuals with disabilities; and

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

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

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

(e) **DEFINITION-** In this section, the term 'information technology' means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including a computer, ancillary equipment,

software, firmware and similar procedures, services (including support services), and related resources.

SEC. 218. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL-** There are authorized to be appropriated to carry out this title and the provisions described in subsection (b)(1), \$15,000,000 for fiscal year 1999, and such sums as may be necessary for each of fiscal years 2000 through 2004.

(b) **RESERVATIONS-** Of the funds appropriated under subsection (a) for a fiscal year, the Secretary shall reserve not less than--

- (1) 33 percent to carry out the provisions of section 203 of the Rehabilitation Act of 1973 that relate to research described in section 203(b)(2)(A) of such Act;
- (2) 16 percent to carry out section 211;
- (3) 4 percent to carry out section 212;
- (4) 8 percent to carry out section 215; and
- (5) 10 percent to carry out section 217.

(c) **AVAILABILITY-** Amounts appropriated under subsection (a) for a fiscal year shall remain available for obligation for the following fiscal year.

TITLE III--ALTERNATIVE FINANCING MECHANISMS

SEC. 301. GENERAL AUTHORITY.

(a) **IN GENERAL-** The Secretary shall award grants to States to pay for the Federal share of the cost of the establishment and administration of, or the expansion and administration of, an alternative financing program featuring 1 or more alternative financing mechanisms to allow individuals with disabilities and their family members, guardians, advocates, and authorized representatives to purchase assistive technology devices and assistive technology services (referred to individually in this title as an 'alternative financing mechanism').

(b) **MECHANISMS-** The alternative financing mechanisms may include--

- (1) a low-interest loan fund;
- (2) an interest buy-down program;
- (3) a revolving loan fund;
- (4) a loan guarantee or insurance program;
- (5) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or
- (6) another mechanism that meets the requirements of this title and is approved by the Secretary.

(c) **REQUIREMENTS-**

- (1) **PERIOD-** The Secretary may award grants under this title for periods of 1 year.

(2) LIMITATION- No State may receive more than 1 grant under this title.

(d) FEDERAL SHARE- The Federal share of the cost of the alternative financing program shall not be more than 50 percent.

(e) CONSTRUCTION- Nothing in this section shall be construed as affecting the authority of a State to establish an alternative financing program under title I.

SEC. 302. AMOUNT OF GRANTS.

(a) IN GENERAL-

(1) GRANTS TO OUTLYING AREAS- From the funds appropriated under section 308 for any fiscal year that are not reserved under section 308(b), the Secretary shall make a grant in an amount of not more than \$105,000 to each eligible outlying area.

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

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

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

(B) from the remainder of the funds--

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

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

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

(c) DEFINITIONS- In subsection (a):

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

(2) STATE- The term 'State' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 303. APPLICATIONS AND PROCEDURES.

(a) ELIGIBILITY- States that receive or have received grants under section 101 or 102 and comply with subsection (b) shall be eligible to compete for grants under this title.

(b) APPLICATION- To be eligible to compete for a grant under this title, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the

Secretary may require, including--

- (1) an assurance that the State will provide the non-Federal share of the cost of the alternative financing program in cash, from State, local, or private sources;
- (2) an assurance that the alternative financing program will continue on a permanent basis;
- (3) an assurance that, and information describing the manner in which, the alternative financing program will expand and emphasize consumer choice and control;
- (4) an assurance that the funds made available through the grant to support the alternative financing program will be used to supplement and not supplant other Federal, State, and local public funds expended to provide alternative financing mechanisms;
- (5) an assurance that the State will ensure that--
 - (A) all funds that support the alternative financing program, including funds repaid during the life of the program, will be placed in a permanent separate account and identified and accounted for separately from any other fund;
 - (B) if the organization administering the program invests funds within this account, the organization will invest the funds in low-risk securities in which a regulated insurance company may invest under the law of the State; and
 - (C) the organization will administer the funds with the same judgment and care that a person of prudence, discretion, and intelligence would exercise in the management of the financial affairs of such person;
- (6) an assurance that--
 - (A) funds comprised of the principal and interest from the account described in paragraph (5) will be available to support the alternative financing program; and
 - (B) any interest or investment income that accrues on or derives from such funds after such funds have been placed under the control of the organization administering the alternative financing program, but before such funds are distributed for purposes of supporting the program, will be the property of the organization administering the program; and
- (7) an assurance that the percentage of the funds made available through the grant that is used for indirect costs shall not exceed 10 percent.

