

Subsec. (b)(2)(I). Pub. L. 113-128, § 435(2)(B)(vii), (viii), redesignated subpar. (J) as (I) and struck out former subpar. (I) which read as follows: "The Director shall encourage the Centers to develop practical applications for the findings of the research of the Centers."

Subsec. (b)(2)(J) to (N). Pub. L. 113-128, § 435(2)(B)(viii), redesignated subpars. (K) to (O) as (J) to (N), respectively. Former subpar. (J) redesignated (I).

Subsec. (b)(3)(A). Pub. L. 113-128, § 435(2)(C)(i), inserted "independent living strategies and" before "rehabilitation technology".

Subsec. (b)(3)(B)(i)(I). Pub. L. 113-128, § 435(2)(C)(ii)(I), inserted "independent living and" before "rehabilitation problems".

Subsec. (b)(3)(B)(ii)(II). Pub. L. 113-128, § 435(2)(C)(ii)(II), substituted "educational, employment," for "employment".

Subsec. (b)(3)(B)(iii)(II). Pub. L. 113-128, § 435(2)(C)(ii)(III), substituted "educational, employment," for "employment".

Subsec. (b)(3)(D)(i)(II). Pub. L. 113-128, § 435(2)(C)(iii), substituted "postsecondary education, competitive integrated employment, and other age-appropriate" for "postschool".

Subsec. (b)(3)(G)(ii). Pub. L. 113-128, § 435(2)(C)(iv), inserted "the impact of any commercialized product researched or developed through the Center," after "individuals with disabilities".

Subsec. (b)(4)(B)(i). Pub. L. 113-128, § 435(2)(D)(i), substituted "independent living, employment," for "vocational" and "unique" for "special" and inserted "social and functional needs, and" before "acute care".

Subsec. (b)(4)(B)(iv). Pub. L. 113-128, § 435(2)(D)(ii), inserted "education, health and wellness," after "employment".

Subsec. (b)(8). Pub. L. 113-128, § 435(2)(E), added par. (8) and struck out former par. (8) which read as follows: "Research grants may be used to conduct a program of joint projects with the National Institutes of Health, the National Institute of Mental Health, the Health Services Administration, the Administration on Aging, the National Science Foundation, the Veterans' Administration, the Department of Health and Human Services, the National Aeronautics and Space Administration, other Federal agencies, and private industry in areas of joint interest involving rehabilitation."

Subsec. (b)(9). Pub. L. 113-128, § 435(2)(F), (G), redesignated par. (10) as (9) and struck out former par. (9) which read as follows: "Research grants may be used to conduct a program of research related to the rehabilitation of children, or older individuals, who are individuals with disabilities, including older American Indians who are individuals with disabilities. Such research program may include projects designed to assist the adjustment of, or maintain as residents in the community, older workers who are individuals with disabilities on leaving the workforce."

Subsec. (b)(10). Pub. L. 113-128, § 435(2)(G), redesignated par. (12) as (10). Former par. (10) redesignated (9).

Subsec. (b)(11). Pub. L. 113-128, § 435(2)(H)(i), substituted "employment needs, opportunities, and outcomes (including those relating to self-employment, supported employment, and telecommuting) of individuals with disabilities, including" for "employment needs of individuals with disabilities, including" in introductory provisions.

Pub. L. 113-128, § 435(2)(F), (G), redesignated par. (13) as (11) and struck out former par. (11) which read as follows: "Research grants may be used to conduct a model research and demonstration project designed to assess the feasibility of establishing a center for producing and distributing to individuals who are deaf or hard of hearing captioned video cassettes providing a broad range of educational, cultural, scientific, and vocational programming."

Subsec. (b)(11)(B). Pub. L. 113-128, § 435(2)(H)(ii), inserted "and employment related" after "the employment".

Subsec. (b)(11)(G) to (L). Pub. L. 113-128, § 435(2)(H)(iii)-(v), added subpars. (G) to (L).

Subsec. (b)(12). Pub. L. 113-128, § 435(2)(I)(i), (iii), in introductory provisions, inserted "an independent living or" after "conduct" and, in concluding provisions, substituted "National Institute on Disability, Independent Living, and Rehabilitation Research" for "National Institute on Disability and Rehabilitation Research".

Pub. L. 113-128, § 435(2)(G), redesignated par. (14) as (12). Former par. (12) redesignated (10).

Subsec. (b)(12)(D). Pub. L. 113-128, § 435(2)(I)(ii), inserted "independent living or" before "rehabilitation".

Subsec. (b)(13). Pub. L. 113-128, § 435(2)(J), inserted "independent living and" before "rehabilitation needs".

Pub. L. 113-128, § 435(2)(G), redesignated par. (15) as (13). Former par. (13) redesignated (11).

Subsec. (b)(14). Pub. L. 113-128, § 435(2)(K), substituted "full participation, and economic self-sufficiency." for "and access to gainful employment."

Pub. L. 113-128, § 435(2)(G), redesignated par. (16) as (14). Former par. (14) redesignated (12).

Subsec. (b)(15) to (18). Pub. L. 113-128, § 435(2)(G), redesignated pars. (17) and (18) as (15) and (16), respectively. Former pars. (15) and (16) redesignated (13) and (14), respectively.

Subsec. (d). Pub. L. 113-128, § 435(3), added subsec. (d). 2010—Subsec. (b)(2)(C)(vi). Pub. L. 111-256 substituted "intellectual disabilities and other developmental disabilities" for "mental retardation and other developmental disabilities".

