

of this title that are implemented by the States and the progress of the States toward achieving the measurable goals described in section 3003(d)(3) of this title;

(iii) provide States with the necessary information required under this chapter or by the Secretary for reports described in section 3003(f)(2) of this title; and

(iv) help measure the accrued benefits of the activities to individuals who need assistive technology.

#### **(B) Eligible entities**

To be eligible to receive a grant, contract, or cooperative agreement under this paragraph, an entity shall have personnel with—

(i) documented experience and expertise in administering State assistive technology programs;

(ii) experience in collecting and analyzing data associated with implementing required and discretionary activities;

(iii) expertise necessary to identify additional data elements needed to provide comprehensive reporting of State activities and outcomes; and

(iv) experience in utilizing data to provide annual reports to State policymakers.

#### **(c) 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.

#### **(d) Input**

With respect to the activities described in subsection (b) to be funded under this section, including the national and regionally based training and technical assistance efforts carried out through the activities, in designing the activities the Secretary shall consider, and in providing the activities providers shall include, input of the directors of comprehensive statewide programs of technology-related assistance, directors of alternative financing programs, 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;

(3) individuals employed by protection and advocacy systems funded under section 3004 of this title;

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

(5) representatives of businesses; and

(6) vendors and public and private researchers and developers.

(Pub. L. 105-394, § 6, as added Pub. L. 108-364, § 2, Oct. 25, 2004, 118 Stat. 1727; amended Pub. L. 110-69, title III, § 3002(c)(7), Aug. 9, 2007, 121 Stat. 587; Pub. L. 113-128, title IV, § 491(o)(2), July 22, 2014, 128 Stat. 1698.)

#### REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in subsec. (b)(2)(B)(ii), is Pub. L. 106-402, Oct. 30, 2000, 114 Stat. 1677, as amended. Subtitle D of title I of the Act is classified generally to part D (§ 15061 et seq.) of subchapter I of chapter 144 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 15001 of Title 42 and Tables.

#### AMENDMENTS

2014—Subsec. (d)(4). Pub. L. 113-128 substituted “Health and Human Services” for “Education”.

2007—Subsec. (b)(4)(B)(v). Pub. L. 110-69 substituted “the National Institute of Standards and Technology,” for “the Technology Administration of the Department of Commerce.”.

### **§ 3006. Administrative provisions**

#### **(a) General administration**

##### **(1) In general**

Notwithstanding any other provision of law, the Administrator of the Administration for Community Living shall be responsible for the administration of this chapter.

##### **(2) Collaboration**

The Administrator of the Administration for Community Living shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the National Institute on Disability, Independent Living, and Rehabilitation Research, and other appropriate Federal entities in the administration of this chapter.

##### **(3) Administration**

In administering this chapter, the Administrator of the Administration for Community Living shall ensure that programs funded under this chapter will address the needs of individuals with disabilities of all ages, whether the individuals will use the assistive technology to obtain or maintain employment, to obtain education, or for other reasons.

##### **(4) Orderly transition**

###### **(A) In general**

The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to, and implementation of, programs authorized by this chapter, from programs authorized by this chapter, as in effect on the day before October 25, 2004.

###### **(B) Cessation of effectiveness**

Subparagraph (A) ceases to be effective on the date that is 6 months after October 25, 2004.

#### **(b) Review of participating entities**

##### **(1) In general**

The Secretary shall assess the extent to which entities that receive grants under this chapter are complying with the applicable requirements of this chapter and achieving measurable goals that are consistent with the requirements of the grant programs under which the entities received the grants.

**(2) Provision of information**

To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).

**(c) Corrective action and sanctions****(1) Corrective action**

If the Secretary determines that an entity that receives a grant under this chapter fails to substantially comply with the applicable requirements of this chapter, or to make substantial progress toward achieving the measurable goals described in subsection (b)(1) with respect to the grant program, the Secretary shall assist the entity, through technical assistance funded under section 3005 of this title or other means, within 90 days after such determination, to develop a corrective action plan.

**(2) Sanctions**

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

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

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

(C) Reduction in the amount of funding that may be used for indirect costs under section 3003 of this title for the following year.

(D) Required redesignation of the lead agency designated under section 3003(c)(1) of this title or an entity responsible for administering the grant program.

