

(5) the Federal Government has made a substantial investment in capital, equipment, and operating funds for such Center since it was established; and

(6) it is in the national interest to continue to provide support for the Center, and it is a proper function of the Federal Government to be the primary source of such support.

(Pub. L. 98-221, title II, §202, Feb. 22, 1984, 98 Stat. 32; Pub. L. 102-569, title IX, §§901, 908(a), (c)(1), Oct. 29, 1992, 106 Stat. 4482, 4485, 4486.)

PRIOR PROVISIONS

Provisions for the establishment, operation, and funding of the Helen Keller National Center for Deaf-Blind Youths and Adults, similar to those comprising this chapter, were contained in section 777c of this title prior to the repeal of that section and the enactment of this chapter by Pub. L. 98-221. Prior thereto provisions similar to those comprising this chapter and authorizing appropriations for fiscal years ending June 30, 1974, June 30, 1975, June 30, 1976, Sept. 30, 1977, and Sept. 30, 1978, for the establishment of the Helen Keller National Center for Deaf-Blind Youths and Adults were contained in former section 305 of Pub. L. 93-112, title III, Sept. 26, 1973, 87 Stat. 383, as amended by Pub. L. 93-516, title I, §107, Dec. 7, 1974, 88 Stat. 1619; Pub. L. 93-651, title I, §107, Nov. 21, 1974, 89 Stat. 2-4; Pub. L. 94-230, §§7, 11(b)(10), Mar. 15, 1976, 90 Stat. 212, 213; Pub. L. 94-288, §§1, 2, May 21, 1976, 90 Stat. 520, which was classified to section 775 of this title. Section 109(1) of Pub. L. 95-602 redesignated former section 305 as section 313 of Pub. L. 93-112. Section 313 of Pub. L. 93-112, as amended generally by section 116(2) of Pub. L. 95-602, was classified to section 777c of this title.

Prior similar provisions were also contained in former section 42a of this title.

AMENDMENTS

1992—Par. (1). Pub. L. 102-569, §908(a), substituted “individuals who are deaf-blind” for “deaf-blind individuals”.

Par. (2). Pub. L. 102-569, §§901(1), 908(a), inserted “, the rapidly increasing number of older persons many of whom are experiencing significant losses of both vision and hearing,” after “1960’s” and substituted “individuals who are deaf-blind” for “deaf-blind individuals” in two places.

Par. (3). Pub. L. 102-569, §908(a), substituted “individuals who are deaf-blind” for “deaf-blind individuals”.

Par. (4). Pub. L. 102-569, §908(a), (c)(1), substituted “Youths and Adults who are Deaf-Blind” for “Deaf-Blind Youths and Adults” and “individuals who are deaf-blind” for “deaf-blind individuals”.

Par. (5). Pub. L. 102-569, §901(2), substituted “made a substantial investment” for “invested approximately \$10,000,000”.

SHORT TITLE

Pub. L. 98-221, title II, §201, Feb. 22, 1984, 98 Stat. 32, provided that: “This title [enacting this chapter, amending section 777 of this title, and repealing section 777c of this title] may be cited as the ‘Helen Keller National Center Act’.”

§ 1902. Continued operation of Center

(a) Administration by Secretary of Education

The Secretary of Education shall continue to administer and support the Helen Keller National Center for Youths and Adults who are Deaf-Blind in the same manner as such Center was administered prior to February 22, 1984, to the extent such manner of administration is not inconsistent with any purpose described in subsection (b) of this section or any other requirement of this chapter.

(b) Purposes of Center

The purposes of the Center are to—

(1) provide specialized intensive services, or any other services, at the Center or anywhere else in the United States, which are necessary to encourage the maximum personal development of any individual who is deaf-blind;

(2) train family members of individuals who are deaf-blind at the Center or anywhere else in the United States, in order to assist family members in providing and obtaining appropriate services for the individual who is deaf-blind;

(3) train professionals and allied personnel at the Center or anywhere else in the United States to provide services to individuals who are deaf-blind; and

(4) conduct applied research, development programs, and demonstrations with respect to communication techniques, teaching methods, aids and devices, and delivery of services.

(Pub. L. 98-221, title II, §203, Feb. 22, 1984, 98 Stat. 33; Pub. L. 102-569, title IX, §§902, 908, Oct. 29, 1992, 106 Stat. 4482, 4485.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title II of Pub. L. 98-221, Feb. 22, 1984, 98 Stat. 32, which is classified generally to this chapter (§1901 et seq.). For complete classification of this title to the Code, see Short Title note set out under section 1901 of this title and Tables. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 701 of this title and Tables.

AMENDMENTS

1992—Pub. L. 102-569, §908(c)(2), amended section catchline.

Subsec. (a). Pub. L. 102-569, §§902(1)–(3), 908(c)(1), redesignated subsec. (b) as (a), substituted “Youths and Adults who are Deaf-Blind” for “Deaf-Blind Youths and Adults”, “prior to February 22, 1984” for “pursuant to section 313 of the Rehabilitation Act of 1973”, and “subsection (b)” for “subsection (c)”, and struck out former subsec. (a) which repealed section 777c of this title.

Subsecs. (b), (c). Pub. L. 102-569, §§902(2), (4), 908(a), (b), redesignated subsec. (c) as (b), substituted “individual who is deaf-blind” for “deaf-blind individual” in par. (1), added par. (2), redesignated former par. (2) as (3) and substituted “individuals who are deaf-blind” for “deaf-blind individuals”, and redesignated former par. (3) as (4). Former subsec. (b) redesignated (a).

