



SECTION BY SECTION

House Committee on Education and Labor

Chairman Robert C. "Bobby" Scott

21st Century Assistive Technology Act (H.R. 9028)

SECTION 1. SHORT TITLE.

This section states that this Act may be cited as the "21st Century Assistive Technology Act."

SECTION 2. REAUTHORIZATION.

This section reauthorizes and amends the *Assistive Technology Act of 1998* (29 U.S.C. 3001 et seq.) to reflect the sections summarized below.

Section 1. Short Title; Table of Contents.

This section states that this Act may be cited as the '*Assistive Technology Act of 1998*' and amends the table of contents to read as follows:

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

"Sec. 2. Purposes.

"Sec. 3. Definitions.

"Sec. 4. Grants for State assistive technology programs.

"Sec. 5. Grants for protection and advocacy services related to assistive technology.

"Sec. 6. Technical assistance and data collection support.

"Sec. 7. Projects of national significance.

"Sec. 8. Administrative provisions.

"Sec. 9. Authorization of appropriations; reservations and distribution of funds.

Section 2. Purpose.

This section states the purposes of the Act are to support state efforts to improve the provision of assistive technology (AT) to disabled individuals through comprehensive statewide programs of technology-related assistance, for disabled individuals of all ages, that are designed to increase the availability of, funding for, access to, provision of, and education about AT devices and services.

Section 3. Definitions.

This section defines the terms "Adult Service Program;" "American Indian Consortium;" "Assistive Technology;" "Assistive Technology Device;" "Assistive Technology Service;" "Capacity Building and Advocacy Activities;" "Comprehensive Statewide Program of Technology-Related Assistance;" "Consumer-Responsive;" "Disability;" "Individual with a Disability;" "Institution of Higher Education;" "Protection and Advocacy Services;" "Secretary;" "State;" "Outlying Area;" "State;" "State Assistive Technology Program;" "Targeted Individuals and Entities;" "Underrepresented Population;" and "Universal Design."

Section 4. Grants for State AT Programs.

Subsection (a) specifies that the Secretary shall award grants to states to maintain a comprehensive statewide continuum of integrated AT activities that are designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain AT, and increase access to AT.

State Grant Amounts.

Subsection (b) describes the calculation of State Grants. If the appropriated amount is below a threshold of \$40 million, funds are first allotted proportionally to the levels provided under Section 4 of the Act in 2021 until funding is equal to the FY 2021 funding level. This is the states' base funding. Thereafter, funding beyond the fiscal year 2021 levels is first allotted half according to relative population among the states and half equally across states until each state has received at least \$410,000 in program funding. Any additional unallotted funding would then be allotted 80 percent according to relative population among the states and 20 percent equally across states.

If funding for state grants surpasses the threshold of \$40 million, states first receive their base funding, as described above. However, thereafter funding is first allotted to outlying areas such that each outlying area receives \$150,000 in funding. Available funding beyond the base amount and the amount required to provide \$150,000 for outlying areas is then first allotted half according to relative population among the states and half equally across states until each state has received at least \$450,000 in program funding. Any additional unallotted funding would then be allotted 80 percent according to relative population among the states and 20 percent equally across states.

State Plans & Responsibilities.

Subsection (c) lays out the roles and responsibilities of the Lead Agency, Implementing Entity, and Advisory Council. The "Lead Agency" is the public agency designated by the Governor to control and administer state AT funds, submit the application on behalf of the state, ensure comprehensive and appropriate services, and conduct evaluation and monitoring. The "Implementing Entity" is the agency designated by the Governor to carry out state activities under this section if the implementing agency is different from the lead agency. The "Advisory Council" – comprised of persons with disabilities and other relevant stakeholders – assists in the execution of AT programs, including through setting of measurable goals.

Subsection (d) specifies the requirements of the state plans and application process. The lead agency will submit an application to the Secretary to be considered for a grant under this section. The Governor can redesignate the lead agency or implementing agency by including or amending the application. Applications under this subsection shall include a state plan for assistive technology, describe how various public and private entities were involved in the application and will be involved in the implementation of the grant, and include assurances.

