

and Rehabilitation Research under section 762 of this title, which shall include the expenses of the Rehabilitation Research Advisory Council under section 765 of this title, and shall not include the expenses of such Institute to carry out section 764 of this title, such sums as may be necessary for each of fiscal years 1999 through 2003; and

(2) to carry out section 764 of this title, such sums as may be necessary for each of fiscal years 1999 through 2003.

(b) Funds appropriated under this subchapter shall remain available until expended.

(Pub. L. 93-112, title II, §201, as added Pub. L. 105-220, title IV, §405, Aug. 7, 1998, 112 Stat. 1168; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §401(16)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412.)

PRIOR PROVISIONS

Prior sections 761 to 761b were omitted in the general amendment of this subchapter by Pub. L. 105-220.

Section 761, Pub. L. 93-112, title II, §201, Sept. 26, 1973, 87 Stat. 374; Pub. L. 93-516, title I, §103, Dec. 7, 1974, 88 Stat. 1618; Pub. L. 93-651, title I, §103, Nov. 21, 1974, 89 Stat. 2-3; Pub. L. 94-230, §§3, 11(b)(5), (6), Mar. 15, 1976, 90 Stat. 211, 213; Pub. L. 95-602, title I, §108, Nov. 6, 1978, 92 Stat. 2962; Pub. L. 98-221, title I, §121, Feb. 22, 1984, 98 Stat. 23; Pub. L. 99-506, title III, §301, Oct. 21, 1986, 100 Stat. 1820; Pub. L. 100-630, title II, §203(a), Nov. 7, 1988, 102 Stat. 3307; Pub. L. 102-52, §3, June 6, 1991, 105 Stat. 260; Pub. L. 102-569, title II, §202, Oct. 29, 1992, 106 Stat. 4398, authorized appropriations.

Section 761a, Pub. L. 93-112, title II, §202, as added Pub. L. 95-602, title I, §109(4), Nov. 6, 1978, 92 Stat. 2963; amended Pub. L. 98-221, title I, §§104(a)(4), (b)(1), 122, Feb. 22, 1984, 98 Stat. 18, 23; Pub. L. 99-506, title I, §103(d)(2)(C), title III, §§302, 303, title X, §§1001(c), 1002(c), Oct. 21, 1986, 100 Stat. 1810, 1820, 1821, 1842, 1844; Pub. L. 100-630, title II, §203(b), Nov. 7, 1988, 102 Stat. 3307; Pub. L. 102-54, §13(k)(1)(A), June 13, 1991, 105 Stat. 276; Pub. L. 102-569, title I, §102(p)(12), title II, §203, Oct. 29, 1992, 106 Stat. 4357, 4399; Pub. L. 103-73, title I, §102(4), 109(a), Aug. 11, 1993, 107 Stat. 718, 725; Pub. L. 103-218, title IV, §402(a), Mar. 9, 1994, 108 Stat. 96; Pub. L. 103-382, title III, §394(i)(1), Oct. 20, 1994, 108 Stat. 4028, related to National Institute on Disability and Rehabilitation Research. See section 762 of this title.

Section 761b, Pub. L. 93-112, title II, §203, as added Pub. L. 95-602, title I, §109(4), Nov. 6, 1978, 92 Stat. 2965; amended Pub. L. 96-88, title V, §508(m)(1), Oct. 17, 1979, 93 Stat. 694; Pub. L. 98-221, title I, §104(b)(2), Feb. 22, 1984, 98 Stat. 18; Pub. L. 99-506, title I, §103(d)(2)(C), title III, §304, Oct. 21, 1986, 100 Stat. 1810, 1822; Pub. L. 100-630, title II, §203(c), Nov. 7, 1988, 102 Stat. 3307; Pub. L. 102-54, §13(k)(1)(B), June 13, 1991, 105 Stat. 276; Pub. L. 102-569, title I, §102(p)(13), title II, §204, Oct. 29, 1992, 106 Stat. 4358, 4403, related to Interagency Committee on Disability Research. See section 763 of this title.