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

Subsec. (b)(3)(C)(i), (G)(i). Pub. L. 105-394 substituted "the Assistive Technology Act of 1998" for "the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2201 et seq.)".

#### DEFINITIONS

For meaning of references to an intellectual disability and to individuals with intellectual disabilities in provisions amended by section 2 of Pub. L. 111-256, see section 2(k) of Pub. L. 111-256, set out as a note under section 1400 of Title 20, Education.

### § 765. Disability, Independent Living, and Rehabilitation Research Advisory Council

#### (a) Establishment

Subject to the availability of appropriations, the Secretary shall establish in the Department of Health and Human Services a Disability, Independent Living, and Rehabilitation Research Advisory Council (referred to in this section as the "Council") composed of not less than 12 members appointed by the Secretary.

#### (b) Duties

The Council shall advise the Director with respect to research priorities and the development and revision of the 5-year plan required by section 762(h) of this title.

#### (c) Qualifications

Members of the Council shall be generally representative of the community of disability, independent living, and rehabilitation professionals, the community of disability, independent living, and rehabilitation researchers, the directors of independent living centers and community rehabilitation programs, the business community (including a representative of the small business community) that has experience with the system of vocational rehabilitation services and independent living services carried out under this chapter and with hiring individuals with disabilities, the community of stakeholders involved in assistive technology, the community

of covered school professionals, and the community of individuals with disabilities, and the individuals' representatives. At least one-half of the members shall be individuals with disabilities or the individuals' representatives.

**(d) Terms of appointment**

**(1) Length of term**

Each member of the Council shall serve for a term of up to 3 years, determined by the Secretary, except that—

(A) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

(B) the terms of service of the members initially appointed shall be (as specified by the Secretary) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

**(2) Number of terms**

No member of the Council may serve more than two consecutive full terms. Members may serve after the expiration of their terms until their successors have taken office.

**(e) Vacancies**

Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

**(f) Payment and expenses**

**(1) Payment**

Each member of the Council who is not an officer or full-time employee of the Federal Government shall receive a payment of \$150 for each day (including travel time) during which the member is engaged in the performance of duties for the Council. All members of the Council who are officers or full-time employees of the United States shall serve without compensation in addition to compensation received for their services as officers or employees of the United States.

**(2) Travel expenses**

Each member of the Council may receive travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for employees serving intermittently in the Government service, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

**(g) Detail of Federal employees**

On the request of the Council, the Secretary may detail, with or without reimbursement, any of the personnel of the Department of Health and Human Services to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

**(h) Technical assistance**

On the request of the Council, the Secretary shall provide such technical assistance to the

Council as the Council determines to be necessary to carry out its duties.

**(i) Termination**

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Council.

(Pub. L. 93-112, title II, §205, as added Pub. L. 105-220, title IV, §405, Aug. 7, 1998, 112 Stat. 1182; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §§401(16), 402(b)(11)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412, 2681-414; Pub. L. 113-128, title IV, §436, July 22, 2014, 128 Stat. 1671.)

REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (i), is section 14 of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 765, Pub. L. 93-112, title II, §205, as added Pub. L. 102-569, title II, §206(a), Oct. 29, 1992, 106 Stat. 4409, related to the Rehabilitation Research Advisory Council, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2014—Pub. L. 113-128, §436(1), inserted “Disability, Independent Living, and” before “Rehabilitation” in section catchline.

Subsec. (a). Pub. L. 113-128, §436(2), substituted “Department of Health and Human Services a Disability, Independent Living, and Rehabilitation Research Advisory Council” for “Department of Education a Rehabilitation Research Advisory Council” and inserted “not less than” after “composed of”.

Subsec. (c). Pub. L. 113-128, §436(3), added subsec. (c) and struck out former subsec. (c) which read as follows: “Members of the Council shall be generally representative of the community of rehabilitation professionals, the community of rehabilitation researchers, the community of individuals with disabilities, and the individuals' representatives. At least one-half of the members shall be individuals with disabilities or the individuals' representatives.”

Subsec. (g). Pub. L. 113-128, §436(4), substituted “Department of Health and Human Services” for “Department of Education”.

1998—Pub. L. 105-277, §101(f) [title VIII, §402(b)(11)], made technical amendment to section designation and catchline in original.

Pub. L. 105-277, §101(f) [title VIII, §401(16)], made technical amendment to directory language of Pub. L. 105-220, §405, which enacted this section.

**§ 766. Definition of covered school**

In this subchapter, the term “covered school” means an elementary school or secondary school (as such terms are defined in section 7801 of title 20) or an institution of higher education.

(Pub. L. 93-112, title II, §206, as added Pub. L. 113-128, title IV, §437, July 22, 2014, 128 Stat. 1671; amended Pub. L. 114-95, title IX, §9215(mmm)(2), Dec. 10, 2015, 129 Stat. 2188.)

PRIOR PROVISIONS

A prior section 770, Pub. L. 93-112, title III, §301, formerly §300, Sept. 26, 1973, 87 Stat. 377; Pub. L. 95-602, title I, §122(c)(1), Nov. 6, 1978, 92 Stat. 2987; Pub. L. 99-506, title I, §103(d)(2)(C), Oct. 21, 1986, 100 Stat. 1810; Pub. L. 100-630, title II, §204(a), Nov. 7, 1988, 102 Stat. 3308; renumbered §301 and amended Pub. L. 102-569, title I, §102(p)(15), title III, §301(a), (b)(3), Oct. 29, 1992, 106 Stat. 4358, 4410, 4411, contained congressional declara-