

grams and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of this title.

§ 3004. State grants for protection and advocacy services related to assistive technology

(a) Grants

(1) In general

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

(2) General authorities

In providing such assistance, protection and advocacy systems shall have the same general authorities as the systems are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), as determined by the Secretary.

(b) Grants

(1) Reservation

For each fiscal year, the Secretary shall reserve such sums as may be necessary to carry out paragraph (4).

(2) Population basis

From the funds appropriated under section 3007(b) of this title for a fiscal year and remaining after the reservation required by paragraph (1) has been made, the Secretary shall make a grant to a protection and advocacy system within each State in an amount bearing the same ratio to the remaining funds as the population of the State bears to the population of all States.

(3) Minimums

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

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

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

(4) Payment to the system serving the American Indian Consortium

(A) In general

The Secretary shall make grants to the protection and advocacy system serving the American Indian Consortium to provide services in accordance with this section.

(B) Amount of grants

The amount of such grants shall be the same as the amount provided under paragraph (3)(A).

(c) Direct payment

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

(d) Certain States

(1) Grant to lead agency

Notwithstanding any other provision of this section, with respect to a State that, on November 12, 1998, was described in section 2212(f)(1)¹ of this title, the Secretary shall pay the amount of the grant described in subsection (a), and made under subsection (b), to the lead agency designated under section 3003(c)(1) of this title for the State.

(2) Distribution of funds

A lead agency to which a grant amount is paid under paragraph (1) shall determine the manner in which funds made available through the grant will be allocated among the entities that were providing protection and advocacy services in that State on the date described in such paragraph, and shall distribute funds to such entities. In distributing such funds, the lead agency shall not establish any additional eligibility or procedural requirements for an entity in the State that supports protection and advocacy services through a protection and advocacy system. Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that receives funding under this section.

(3) Application of provisions

Except as provided in this subsection, the provisions of this section shall apply to the grant in the same manner, and to the same extent, as the provisions apply to a grant to a system.

(e) Carryover

Any amount paid to an eligible system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year. Program income generated from such amount shall remain available for 2 additional fiscal years after the year in which such amount was paid to an eligible system and may only be used to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

(f) 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 in-

¹ See References in Text note below.

creased 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 devices and assistive technology services for individuals with disabilities;

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

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

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

(6) effectively allocating funds made available under this section to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

(g) Reports and updates to State agencies

An entity that receives a grant under this section shall prepare and submit to the lead agency of the State designated under section 3003(c)(1) of this title the report described in subsection (f) and quarterly updates concerning the activities described in subsection (f).

(h) 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 with respect to efforts at coordination of activities, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

(Pub. L. 105-394, §5, as added Pub. L. 108-364, §2, Oct. 25, 2004, 118 Stat. 1725; amended Pub. L. 117-263, div. E, title LIV, §5402, Dec. 23, 2022, 136 Stat. 3279.)

AMENDMENT OF SECTION

Pub. L. 117-263, div. E, title LIV, §§5402, 5403, Dec. 23, 2022, 136 Stat. 3279, 3289, provided that, effective on the day that is 6 months after Dec. 23, 2022, this section is amended to read as follows:

§ 3004. *Grants for protection and advocacy services related to assistive technology*

(a) Grants

(1) In general

The Secretary shall make grants under subsection (b) to protection and advocacy systems in each State for the purpose of enabling such sys-

tems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

(2) General authorities

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

(b) Reservation; distribution

(1) Reservation

For each fiscal year, the Secretary shall reserve, from the amounts made available to carry out this section under section 3008(b)(2)(B) of this title, such sums as may be necessary to carry out paragraph (4).

(2) Population basis

From the amounts appropriated to carry out this section for a fiscal year that remain after the reservation required under paragraph (1) has been made, the Secretary shall make a grant to a protection and advocacy system within each State in an amount bearing the same ratio to the remaining amounts as the population of the State bears to the population of all States.

(3) Minimums

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

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

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

(4) Payment to the system serving the American Indian consortium

(A) In general

The Secretary shall make grants to the protection and advocacy system serving the American Indian consortium to provide services in accordance with this section.

(B) Amount of grants

The amount of a grant under subparagraph (A) shall be the same as the amount provided under paragraph (3)(A).

(5) Adjustments

For each fiscal year for which the total amount appropriated under section 3008(b)(2)(B) of this title to carry out this section is \$8,000,000 or more and such appropriated amount exceeds the total amount appropriated to carry out this section for the preceding fiscal year, the Secretary shall increase each of the minimum grant amounts described in subparagraphs (A) and (B) of paragraph (3) and paragraph (4)(B) by a percentage equal to the percentage increase in the total amount appropriated under section 3008 of this title to carry out this section for the preceding fiscal year and such total amount for the fiscal year for which the determination is being made.

(c) Direct payment

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

*(d) Carryover; program income**(1) Carryover*

Any amount paid to a protection and advocacy system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year.

(2) Program income

Program income generated from any amount paid to a protection and advocacy system for a fiscal year shall—

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

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

(e) Report to Secretary

A protection and advocacy system that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains documentation of the progress of the protection and advocacy system in—

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

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

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

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

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

(6) effectively allocating funds made available under this section to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

(f) Reports and updates to State agencies

A protection and advocacy system that receives a grant under this section shall prepare and submit to the lead agency of the State designated under section 3003(c)(1) of this title the report described in subsection (e) and quarterly updates concerning the activities described in such subsection.

(g) Coordination

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

See 2022 Amendment note below.

Editorial Notes

REFERENCES IN TEXT

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in subsec. (a)(2), is Pub. L. 106-402, Oct. 30, 2000, 114 Stat. 1677. Subtitle C of title I of the Act is classified generally to part C (§15041 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.

Section 2212 of this title, referred to in subsec. (d)(1), was repealed by Pub. L. 105-394, title IV, §401, Nov. 13, 1998, 112 Stat. 3661.

AMENDMENTS

2022—Pub. L. 117-263 amended section generally. Prior to amendment, section related to State grants for protection and advocacy services related to assistive technology.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-263 effective on the day that is 6 months after Dec. 23, 2022, see section 5403 of Pub. L. 117-263, set out as a note under section 3001 of this title.

§ 3005. National activities**(a) In general**

In order to support activities designed to improve the administration of this chapter, the Secretary, under subsection (b)—

(1) may award, on a competitive basis, grants, contracts, and cooperative agreements to entities to support activities described in paragraphs (1) and (2) of subsection (b); and

(2) shall award, on a competitive basis, grants, contracts, and cooperative agreements to entities to support activities described in paragraphs (3), (4), and (5) of subsection (b).

(b) Authorized activities**(1) National public-awareness toolkit****(A) National public-awareness toolkit**

The Secretary may award a 1-time grant, contract, or cooperative agreement to an eligible entity to support a training and technical assistance program that—

(i) expands public-awareness efforts to reach targeted individuals and entities;

(ii) contains appropriate accessible multimedia materials to reach targeted in-