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

SEC. 304. CONTRACTS WITH COMMUNITY-BASED ORGANIZATIONS.

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

(b) PROVISIONS- The contract shall--

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

the provisions of this title;

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

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

(A) commercial lending institutions or organizations; or

(B) State financing agencies.

SEC. 305. GRANT ADMINISTRATION REQUIREMENTS.

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

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

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

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

SEC. 306. INFORMATION AND TECHNICAL ASSISTANCE.

(a) IN GENERAL- The Secretary shall provide information and technical assistance to States under this title, which shall include--

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

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

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

(b) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS- The Secretary shall provide the information and technical assistance described in subsection (a) through grants, contracts, and cooperative agreements with public or private agencies and organizations, including institutions of higher education, with sufficient documented experience, expertise, and capacity to assist States in the development and implementation of the alternative financing programs carried out under this title.

SEC. 307. ANNUAL REPORT.

Not later than December 31 of each year, the Secretary shall submit a report to the Committee on

Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the progress of each alternative financing program funded under this title toward achieving the objectives of this title. The report shall include information on--

- (1) the number of grant applications received and approved by the Secretary under this title, and the amount of each grant awarded under this title;
- (2) the ratio of funds provided by each State for the alternative financing program of the State to funds provided by the Federal Government for the program;
- (3) the type of alternative financing mechanisms used by each State and the community-based organization with which each State entered into a contract, under the program; and
- (4) the amount of assistance given to consumers through the program (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population).

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

- (a) **IN GENERAL-** There are authorized to be appropriated to carry out this title \$25,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2004.
- (b) **RESERVATION-** Of the amounts appropriated under subsection (a) for a fiscal year, the Secretary shall reserve 2 percent for the purpose of providing information and technical assistance to States under section 306.
- (c) **AVAILABILITY-** Amounts appropriated under subsection (a) for a fiscal year shall remain available for obligation for the following fiscal year.

TITLE IV--REPEAL AND CONFORMING AMENDMENTS

SEC. 401. REPEAL.

The Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.) is repealed.

END



Thomas A. Kalil

09/08/98 07:25:58 PM



Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Re: Summary of S2432 Assistive Technology Act of 1998 

His name was Howard Moses -- he's the DAS for
Special Ed. and Rehabilitative Services.

His # is 205-5465.

Yes - it would be useful to know how this
changes current law.



Cynthia A. Rice

09/08/98 07:12:34 PM

Record Type: Record

To: Thomas A. Kalil/OPD/EOP, lisa m. brown/ovp @ ovp
cc: Cynthia Dailard/OPD/EOP, Melissa N. Benton/OMB/EOP
bcc: Records Management
Subject: Summary of S2432 Assistive Technology Act of 1998 



FYI - dis0908.wp Cynthia Dailard did this helpful summary (one caveat: neither of us are that familiar with current law, so keep that in mind!) Also I just left a voice mail for Melissa Benton of OMB if she can get from Education a comparison of current law vs. this proposal -- they hopefully already have done such a thing!

Tom -- at the meeting you chaired on technology ideas, the gentlemen sitting next to Becky Ogle seemed to know quite a bit about what Dept. of Education is doing. Since bill amends the Education Dept.'s technology program, I thought maybe we could discuss this with him, unless you have other thoughts. Can you remind me of his name and give me his phone number if you have it?

Cynthia A. Rice



Cynthia A. Rice

09/08/98 02:39:11 PM

Record Type: Record

To: Thomas A. Kalil/OPD/EOP, Lisa M. Brown/OVP @ OVP
cc: Cynthia Dailard/OPD/EOP
Subject: Request for Views on S2432 Assistive Technology Act of 1998

Have you had a chance to look at this yet? I just got my copy (Lisa, one went to "Elizabeth Gore"; Tom you were on the OMB list). It authorizes the Secretary of Education to make a number of assistive technology grants, some of which are similar to the ones we discussed the other day. It's a very detailed bill. Note that OMB seems to think it may well become law this year.

