

agreement, under subsection (b) or (c) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) Special rule

For the purpose of an application for an award to carry out activities described in subsection (c)(1)(D), such eligible entity shall—

(A) be a national, nonprofit entity with a proven track record of meeting the needs of students with print disabilities through services described in subsection (c)(1)(D);

(B) have the capacity to produce, maintain, and distribute in a timely fashion, up-to-date textbooks in digital audio formats to qualified students; and

(C) have a demonstrated ability to significantly leverage Federal funds through other public and private contributions, as well as through the expansive use of volunteers.

(e) National Instructional Materials Access Center

(1) In general

The Secretary shall establish and support, through the American Printing House for the Blind, a center to be known as the “National Instructional Materials Access Center” not later than 1 year after December 3, 2004.

(2) Duties

The duties of the National Instructional Materials Access Center are the following:

(A) To receive and maintain a catalog of print instructional materials prepared in the National Instructional Materials Accessibility Standard, as established by the Secretary, made available to such center by the textbook publishing industry, State educational agencies, and local educational agencies.

(B) To provide access to print instructional materials, including textbooks, in accessible media, free of charge, to blind or other persons with print disabilities in elementary schools and secondary schools, in accordance with such terms and procedures as the National Instructional Materials Access Center may prescribe.

(C) To develop, adopt and publish procedures to protect against copyright infringement, with respect to the print instructional materials provided under sections 1412(a)(23) and 1413(a)(6) of this title.

(3) Definitions

In this subsection:

(A) Blind or other persons with print disabilities

The term “blind or other persons with print disabilities” means children served under this chapter and who may qualify in accordance with the Act entitled “An Act to provide books for the adult blind”, approved March 3, 1931 (2 U.S.C. 135a; 46 Stat. 1487) to receive books and other publications produced in specialized formats.

(B) National Instructional Materials Accessibility Standard

The term “National Instructional Materials Accessibility Standard” means the

standard established by the Secretary to be used in the preparation of electronic files suitable and used solely for efficient conversion into specialized formats.

(C) Print instructional materials

The term “print instructional materials” means printed textbooks and related printed core materials that are written and published primarily for use in elementary school and secondary school instruction and are required by a State educational agency or local educational agency for use by students in the classroom.

(D) Specialized formats

The term “specialized formats” has the meaning given the term in section 121(d)(3) of title 17.

(4) Applicability

This subsection shall apply to print instructional materials published after the date on which the final rule establishing the National Instructional Materials Accessibility Standard was published in the Federal Register.

(5) Liability of the Secretary

Nothing in this subsection shall be construed to establish a private right of action against the Secretary for failure to provide instructional materials directly, or for failure by the National Instructional Materials Access Center to perform the duties of such center, or to otherwise authorize a private right of action related to the performance by such center, including through the application of the rights of children and parents established under this chapter.

(6) Inapplicability

Subsections (a) through (d) shall not apply to this subsection.

(Pub. L. 91-230, title VI, §674, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2792.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (e)(3)(A), (5), was in the original “this Act” and was translated as reading “this title”, meaning title VI of Pub. L. 91-230, as amended, which enacted this chapter, to reflect the probable intent of Congress.

“An Act to provide books for the adult blind”, approved March 3, 1931, referred to in subsec. (e)(3)(A), is act Mar. 3, 1931, ch. 400, 46 Stat. 1487, as amended, which is classified generally to sections 135a and 135b of Title 2, The Congress. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

A prior section 1474, Pub. L. 91-230, title VI, §674, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 143, related to studies and evaluations, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1474, Pub. L. 91-230, title VI, §674, as added Pub. L. 99-457, title I, §101(a), Oct. 8, 1986, 100 Stat. 1147, related to general eligibility, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

§ 1475. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be nec-

essary for each of the fiscal years 2005 through 2010.

(Pub. L. 91-230, title VI, § 675, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2795.)

PRIOR PROVISIONS

Prior sections 1475 to 1480 were repealed by Pub. L. 105-17, title II, § 203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998.

Section 1475, Pub. L. 91-230, title VI, § 675, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1147; amended Pub. L. 100-630, title I, § 108(c), Nov. 7, 1988, 102 Stat. 3301; Pub. L. 101-476, title IX, § 901(b)(165), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-52, § 10, June 6, 1991, 105 Stat. 263; Pub. L. 102-119, §§ 19(c), 25(b), Oct. 7, 1991, 105 Stat. 601, 607, related to continuing eligibility.

