

(e) Definitions

In this section—

(1) the terms “assistive technology” and “universal design” have the meanings given the terms in section 3002 of this title; and

(2) the term “independent living”, used in connection with research, means research on issues and topics related to attaining maximum self-sufficiency and function by individuals with disabilities, including research on assistive technology and universal design, employment, education, health and wellness, and community integration and participation.

(Pub. L. 93–112, title II, §203, as added Pub. L. 105–220, title IV, §405, Aug. 7, 1998, 112 Stat. 1173; amended Pub. L. 105–277, div. A, §101(f) [title VIII, §401(16)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–412; Pub. L. 105–394, title II, §201, Nov. 13, 1998, 112 Stat. 3651; Pub. L. 108–364, §3(b)(1), Oct. 25, 2004, 118 Stat. 1737; Pub. L. 113–128, title IV, §434, July 22, 2014, 128 Stat. 1664.)

PRIOR PROVISIONS

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

A prior section 763, Pub. L. 93–112, title II, §203, Sept. 26, 1973, 87 Stat. 376, relating to making of grants and contracts for training of personnel involved in vocational services to handicapped individuals, was renumbered section 304 of Pub. L. 93–112 and transferred to section 774 of this title prior to repeal by Pub. L. 113–128.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113–128, §434(1)(A), substituted “conducting disability, independent living, and rehabilitation research” for “conducting rehabilitation research”, “chaired by the Secretary, or the Secretary’s designee,” for “chaired by the Director”, and “the Director of the National Science Foundation and the Administrator of the Small Business Administration.” for “and the Director of the National Science Foundation.” and inserted “the Assistant Secretary of Labor for Disability Employment Policy, the Secretary of Defense, the Administrator of the Administration for Community Living,” after “Assistant Secretary for Special Education and Rehabilitative Services.”.

Subsec. (a)(2). Pub. L. 113–128, §434(1)(B), inserted “, and for not less than 1 of such meetings at least every 2 years, the Committee shall invite policymakers, representatives from other Federal agencies conducting relevant research, individuals with disabilities, organizations representing individuals with disabilities, researchers, and providers, to offer input on the Committee’s work, including the development and implementation of the strategic plan required under subsection (c)” after “each year”.

Subsec. (b)(1). Pub. L. 113–128, §434(2)(A), substituted “individuals with disabilities” for “from targeted individuals” and inserted “independent living and” before “rehabilitation”.

Subsec. (b)(2)(A). Pub. L. 113–128, §434(2)(B)(i), inserted “independent living research,” after “assistive technology research.”.

Subsec. (b)(2)(B). Pub. L. 113–128, §434(2)(B)(ii), inserted “, independent living research,” after “assistive technology research”.

Subsec. (b)(2)(D), (E). Pub. L. 113–128, §434(2)(B)(iii), (iv), substituted “, independent living research, and research that incorporates the principles of universal design” for “and research that incorporates the principles of universal design”.

Subsec. (c). Pub. L. 113–128, §434(5), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 113–128, §434(6)(A), substituted “Committee on Health, Education, Labor, and Pensions

of the Senate” for “Committee on Labor and Human Resources of the Senate” in introductory provisions.

Pub. L. 113–128, §434(3), (4), redesignated subsec. (c) as (d) and struck out former subsec. (d) which related to recommendations for coordinating research among Federal departments.

Subsec. (d)(1). Pub. L. 113–128, §434(6)(B), added par. (1) and struck out former par. (1) which read as follows: “describes the progress of the Committee in fulfilling the duties described in subsection (b) of this section;”.

Subsec. (e)(2). Pub. L. 113–128, §434(7), added par. (2) and struck out former par. (2) which read as follows: “the term ‘targeted individuals’ has the meaning given the term ‘targeted individuals and entities’ in section 3002 of this title.”

2004—Subsec. (e). Pub. L. 108–364 added subsec. (e) and struck out former subsec. (e) which read as follows: “In this section, the terms ‘assistive technology’, ‘targeted individuals’, and ‘universal design’ have the meanings given the terms in section 3002 of this title.”

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

Subsec. (a)(1). Pub. L. 105–394, §201(1), inserted “including programs relating to assistive technology research and research that incorporates the principles of universal design,” after “programs.”.