AMENDMENTS

1998—Pub. L. 105-277 made technical amendment to directory language of Pub. L. 105-220, §405, which enacted this section.

§ 762. National Institute on Disability and Rehabilitation Research

(a) Establishment; Director as principal officer

(1) There is established within the Department of Education a National Institute on Disability and Rehabilitation Research (hereinafter in this subchapter referred to as the “Institute”), which shall be headed by a Director (hereinafter in this subchapter referred to as the “Director”), in order to—

- (A) promote, coordinate, and provide for—
 - (i) research;
 - (ii) demonstration projects and training; and
 - (iii) related activities,

with respect to individuals with disabilities;

(B) more effectively carry out activities through the programs under section 764 of this title and activities under this section;

(C) widely disseminate information from the activities described in subparagraphs (A) and (B); and

(D) provide leadership in advancing the quality of life of individuals with disabilities.

(2) In the performance of the functions of the office, the Director shall be directly responsible to the Secretary or to the same Under Secretary or Assistant Secretary of the Department of Education to whom the Commissioner is responsible under section 702(a) of this title.

(b) Duties of Director

The Director, through the Institute, shall be responsible for—

(1) administering the programs described in section 764 of this title and activities under this section;

(2) widely disseminating findings, conclusions, and recommendations, resulting from research, demonstration projects, training, and related activities (referred to in this subchapter as “covered activities”) funded by the Institute, to—

(A) other Federal, State, tribal, and local public agencies;

(B) private organizations engaged in research relating to rehabilitation or providing rehabilitation services;

(C) rehabilitation practitioners; and

(D) individuals with disabilities and the individuals’ representatives;

(3) coordinating, through the Interagency Committee established by section 763 of this title, all Federal programs and policies relating to research in rehabilitation;

(4) widely disseminating educational materials and research results, concerning ways to maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, to—

(A) public and private entities, including—

(i) elementary and secondary schools (as defined in section 7801 of title 20;¹ and

(ii) institutions of higher education;

(B) rehabilitation practitioners;

(C) individuals with disabilities (especially such individuals who are members of minority groups or of populations that are underserved or underserved by programs under this chapter); and

(D) the individuals’ representatives for the individuals described in subparagraph (C);

(5)(A) conducting an education program to inform the public about ways of providing for

¹ So in original. A closing parenthesis probably should precede the semicolon.

the rehabilitation of individuals with disabilities, including information relating to—

- (i) family care;
- (ii) self-care; and
- (iii) assistive technology devices and assistive technology services; and

(B) as part of the program, disseminating engineering information about assistive technology devices;

(6) conducting conferences, seminars, and workshops (including in-service training programs and programs for individuals with disabilities) concerning advances in rehabilitation research and rehabilitation technology (including advances concerning the selection and use of assistive technology devices and assistive technology services), pertinent to the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities;

(7) taking whatever action is necessary to keep the Congress fully and currently informed with respect to the implementation and conduct of programs and activities carried out under this subchapter, including dissemination activities;

(8) producing, in conjunction with the Department of Labor, the National Center for Health Statistics, the Bureau of the Census, the Centers for Medicare & Medicaid Services, the Social Security Administration, the Bureau of Indian Affairs, the Indian Health Service, and other Federal departments and agencies, as may be appropriate, statistical reports and studies on the employment, self-employment, telecommuting, health, income, and other demographic characteristics of individuals with disabilities, including information on individuals with disabilities who live in rural or inner-city settings, with particular attention given to underserved populations, and widely disseminating such reports and studies to rehabilitation professionals, individuals with disabilities, the individuals' representatives, and others to assist in the planning, assessment, and evaluation of vocational and other rehabilitation services for individuals with disabilities;

(9) conducting research on consumer satisfaction with vocational rehabilitation services for the purpose of identifying effective rehabilitation programs and policies that promote the independence of individuals with disabilities and achievement of long-term vocational goals;

(10) conducting research to examine the relationship between the provision of specific services and successful, sustained employment outcomes, including employment outcomes involving self-employment and telecommuting; and

(11) coordinating activities with the Attorney General regarding the provision of information, training, or technical assistance regarding the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) to ensure consistency with the plan for technical assistance required under section 506² of such Act (42 U.S.C. 12206).