**(3) Appeals procedures**

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

**(4) Secretarial action**

As part of the annual report required under subsection (d), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

**(5) Public notification**

The Secretary shall notify the public, by posting on the Internet website of the Department of Health and Human Services, of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

**(d) Annual report to Congress****(1) In general**

Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Committee on Education

and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities funded under this chapter to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

**(2) Contents**

Such report shall include—

(A) a compilation and summary of the information provided by the States in annual progress reports submitted under section 3003(f) of this title; and

(B) a summary of the State applications described in section 3003(d) of this title and an analysis of the progress of the States in meeting the measurable goals established in State applications under section 3003(d)(3) of this title.

**(e) Construction**

Nothing in this section shall be construed to affect the enforcement authority of the Secretary, another Federal officer, or a court under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.) or other applicable law.

**(f) Effect on other assistance**

This chapter 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.

**(g) Rule**

This chapter (as in effect on the day before October 25, 2004) shall apply to funds appropriated under this chapter for fiscal year 2004.

(Pub. L. 105-394, § 7, as added Pub. L. 108-364, § 2, Oct. 25, 2004, 118 Stat. 1734; amended Pub. L. 113-128, title IV, § 491(o)(3), July 22, 2014, 128 Stat. 1698.)

## REFERENCES IN TEXT

The General Education Provisions Act, referred to in subsec. (e), is title IV of Pub. L. 90-247, Jan. 2, 1968, 81 Stat. 814. Part D of the Act is classified generally to subchapter IV (§1234 et seq.) of chapter 31 of Title 20, Education. For complete classification of this Act to the Code, see section 1221 of Title 20 and Tables.

## AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-128, § 491(o)(3)(A)(i), substituted “the Administrator of the Administration for Community Living” for “the Assistant Secretary for Special Education and Rehabilitative Services of the Department of Education, acting through the Rehabilitation Services Administration.”

Subsec. (a)(2). Pub. L. 113-128, § 491(o)(3)(A)(ii), substituted “The Administrator of the Administration for Community Living shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the National Institute on Disability, Independent Living, and Rehabilitation Research, and other appropriate Federal entities in the administration of this chapter.” for “The Assistant Secretary for Special Education and Rehabilitative Services shall consult with the Office of Special Education Programs, the Rehabilitation Services Administration, and the National Institute on Disability and Rehabilitation Research in the Office of Special Education and Rehabilitative Services, and ap-

propriate Federal entities in the administration of this chapter.”

Subsec. (a)(3). Pub. L. 113-128, §491(o)(3)(A)(iii), substituted “the Administrator of the Administration for Community Living” for “the Rehabilitation Services Administration”.

Subsec. (c)(5). Pub. L. 113-128, §491(o)(3)(B), substituted “Health and Human Services” for “Education”.

### § 3007. Authorization of appropriations

#### (a) State grants for assistive technology and national activities

##### (1) In general

There are authorized to be appropriated to carry out sections 3003 and 3005 of this title such sums as may be necessary for each of fiscal years 2005 through 2010.

##### (2) Reservation

###### (A) Definition

In this paragraph, the term “higher appropriation year” means a fiscal year for which the amount appropriated under paragraph (1) and made available to carry out section 3003 of this title is at least \$665,000 greater than the amount that—

(i) was appropriated under section 3015 of this title (as in effect on October 1, 2003) for fiscal year 2004; and

(ii) was not reserved for grants under section 3012 or 3014 of this title (as in effect on such date) for fiscal year 2004.

###### (B) Amount reserved for national activities

Of the amount appropriated under paragraph (1) for a fiscal year—

(i) not more than \$1,235,000 may be reserved to carry out section 3005 of this title, except as provided in clause (ii); and

(ii) for a higher appropriation year—

(I) not more than \$1,900,000 may be reserved to carry out section 3005 of this title; and

(II) of the amount so reserved, the portion exceeding \$1,235,000 shall be used to carry out paragraphs (1) and (2) of section 3005(b) of this title.

#### (b) State grants for protection and advocacy services related to assistive technology

There are authorized to be appropriated to carry out section 3004 of this title \$4,419,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010.

(Pub. L. 105-394, §8, as added Pub. L. 108-364, §2, Oct. 25, 2004, 118 Stat. 1736.)