Subsec. (b). Pub. L. 105–394, §201(2), designated existing provisions as par. (1), substituted “targeted individuals” for “individuals with disabilities and the individuals’ representatives”, inserted “(including assistive technology research and research that incorporates the principles of universal design)” after “research”, and added par. (2).

Subsec. (c). Pub. L. 105–394, §201(3), added subsec. (c) and struck out former subsec. (c) which read as follows: “The Committee shall annually submit to the President and to the appropriate committees of the Congress a report making such recommendations as the Committee deems appropriate with respect to coordination of policy and development of objectives and priorities for all Federal programs relating to the conduct of research related to rehabilitation of individuals with disabilities.”

Subsecs. (d), (e). Pub. L. 105–394, §201(4), added subsecs. (d) and (e).

CHANGE OF NAME

Committee on Education and the Workforce of House of Representatives changed to Committee on Education and Labor of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

§ 764. Research and other covered activities**(a) Federal grants and contracts for certain research projects and related activities**

(1) To the extent consistent with priorities established in the 5-year plan described in section 762(h) of this title, the Director may make grants to and contracts with States and public or private agencies and organizations, including institutions of higher education, Indian tribes, and tribal organizations, to fund part of the cost of projects for the purpose of planning and conducting research, demonstration projects, training, and related activities, the purposes of which are to develop methods, procedures, and rehabilitation technology, that have practical applications and maximize the full inclusion and integration into society, employment, education, independent living, health and wellness, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most significant disabilities, and improve the effectiveness of services authorized under this chapter.

(2)(A) In carrying out this section, the Director shall emphasize projects that support the implementation of subchapters I, III, V, VI, and VII, including projects addressing the needs described in the State plans submitted under section 721 or 796c of this title by State agencies and from which the research findings, conclusions, or recommendations can be transferred to practice.

(B) Such projects, as described in the State plans submitted by State agencies, may include—

(i) medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques, including basic research where related to rehabilitation techniques or services;

(ii) studies and analyses of factors related to industrial, vocational, educational, employment, social, recreational, psychiatric, psychological, economic, and health and wellness variables affecting individuals with disabilities, including traditionally underserved populations as described in section 718 of this title, and how those variables affect such individuals' ability to live independently and their participation in the work force;

(iii) studies and analysis of special problems of individuals who have significant challenges engaging in community life outside their homes and individuals who are in institutional settings;

(iv) studies, analyses, and demonstrations of architectural and engineering design adapted to meet the special needs of individuals with disabilities, including the principles of universal design and the interoperability of products and services;

(v) studies, analyses, and other activities related to supported employment, and to promoting employment opportunities in competitive integrated employment;

(vi) related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of individuals with disabilities and individuals with the most significant disabilities, particularly individuals with disabilities, and individuals with the most significant disabilities, who are members of populations that are unserved or underserved by programs under this chapter;

(vii) studies, analyses, and other activities related to job accommodations, including the use of rehabilitation engineering, assistive technology, and communications technology; and

(viii) studies, analyses, and other activities affecting employment outcomes as defined in section 705(11) of this title, including self-employment and telecommuting, of individuals with disabilities.

(3) In carrying out this section, the Director shall emphasize covered activities that include plans for—

(A) dissemination of high-quality materials, of scientifically valid research results, or of findings, conclusions, and recommendations resulting from covered activities, including through electronic means (such as the website of the Department of Health and Human Serv-

ices), so that such information is available in a timely manner to the general public; or

(B) the commercialization of marketable products, research results, or findings, resulting from the covered activities.

(b) Research grants

(1) In addition to carrying out projects under subsection (a), the Director may make grants under this subsection (referred to in this subsection as "research grants") to pay part or all of the cost of the research or other specialized covered activities described in paragraphs (2) through (17).¹ A research grant made under any of paragraphs (2) through (17)¹ may only be used in a manner consistent with priorities established in the 5-year plan described in section 762(h) of this title.