² See References in Text note below.

(c) Development and dissemination of models

(1) The Director, acting through the Institute or one or more entities funded by the Institute, shall provide for the development and dissemination of models to address consumer-driven information needs related to assistive technology devices and assistive technology services.

(2) The development and dissemination of models may include—

(A) convening groups of individuals with disabilities, family members and advocates of such individuals, commercial producers of assistive technology, and entities funded by the Institute to develop, assess, and disseminate knowledge about information needs related to assistive technology;

(B) identifying the types of information regarding assistive technology devices and assistive technology services that individuals with disabilities find especially useful;

(C) evaluating current models, and developing new models, for transmitting the information described in subparagraph (B) to consumers and to commercial producers of assistive technology; and

(D) disseminating through one or more entities funded by the Institute, the models described in subparagraph (C) and findings regarding the information described in subparagraph (B) to consumers and commercial producers of assistive technology.

(d) Appointment of Director; employment of technical and professional personnel; consultants

(1) The Director of the Institute shall be appointed by the Secretary. The Director shall be an individual with substantial experience in rehabilitation and in research administration.

(2) The Director, subject to the approval of the President, may appoint, for terms not to exceed three years, without regard to the provisions of title 5 governing appointment in the competitive service, and may compensate, without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such technical and professional employees of the Institute as the Director determines to be necessary to accomplish the functions of the Institute and also appoint and compensate without regard to such provisions, in a number not to exceed one-fifth of the number of full-time, regular technical and professional employees of the Institute.

(3) The Director may obtain the services of consultants, without regard to the provisions of title 5 governing appointments in the competitive service.

(e) Fellowships

The Director, pursuant to regulations which the Secretary shall prescribe, may establish and maintain fellowships with such stipends and allowances, including travel and subsistence expenses provided for under title 5, as the Director considers necessary to procure the assistance of highly qualified research fellows, including individuals with disabilities, from the United States and foreign countries.

(f) Scientific peer review of research, training, and demonstration projects

(1) The Director shall provide for scientific peer review of all applications for financial assistance for research, training, and demonstration projects over which the Director has authority. The scientific peer review shall be conducted by individuals who are not Federal employees, who are scientists or other experts in the rehabilitation field (including the independent living field), including knowledgeable individuals with disabilities, and the individuals' representatives, and who are competent to review applications for the financial assistance.

(2) In providing for such scientific peer review, the Secretary shall provide for training, as necessary and appropriate, to facilitate the effective participation of those individuals selected to participate in such review.

(g) Use of funds

Not less than 90 percent of the funds appropriated under this subchapter for any fiscal year shall be expended by the Director to carry out activities under this subchapter through grants, contracts, or cooperative agreements. Up to 10 percent of the funds appropriated under this subchapter for any fiscal year may be expended directly for the purpose of carrying out the functions of the Director under this section.

(h) 5-year plan

(1) The Director shall—

(A) by October 1, 1998, and every fifth October 1 thereafter, prepare and publish in the Federal Register for public comment a draft of a 5-year plan that outlines priorities for rehabilitation research, demonstration projects, training, and related activities and explains the basis for such priorities;

(B) by June 1, 1999, and every fifth June 1 thereafter, after considering public comments, submit the plan in final form to the appropriate committees of Congress;

(C) at appropriate intervals, prepare and submit revisions in the plan to the appropriate committees of Congress; and

(D) annually prepare and submit progress reports on the plan to the appropriate committees of Congress.