Our comments would form the basis for a SAP to be sent after the bill passes out of committee (which is expected to happen tomorrow).

Tom, you've spent I think the most time thinking about these issues. Any thoughts?

----- Forwarded by Cynthia A. Rice/OPD/EOP on 09/08/98 02:31 PM -----

DRAFT SUMMARY

S. 2432 -- Assistive Technology Act of 1998

The bill repeals the Technology-Related Assistance for Individuals with Disabilities Act of 1988, and replaces it with a series of grants by the Department of Education to states designed to improve access to assistive technologies for people with disabilities.

Title I -- Authorizes \$36 million for FY99 and such sums as necessary for FY2000-2004 for a series of grants designed to improve access to assistive technologies for people with disabilities.

Sec. 101 -- This section provides "continuity grants" to states that were already receiving funds under the Technology-Related Assistance Act of 1988 for less than 10 years. The amounts of these grants are based on a percentage of the funding the state would have received under the 1988 Act, based on how many years the state participated in the program.

States must use these funds to: (1) support a public awareness program designed to provide information to people with disabilities about assistive technologies; (2) adopt policies that improve access to assistive technology devices and services, and enhance interagency coordination and coordination between public and private entities for this purpose; (3) provide technical assistance and training activities to promote access to assistive technology devices and services in education, health care, employment, community living and other contexts; and (4) provide support to organizations that provide assistive technology devices and services to people with disabilities (this may include support to obtain funding for and access to such technologies, in addition to securing information on evaluating technologies).

In addition to these mandatory activities, states may also use these grants to support the development of systems for the purchase, lease or other acquisition of assistive technologies, or the establishment of alternative State or privately financed system of subsidies (such as a revolving loan fund, loan guarantee, short-term loans) for acquisition of assistive technologies.

Sec. 102 -- This section provides "challenge grants" to states that have not received funding under the 1988 Act, for the purpose of establishing or improving technology-related assistance to people with disabilities. These grants last 5 years, and are calculated according to a formula (minimum grant is \$500,000). States must use these grants for virtually the same purposes as described above for continuity grants.

Sec. 103 -- This section provides 5-year supplemental "millennium grants" to states in order to build capacity -- i.e., expand their ability to address the unmet needs of assistive technology needs of individuals with disabilities, or to provide grants to localities for the same purpose. Only those states receiving a grant under section 102 are eligible for these supplemental grants. States that receive grants under this section that exceed \$250,000 must make a state contribution of \$1 for every \$2 of the amount that exceeds \$250,000.

Sec. 104 -- This section requires the Secretary to provide a 5-year grant to an entity in each State

to support protection and advocacy services for people with disabilities in need of assistive technologies. The grant amount is based on state population, with a minimum amount of \$50,000.

Title II -- Authorizes \$15 million for FY99, and such sums as necessary for FY2000-2004 for a variety of national activities designed to increase access to assistive technologies.

Sec. 201 -- Requires federal research into assistive technologies and universal design.

Sec. 202 -- The National Council on Disability must prepare a report by December 31, 1999, describing the barriers in federal assistive technology policy, in order to increase access to such technology.

Sec. 211 -- The Secretary may enter into contracts with small businesses to assist them in designing, developing and marketing assistive technology devices or services.

Sec. 213 -- The Secretary may make grants to organizations or universities for research into universal design concepts.

Sec. 214 -- The Secretary may make grants for projects designed to increase the availability of assistive technology for rural and low-income urban populations, and children and the elderly.

Sec. 215 -- The Secretary may make grants to help prepare students enter into fields involving rehabilitation services and rehabilitation technologies.

Sec. 217 -- The President's Committee on Employment of People with Disabilities may develop programs to increase the private sector's use of assistive technology.

Title III -- Authorizes \$25 million for FY99, and such sums as necessary for FY2000-2004, in order to help states to establish alternative financing programs to allow people with disabilities to purchase assistive technology devices and services. These programs may include a low-interest loan fund, an interest buy-down program, a revolving loan fund, or a loan guarantee program. These 1 year grants cannot exceed \$500,000 per state, and states cannot receive more than one grant. The federal share of this program cannot exceed 50 percent of the total cost of the program.