(2)(A) Research grants may be used for the establishment and support of Rehabilitation Research and Training Centers, for the purpose of providing an integrated program of research, which Centers shall—

(i) be operated in collaboration with institutions of higher education, providers of rehabilitation services, developers or providers of assistive technology devices, assistive technology services, or information technology devices or services, as appropriate, or providers of other appropriate services; and

(ii) serve as centers of national excellence and national or regional resources for individuals with disabilities, as well as providers, educators, and researchers.

(B) The Centers shall conduct research and training activities by—

(i) conducting coordinated and advanced programs of research in independent living and rehabilitation targeted toward the production of new knowledge that will improve independent living and rehabilitation methodology and service delivery systems, maximize health and function (including alleviating or stabilizing conditions, or preventing secondary conditions), and promote maximum social and economic independence of individuals with disabilities, including promoting the ability of the individuals to prepare for, secure, retain, regain, or advance in employment;

(ii) conducting research in, and dissemination of, employer-based practices to facilitate the identification, recruitment, accommodation, advancement, and retention of qualified individuals with disabilities;

(iii) providing training (including graduate, pre-service, and in-service training) to assist individuals to more effectively provide independent living and rehabilitation services;

(iv) providing training (including graduate, pre-service, and in-service training) for independent living and rehabilitation research personnel and other independent living and rehabilitation personnel;

(v) serving as an informational and technical assistance resource to individuals with disabilities, as well as to providers, educators, and researchers, by providing outreach and information that clarifies research implications for

¹So in original. Probably should be "paragraphs (2) through (16)".

practice and identifies potential new areas of research; and

(vi) developing practical applications for the research findings of the Centers.

(C) The research to be carried out at each such Center may include—

(i) basic or applied medical rehabilitation research, including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices;

(ii) research regarding the psychological, social, and economic aspects of independent living and rehabilitation, including disability policy;

(iii) continuation of research that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities, as well as their integration in school, employment, and community activities;

(iv) continuation of research to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities;

(v) continuation of research that will improve services and policies that foster the independence and social integration of individuals with disabilities, and enable individuals with disabilities, including individuals with intellectual disabilities and other developmental disabilities, to live in their communities; and

(vi) research, dissemination, and technical assistance, on best practices in vocational rehabilitation, including supported employment and other strategies to promote competitive integrated employment for persons with the most significant disabilities.

(D) Training of students preparing to be independent living or rehabilitation personnel or to provide independent living, rehabilitative, assistive, or supportive services (such as rehabilitation counseling, personal care services, direct care, job coaching, aides in school based settings, or advice or assistance in utilizing assistive technology devices, assistive technology services, and accessible electronic and information technology devices and services) shall be an important priority for each such Center.

(E) The Director shall make grants under this paragraph to establish and support both centers dealing with multiple disabilities and centers primarily focused on particular disabilities.

(F) Grants made under this paragraph may be used to provide funds for services rendered by such a Center to individuals with disabilities in connection with the research and training activities.

(G) Grants made under this paragraph may be used to provide faculty support for teaching—

(i) independent living and rehabilitation-related courses of study for credit; and

(ii) other courses offered by the Centers, either directly or through another entity.

(H) The research and training activities conducted by such a Center shall be conducted in a manner that is accessible to and usable by individuals with disabilities.

(I) In awarding grants under this paragraph, the Director shall take into consideration the

location of any proposed Center and the appropriate geographic and regional allocation of such Centers.

(J) To be eligible to receive a grant under this paragraph, each such institution or provider described in subparagraph (A) shall—

(i) be of sufficient size, scope, and quality to effectively carry out the activities in an efficient manner consistent with appropriate Federal and State law; and

(ii) demonstrate the ability to carry out the training activities either directly or through another entity that can provide such training.

(K) The Director shall make grants under this paragraph for periods of 5 years, except that the Director may make a grant for a period of less than 5 years if—

(i) the grant is made to a new recipient; or

(ii) the grant supports new or innovative research.

(L) Grants made under this paragraph shall be made on a competitive basis. To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(M) In conducting scientific peer review under section 762(f) of this title of an application for the renewal of a grant made under this paragraph, the peer review panel shall take into account the past performance of the applicant in carrying out the grant and input from individuals with disabilities and the individuals' representatives.