Section 1476, Pub. L. 91-230, title VI, § 675, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1147; amended Pub. L. 100-630, title I, § 108(c), Nov. 7, 1988, 102 Stat. 3301; Pub. L. 101-476, title IX, § 901(b)(165), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-52, § 10, June 6, 1991, 105 Stat. 263; Pub. L. 102-119, §§ 19(c), 25(b), Oct. 7, 1991, 105 Stat. 601, 607, related to the minimum components for a statewide system providing early intervention services to infants and toddlers with disabilities and their families.

Section 1477, Pub. L. 91-230, title VI, § 677, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1149; amended Pub. L. 100-630, title I, § 108(f), Nov. 7, 1988, 102 Stat. 3301; Pub. L. 101-476, title IX, § 901(b)(174)-(176), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§ 14, 25(b), Oct. 7, 1991, 105 Stat. 597, 607, related to the individualized family service plan.

Section 1478, Pub. L. 91-230, title VI, § 678, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1150; amended Pub. L. 100-630, title I, § 108(g), Nov. 7, 1988, 102 Stat. 3302; Pub. L. 101-476, title IX, § 901(b)(177), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§ 15, 25(b), Oct. 7, 1991, 105 Stat. 597, 607, related to contents of State application, statement of assurances, and approval process.

Section 1479, Pub. L. 91-230, title VI, § 679, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1151; amended Pub. L. 100-630, title I, § 108(h), Nov. 7, 1988, 102 Stat. 3302; Pub. L. 101-476, title IX, § 901(b)(178), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§ 16, 25(b), Oct. 7, 1991, 105 Stat. 598, 607, related to permissible uses of funds.

Section 1480, Pub. L. 91-230, title VI, § 680, as added Pub. L. 99-457, title I, § 101(a), Oct. 8, 1986, 100 Stat. 1152; amended Pub. L. 100-630, title I, § 108(i), Nov. 7, 1988, 102 Stat. 3302; Pub. L. 101-476, title IX, § 901(b)(179), (180), Oct. 30, 1990, 104 Stat. 1150; Pub. L. 102-119, §§ 17, 25(b), Oct. 7, 1991, 105 Stat. 598, 607, related to procedural safeguards.

PART D—GENERAL PROVISIONS

§ 1481. Comprehensive plan for parts B and C

(a) Comprehensive plan

(1) In general

After receiving input from interested individuals with relevant expertise, the Secretary shall develop and implement a comprehensive plan for activities carried out under parts B and C in order to enhance the provision of early intervention services, educational services, related services, and transitional services to children with disabilities under subchapters II and III. To the extent practicable, the plan shall be coordinated with the plan developed pursuant to section 9567b(c) of this title¹ and shall include mechanisms to address early

intervention, educational, related service and transitional needs identified by State educational agencies in applications submitted for State personnel development grants under part A and for grants under parts B and C.

(2) Public comment

The Secretary shall provide a public comment period of not less than 45 days on the plan.

(3) Distribution of funds

In implementing the plan, the Secretary shall, to the extent appropriate, ensure that funds awarded under parts B and C are used to carry out activities that benefit, directly or indirectly, children with the full range of disabilities and of all ages.

(4) Reports to Congress

The Secretary shall annually report to Congress on the Secretary's activities under parts B and C, including an initial report not later than 12 months after December 3, 2004.

(b) Assistance authorized

The Secretary is authorized to award grants to, or enter into contracts or cooperative agreements with, eligible entities to enable the eligible entities to carry out the purposes of such parts in accordance with the comprehensive plan described in subsection (a).

(c) Special populations

(1) Application requirement

In making an award of a grant, contract, or cooperative agreement under part B or C, the Secretary shall, as appropriate, require an eligible entity to demonstrate how the eligible entity will address the needs of children with disabilities from minority backgrounds.

(2) Required outreach and technical assistance

Notwithstanding any other provision of this chapter, the Secretary shall reserve not less than 2 percent of the total amount of funds appropriated to carry out parts B and C for either or both of the following activities:

(A) Providing outreach and technical assistance to historically Black colleges and universities, and to institutions of higher education with minority enrollments of not less than 25 percent, to promote the participation of such colleges, universities, and institutions in activities under this part.

(B) Enabling historically Black colleges and universities, and the institutions described in subparagraph (A), to assist other colleges, universities, institutions, and agencies in improving educational and transitional results for children with disabilities, if the historically Black colleges and universities and the institutions of higher education described in subparagraph (A) meet the criteria established by the Secretary under this part.

(d) Priorities

The Secretary, in making an award of a grant, contract, or cooperative agreement under part B or C, may, without regard to the rulemaking procedures under section 553 of title 5, limit competitions to, or otherwise give priority to—

¹ See References in Text note below.