(2) Such plan shall—

(A) identify any covered activity that should be conducted under this section and section 764 of this title respecting the full inclusion and integration into society of individuals with disabilities, especially in the area of employment;

(B) determine the funding priorities for covered activities to be conducted under this section and section 764 of this title;

(C) specify appropriate goals and timetables for covered activities to be conducted under this section and section 764 of this title;

(D) be developed by the Director—

(i) after consultation with the Rehabilitation Research Advisory Council established under section 765 of this title;

(ii) in coordination with the Commissioner;

(iii) after consultation with the National Council on Disability established under sub-

chapter IV of this chapter, the Secretary of Education, officials responsible for the administration of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C. 15001 et seq.], and the Interagency Committee on Disability Research established under section 763 of this title; and

(iv) after full consideration of the input of individuals with disabilities and the individuals' representatives, organizations representing individuals with disabilities, providers of services furnished under this chapter, researchers in the rehabilitation field, and any other persons or entities the Director considers to be appropriate;

(E) specify plans for widespread dissemination of the results of covered activities, in accessible formats, to rehabilitation practitioners, individuals with disabilities, and the individuals' representatives; and

(F) specify plans for widespread dissemination of the results of covered activities that concern individuals with disabilities who are members of minority groups or of populations that are unserved or underserved by programs carried out under this chapter.

(i) Cooperation and consultation with other agencies and departments on design of research programs

In order to promote cooperation among Federal departments and agencies conducting research programs, the Director shall consult with the administrators of such programs, and with the Interagency Committee established by section 763 of this title, regarding the design of research projects conducted by such entities and the results and applications of such research.

(j) Comprehensive and coordinated research program; interagency cooperation; research and training center

(1) The Director shall take appropriate actions to provide for a comprehensive and coordinated research program under this subchapter. In providing such a program, the Director may undertake joint activities with other Federal entities engaged in research and with appropriate private entities. Any Federal entity proposing to establish any research project related to the purposes of this chapter shall consult, through the Interagency Committee established by section 763 of this title, with the Director as Chairperson of such Committee and provide the Director with sufficient prior opportunity to comment on such project.

(2) Any person responsible for administering any program of the National Institutes of Health, the Department of Veterans Affairs, the National Science Foundation, the National Aeronautics and Space Administration, the Office of Special Education and Rehabilitative Services, or of any other Federal entity, shall, through the Interagency Committee established by section 763 of this title, consult and cooperate with the Director in carrying out such program if the program is related to the purposes of this subchapter.

(3) The Director shall support, directly or by grant or contract, a center associated with an

institution of higher education, for research and training concerning the delivery of vocational rehabilitation services to rural areas.

(k) Grants for training

The Director shall make grants to institutions of higher education for the training of rehabilitation researchers, including individuals with disabilities, with particular attention to research areas that support the implementation and objectives of this chapter and that improve the effectiveness of services authorized under this chapter.

(Pub. L. 93-112, title II, §202, as added Pub. L. 105-220, title IV, §405, Aug. 7, 1998, 112 Stat. 1168; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §401(16)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; Pub. L. 106-402, title IV, §401(b)(3)(B), Oct. 30, 2000, 114 Stat. 1737; Pub. L. 107-110, title X, §1076(u)(1), Jan. 8, 2002, 115 Stat. 2092; Pub. L. 108-173, title IX, §900(e)(6)(A), Dec. 8, 2003, 117 Stat. 2373.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(11), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. Section 506 of the Act was renumbered section 507 by Pub. L. 110-325, §6(a)(2), Sept. 25, 2008, 122 Stat. 3558. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in subsec. (h)(2)(D)(iii), is Pub. L. 106-402, Oct. 30, 2000, 114 Stat. 1677, which is classified principally to chapter 144 (§15001 et seq.) 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.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 761a of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 762, Pub. L. 93-112, title II, §204, formerly §202, Sept. 26, 1973, 87 Stat. 375, amended Pub. L. 93-516, title I, §111(h), Dec. 7, 1974, 88 Stat. 1621; Pub. L. 93-651, title I, §111(h), Nov. 21, 1974, 89 Stat. 2-6; renumbered and amended Pub. L. 95-602, title I, §§109(3), 110, 111, Nov. 6, 1978, 92 Stat. 2963, 2966; Pub. L. 98-221, title I, §§104(a)(5), 123, Feb. 22, 1984, 98 Stat. 18, 24; Pub. L. 99-506, title I, §103(d)(2)(C), (h)(2), title III, §§302(b), 305, Oct. 21, 1986, 100 Stat. 1810, 1811, 1821, 1822; Pub. L. 100-630, title II, §203(d), Nov. 7, 1988, 102 Stat. 3308; Pub. L. 102-569, title I, §102(p)(14), title II, §205, Oct. 29, 1992, 106 Stat. 4358, 4403; Pub. L. 103-73, title I, §109(b), Aug. 11, 1993, 107 Stat. 726, related to research, prior to the general amendment of this subchapter by Pub. L. 105-220. See section 764 of this title.