Use of Funds.

Subsection (e) stipulates allowable funding uses under the Act, which fall into three categories: "State-level Activities," "State Leadership Activities", and "Indirect Costs."

The four "State-level Activities" are:

1. **State Financing Activities:** activities to increase access to, and funding for, assistive technology services, including development of systems to provide and pay for such devices and services.
2. **Device Reutilization Programs:** programs, in collaboration with public or private entities, to provide for the exchange, repair, recycling, or other reutilization of devices.

3. **Device Loan Programs:** programs in collaboration with public or private entities to provide short-term loans of assistive technology devices.
4. **Device Demonstrations:** collaboration with public or private entities to demonstrate assistive technology devices and services.

The three “State Leadership Activities” are:

1. **Education and Technical Assistance:** activities to enhance the knowledge, skills, and competencies of individuals from local settings including various trainings, the development and dissemination of educational materials and facilitating access to assistive technology.
2. **Public-Awareness Activities:** activities to provide information to targeted individuals about the availability, benefits, appropriateness, and costs of assistive technology devices and services.
3. **Coordination and Collaboration:** activities to coordinate state-level activities and activities among public and private entities to improve access to assistive technology devices and services for individuals with disabilities of all ages in the state.

At least 5 percent of the funds for “State Leadership Activities” must be used to carry out activities related to assisting students transitioning to adulthood and adults who require AT devices or services to maintain or transition to community living. This subsection also places a limitation on the use of grant funds for indirect costs to 10 percent of available funds and prohibits direct payment for an AT device for an individual with a disability.

State Flexibility.

The bill maintains flexibility allowing each state program to determine how to spend their federal allocation to meet the state’s unique needs, as determined by an annual statewide needs assessment. In order to provide the maximum availability of funding to access and acquire assistive technology, a state receiving a grant under this section shall ensure that the lead agency or implementing entity is conducting outreach to and, as appropriate, collaborating with, other state agencies that receive federal funding for assistive technology, including Education, Vocational Rehabilitation, Medicaid, and agencies funded under the *Older Americans Act*.

States may use up to 40 percent of their state funding for “State Leadership Activities” but must implement all four of the “State-level Activities.” However, as an alternative, states can choose to conduct as few as two of the “State-level Activities,” but may then spend only 30 percent of funds to conduct “State Leadership Activities”.

Accountability.

Subsection (f) requires that states receiving a grant must participate in data collection as required by law, including to aid in the preparation of the annual report documenting the type of state financing activities, the amount and type of assistance given to consumers, and information about state leadership activities.

Section 5. Grants for Protection and Advocacy Services Related to AT.

Subsection (a) allows the Secretary to make grants to protection and advocacy systems in each State to enable these systems to acquire, utilize, or maintain assistive technology devices or services, and assures these systems will have the same authorities as the systems are afforded under subtitle C or title I of the *Developmental Disabilities Assistance and Bill of Rights Act of 2000* (42 U.S.C. 15041 et seq.).

Subsection (b) establishes a minimum allocation for states and outlying territories and for the distribution of funds based on population as well as adjustments if the amount appropriated to carry out this section exceeds

\$8 million. Additionally, it provides for the reservation of funds to provide grants to the protection and advocacy system serving the American Indian Consortium.

Subsection (c) allows the Secretary to pay the total amount of the grant directly to any protection and advocacy system that complies with this section.

Subsection (d) allows an eligible system to carry over unobligated funds into the subsequent fiscal year to be obligated. Program income from any amount paid to an eligible system shall remain available for five years be considered an addition to the grant, and only be used to improve the awareness of individuals with disabilities about assistive technology and assist such individuals in the acquisition, utilization, or maintenance of such device or services.

Subsection (e) requires entities who receive a grant to prepare and submit an annual report to the Secretary.