§ 1903. Audit; monitoring and evaluation

(a) The books and accounts of the Center shall be audited annually by an independent auditor in the manner prescribed by the Secretary and a report on each such audit shall be submitted by the auditor to the Secretary within 15 days following the completion of the audit and acceptance of the audit by the Center.

(b)(1) The Secretary shall establish procedures for monitoring, on a regular basis, the services performed and the training conducted by the Center.

(2) The Secretary shall, in addition to the regular monitoring required under paragraph (1), conduct an evaluation of the operation of the Center at the end of each fiscal year. A written report of such evaluation shall be submitted to the President, the Clerk of the House of Representatives, and the Secretary of the Senate

within one hundred and eighty days after the end of the fiscal year for which such evaluation was conducted. The first such report shall be submitted for fiscal year 1983.

(Pub. L. 98-221, title II, §204, Feb. 22, 1984, 98 Stat. 33; Pub. L. 102-569, title IX, §903, Oct. 29, 1992, 106 Stat. 4482.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-569 substituted “within 15 days following the completion of the audit and acceptance of the audit by the Center” for “at such time as the Secretary shall prescribe”.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (b)(2) of this section relating to submitting a written report to the Clerk of the House of Representatives and the Secretary of the Senate, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 81 of House Document No. 103-7.

§ 1904. Authorization of appropriations

(a) There are authorized to be appropriated to carry out the provisions of this chapter such sums as may be necessary for each of the fiscal years 1999 through 2003. Such sums shall remain available until expended.

(b) Any appropriation Act containing any appropriation authorized by subsection (a) of this section shall contain a statement of the specific amount being made available to the Center.

(Pub. L. 98-221, title II, §205, Feb. 22, 1984, 98 Stat. 33; Pub. L. 99-506, title IX, §901, Oct. 21, 1986, 100 Stat. 1840; Pub. L. 100-630, title V, §501, Nov. 7, 1988, 102 Stat. 3317; Pub. L. 102-52, §9(a), June 6, 1991, 105 Stat. 263; Pub. L. 102-569, title IX, §904, Oct. 29, 1992, 106 Stat. 4482; Pub. L. 105-220, title IV, §412(a), Aug. 7, 1998, 112 Stat. 1241.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-220 substituted “1999 through 2003” for “1993 through 1997”.

1992—Subsec. (a). Pub. L. 102-569 substituted “1993 through 1997” for “1987 through 1992”.

1991—Subsec. (a). Pub. L. 102-52 substituted “1992” for “1991”.

1988—Subsec. (a). Pub. L. 100-630 substituted “1991” for “1990”.

1986—Subsec. (a). Pub. L. 99-506 amended first sentence generally. Prior to amendment, first sentence read as follows: “There are authorized to be appropriated \$4,000,000 for the fiscal year 1984, \$4,200,000 for the fiscal year 1985, and \$4,300,000 for the fiscal year 1986 to carry out the provisions of this chapter.”

§ 1905. Definitions

For purposes of this chapter—

(1) the terms “Helen Keller National Center for Youths and Adults who are Deaf-Blind” and “Center” mean the Helen Keller National Center for Youths and Adults who are Deaf-Blind, and its affiliated network, operated pursuant to this chapter;

(2) the term “individual who is deaf-blind” means any individual—

(A)(i) who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual field subtends an an-

gular distance no greater than 20 degrees, or a progressive visual loss having a prognosis leading to one or both these conditions;

(ii) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or a progressive hearing loss having a prognosis leading to this condition; and

(iii) for whom the combination of impairments described in clauses (i) and (ii) cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation;

(B) who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional and performance assessment to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining vocational objectives; or

(C) meets such other requirements as the Secretary may prescribe by regulation; and

(3) the term “Secretary” means the Secretary of Education.

(Pub. L. 98-221, title II, §206, Feb. 22, 1984, 98 Stat. 34; Pub. L. 102-569, title IX, §§905, 908(c)(1), Oct. 29, 1992, 106 Stat. 4482, 4486.)

AMENDMENTS

1992—Par. (1). Pub. L. 102-569, §§905(1), 908(c)(1), substituted “Youths and Adults who are Deaf-Blind” for “Deaf-Blind Youths and Adults” in two places and struck out “section 313 of the Rehabilitation Act of 1973 and continued under” after “operated pursuant to”.

Par. (2). Pub. L. 102-569, §905(2), amended par. (2) generally, substituting present provisions for provisions defining “deaf-blind individual”.

§ 1906. Construction; effect on agreements

This chapter shall not be construed as modifying or affecting any agreement between the Department of Education or any other department or agency of the United States and the Helen Keller Services for the Blind, Incorporated, or any successor to or assignee of such corporation, with respect to the Center.

(Pub. L. 98-221, title II, §207, Feb. 22, 1984, 98 Stat. 34; Pub. L. 102-569, title IX, §906, Oct. 29, 1992, 106 Stat. 4483.)

AMENDMENTS

1992—Pub. L. 102-569 substituted “Helen Keller Services for the Blind, Incorporated” for “Industrial Home for the Blind, Incorporated”.

§ 1907. Helen Keller National Center Federal Endowment Fund

(a) Establishment

The Secretary and the Board of Directors of the Helen Keller National Center are authorized to establish the Helen Keller National Center Federal Endowment Fund (hereafter in this section referred to as the “Endowment Fund”) in accordance with the provisions of this section, to promote the financial independence of the Helen Keller National Center. The Secretary and