AMENDMENTS

2003—Subsec. (b)(8). Pub. L. 108-173 substituted “Centers for Medicare & Medicaid Services” for “Health Care Financing Administration”.

2002—Subsec. (b)(4)(A)(i). Pub. L. 107-110 substituted “7801” for “8801”.

2000—Subsec. (h)(2)(D)(iii). Pub. L. 106-402 substituted “Developmental Disabilities Assistance and Bill of Rights Act of 2000” for “Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.)”.

1998—Pub. L. 105-277 made technical amendment to directory language of Pub. L. 105-220, §405, which enacted this section.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of Title 20, Education.

REFERENCES TO NATIONAL INSTITUTE OF HANDICAPPED RESEARCH AMENDED OR DEEMED TO BE REFERENCES TO NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH

Pub. L. 99-506, title III, §302(b), Oct. 21, 1986, 100 Stat. 1821, provided that: “The Act [this chapter] is amended by striking out ‘National Institute of Handicapped Research’ each place it appears in the Act (including the table of contents) and inserting in lieu thereof ‘National Institute on Disability and Rehabilitation Research’. Any reference in any other provision of law to the ‘National Institute of Handicapped Research’ shall be considered to be a reference to the ‘National Institute on Disability and Rehabilitation Research’.”

§ 762a. Research and demonstration projects

(a) Multiple and interrelated service needs of individuals with handicaps; report to Congress

The Secretary of Education is authorized to make grants to, and to enter into contract with, public and nonprofit agencies and organizations for the purpose of research and demonstration projects specifically designed to address the multiple and interrelated service needs of individuals with handicaps, the elderly, and children, youths, adults, and families. A report evaluating each project funded under this section shall be submitted to appropriate committees of the Congress within four months after the date each such project is completed.

(b) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary.

No funds other than those appropriated pursuant to this subsection can be used for the conduct of research specifically authorized by this section.

(c) Study on impact of vocational rehabilitation services; transmittal to Congress

Within one year after the date appropriations are made under subsection (b) of this section for purposes of research and demonstration projects under subsection (a) of this section, the Secretary shall prepare and transmit to the Congress a study concerning the impact of vocational rehabilitation services provided under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.] on recipients of disability payments under titles II and XVI of the Social Security Act [42 U.S.C. 401 et seq., 1381 et seq.]. The study shall examine the relationship between the vocational rehabilitation services provided under the Rehabilitation Act of 1973 and the programs under sections 222 and 1615 of the Social Security Act [42 U.S.C. 422, 1382d], and shall include—

(1) an analysis of the savings in disability benefit payments under titles II and XVI of the Social Security Act as a result of the provision of vocational rehabilitation services under the Rehabilitation Act of 1973;

(2) a specification of the rate of return to the active labor force by recipients of services under sections 222 and 1615 of the Social Security Act;

(3) a specification of the total amount of expenditures, in the five fiscal years preceding