Subsection (f) requires entities who receive a grant to prepare and submit the report described in subsection (e) to the lead state agency and quarterly updates.

Subsection (g) allows the Secretary to consider the opinions of the lead state agency when determining the entity that receives the grant.

Section 6. Technical Assistance and Data Collection Support.

Subsection (a) defines the terms, “Qualified Data Collection and Reporting Entity;” “Qualified Protection and Advocacy System Technical Assistance Provider;” and “Qualified Technical Assistance Provider.”

Subsection (b) requires the Secretary to award grants, contracts, or cooperative agreements on a competitive basis for support for assistive technology training and technical assistance, and support for data collection and reporting assistance.

Subsection (c) requires that organizations apply to the Secretary to be considered for a grant, contract, or cooperative agreement. The Secretary will consider the input of the recipients of the grants under sections 4 and 5 and other individuals as appropriate when awarding the grants.

Subsection (d) sets out parameters for authorized activities and use of funds for assistive technology training and technical assistance and assistive technology data collection and reporting assistance.

Subsection (e) provides that an entity may only receive one grant, contract, or cooperative agreement under this section at a time.

Section 7. Projects of National Significance.

Subsection (a) defines the term ‘Project Of National Significance.’

Subsection (b) allows the Secretary to award competitive grants, contracts, or cooperative agreements to carry out projects of national significance, if funds are available under section 9(c).

Subsection (c) allows both public and private nonprofit organizations to apply for a grant.

Subsection (d) allows the Secretary to give priority to public and private nonprofit organizations funded under section 4 or 5 (grants for state assistive technology programs and grants for protection and advocacy services

related to assistive technology) when awarding a grant, and preference to public and private nonprofit organizations who apply for a grant and meet the criteria under subsection a.

Subsection (e) allow the Secretary to award grants under this section if the funding available under section 9 to carry out section 4, 5, and 6 (grants for state assistive technology programs, grants for protection and advocacy services related to assistive technology, and technical assistance and data collection support) is equal to or greater than \$49 million.

Section 8. Administrative Provisions.

Subsection (a) provides that the Administrator of the Administration for Community Living will be responsible for the administration of this Act in collaboration with other federal entities. The Administrator will ensure program funds address the needs of individuals with disabilities across the lifespan and the use of assistive technology in all potential environments. The Administrator will have not more than ½ of 1 percent of total funds to support the administration of this Act.

Subsection (b) allows the Secretary to assess the compliance and achievements of grantees under this Act and require states to provide relevant information.

Subsection (c) sets out parameters for corrective action and sanctions.

Subsection (d) requires the Secretary to prepare and submit an annual report to Congress regarding the activities funded under this Act no later than December 31 of each year.

Subsection (e) states that the Act may not be construed as authorizing a federal or state agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other federal law.

Subsection (f) states that this Act may not be construed as authorizing a federal or state agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other federal law.

Section 9. Authorization of Appropriations; Reservations and Distribution of Funds.

Subsection (a) authorizes the following appropriations for the years 2023 through 2027:

- “(1) \$44,000,000 for fiscal year 2023;
- “(2) \$45,980,000 for fiscal year 2024;
- “(3) \$48,049,000 for fiscal year 2025;
- “(4) \$50,211,310 for fiscal year 2026; and
- “(5) \$52,470,100 for fiscal year 2027.

Subsection (b) reserves 3 percent of available funds in subsection (a) to carry out sections 6(b)(1) and 6(b)(2) (regarding for support for assistive technology education, technical assistance, data collection, and reporting). With amounts remaining, 85.5 percent of funds will be used to carry out section 4 and 14.5 percent to carry out section 5.

Subsection (c) allows the Secretary to reserve an amount in any fiscal year where the amount made available under subsection (a) exceeds \$49 million which shall not exceed the lesser of the excess amount made available or \$2 million for section 7 before carrying out subsection (b).

SECTION 3. EFFECTIVE DATE.

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