#### REFERENCES IN TEXT

Sections 3012, 3014, and 3015 of this title, referred to in subsec. (a)(2)(A), were omitted in the general amendment of this chapter by Pub. L. 108-364, §2, Oct. 25, 2004, 118 Stat. 1707.

### §§ 3011 to 3015. Omitted

#### CODIFICATION

Sections, comprising subchapter I of this chapter “State Grant Programs”, were omitted in the general amendment of this chapter by Pub. L. 108-364, §2, Oct. 25, 2004, 118 Stat. 1707.

Section 3011, Pub. L. 105-394, title I, §101, Nov. 13, 1998, 112 Stat. 3635, provided for continuity grants for

States that received funding for a limited period for technology-related assistance.

Section 3012, Pub. L. 105-394, title I, §102, Nov. 13, 1998, 112 Stat. 3644; Pub. L. 106-402, title IV, §401(b)(4)(B), Oct. 30, 2000, 114 Stat. 1738, provided for State grants for protection and advocacy related to assistive technology.

Section 3013, Pub. L. 105-394, title I, §103, Nov. 13, 1998, 112 Stat. 3646, related to administrative provisions.

Section 3014, Pub. L. 105-394, title I, §104, Nov. 13, 1998, 112 Stat. 3648, related to a technical assistance program.

Section 3015, Pub. L. 105-394, title I, §105, Nov. 13, 1998, 112 Stat. 3651, authorized appropriations.

### §§ 3031 to 3037. Omitted

#### CODIFICATION

Sections, comprising subchapter II of this chapter, “National Activities”, were omitted in the general amendment of this chapter by Pub. L. 108-364, §2, Oct. 25, 2004, 118 Stat. 1707.

Section 3031, Pub. L. 105-394, title II, §211, Nov. 13, 1998, 112 Stat. 3654, related to small business incentives.

Section 3032, Pub. L. 105-394, title II, §212, Nov. 13, 1998, 112 Stat. 3654, related to technology transfer and universal design.

Section 3033, Pub. L. 105-394, title II, §213, Nov. 13, 1998, 112 Stat. 3655, related to universal design in products and the built environment.

Section 3034, Pub. L. 105-394, title II, §214, Nov. 13, 1998, 112 Stat. 3655, related to assistive technology outreach programs.

Section 3035, Pub. L. 105-394, title II, §215, Nov. 13, 1998, 112 Stat. 3656, related to training pertaining to rehabilitation engineers and technicians.

Section 3036, Pub. L. 105-394, title II, §216, Nov. 13, 1998, 112 Stat. 3656, related to the President’s Committee on Employment of People With Disabilities.

Section 3037, Pub. L. 105-394, title II, §217, Nov. 13, 1998, 112 Stat. 3657, authorized appropriations.

### §§ 3051 to 3058. Omitted

#### CODIFICATION

Sections, comprising subchapter III of this chapter, “Alternative Financing Mechanisms”, were omitted in the general amendment of this chapter by Pub. L. 108-364, §2, Oct. 25, 2004, 118 Stat. 1707.

Section 3051, Pub. L. 105-394, title III, §301, Nov. 13, 1998, 112 Stat. 3657, related to the general authority of the Secretary.

Section 3052, Pub. L. 105-394, title III, §302, Nov. 13, 1998, 112 Stat. 3657, related to the amount of grants.

Section 3053, Pub. L. 105-394, title III, §303, Nov. 13, 1998, 112 Stat. 3658, related to grant applications and procedures.

Section 3054, Pub. L. 105-394, title III, §304, Nov. 13, 1998, 112 Stat. 3659, related to contracts with community-based organizations.

Section 3055, Pub. L. 105-394, title III, §305, Nov. 13, 1998, 112 Stat. 3660, related to grant administration requirements.

Section 3056, Pub. L. 105-394, title III, §306, Nov. 13, 1998, 112 Stat. 3660, related to grant information and technical assistance.

Section 3057, Pub. L. 105-394, title III, §307, Nov. 13, 1998, 112 Stat. 3660, related to annual reports.

Section 3058, Pub. L. 105-394, title III, §308, Nov. 13, 1998, 112 Stat. 3661, authorized appropriations.

## CHAPTER 32—WORKFORCE INNOVATION AND OPPORTUNITY

Sec.	
3101.	Purposes.
3102.	Definitions.