(N) An institution or provider that receives a grant under this paragraph to establish such a Center may not collect more than 15 percent of the amount of the grant received by the Center in indirect cost charges.

(3)(A) Research grants may be used for the establishment and support of Rehabilitation Engineering Research Centers, operated by or in collaboration with institutions of higher education or nonprofit organizations, to conduct research or demonstration activities, and training activities, regarding independent living strategies and rehabilitation technology, including rehabilitation engineering, assistive technology devices, and assistive technology services, for the purposes of enhancing opportunities for better meeting the needs of, and addressing the barriers confronted by, individuals with disabilities in all aspects of their lives.

(B) In order to carry out the purposes set forth in subparagraph (A), such a Center shall carry out the research or demonstration activities by—

(i) developing and disseminating innovative methods of applying advanced technology, scientific achievement, and psychological and social knowledge to—

(I) solve independent living and rehabilitation problems and remove environmental barriers through planning and conducting research, including cooperative research with public or private agencies and organizations, designed to produce new scientific knowledge, and new or improved methods, equipment, and devices; and

(II) study new or emerging technologies, products, or environments, and the effectiveness and benefits of such technologies, products, or environments;

(ii) demonstrating and disseminating—

(I) innovative models for the delivery, to rural and urban areas, of cost-effective rehabilitation technology services that promote utilization of assistive technology devices; and

(II) other scientific research to assist in meeting the educational, employment, and independent living needs of individuals with significant disabilities; or

(iii) conducting research or demonstration activities that facilitate service delivery systems change by demonstrating, evaluating, documenting, and disseminating—

(I) consumer responsive and individual and family-centered innovative models for the delivery to both rural and urban areas, of innovative cost-effective rehabilitation technology services that promote utilization of rehabilitation technology; and

(II) other scientific research to assist in meeting the educational, employment, and independent living needs of, and addressing the barriers confronted by, individuals with disabilities, including individuals with significant disabilities.

(C) To the extent consistent with the nature and type of research or demonstration activities described in subparagraph (B), each Center established or supported through a grant made available under this paragraph shall—

(i) cooperate with programs established under the Assistive Technology Act of 1998 [29 U.S.C. 3001 et seq.] and other regional and local programs to provide information to individuals with disabilities and the individuals' representatives to—

(I) increase awareness and understanding of how rehabilitation technology can address their needs; and

(II) increase awareness and understanding of the range of options, programs, services, and resources available, including financing options for the technology and services covered by the area of focus of the Center;

(ii) provide training opportunities to individuals, including individuals with disabilities, to become researchers of rehabilitation technology and practitioners of rehabilitation technology in conjunction with institutions of higher education and nonprofit organizations; and

(iii) respond, through research or demonstration activities, to the needs of individuals with all types of disabilities who may benefit from the application of technology within the area of focus of the Center.

(D)(i) In establishing Centers to conduct the research or demonstration activities described in subparagraph (B)(iii), the Director may establish one Center in each of the following areas of focus:

(I) Early childhood services, including early intervention and family support.

(II) Education at the elementary and secondary levels, including transition from school to

postsecondary education, competitive integrated employment, and other age-appropriate activities.

(III) Employment, including supported employment, and reasonable accommodations and the reduction of environmental barriers as required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and subchapter V.

(IV) Independent living, including transition from institutional to community living, maintenance of community living on leaving the workforce, self-help skills, and activities of daily living.

(ii) Each Center conducting the research or demonstration activities described in subparagraph (B)(iii) shall have an advisory committee, of which the majority of members are individuals with disabilities who are users of rehabilitation technology, and the individuals' representatives.

(E) Grants made under this paragraph shall be made on a competitive basis and shall be for a period of 5 years, except that the Director may make a grant for a period of less than 5 years if—

(i) the grant is made to a new recipient; or

(ii) the grant supports new or innovative research.

(F) To be eligible to receive a grant under this paragraph, a prospective grant recipient shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(G) Each Center established or supported through a grant made available under this paragraph shall—

(i) cooperate with State agencies and other local, State, regional, and national programs and organizations developing or delivering rehabilitation technology, including State programs funded under the Assistive Technology Act of 1998 [29 U.S.C. 3001 et seq.]; and

(ii) prepare and submit to the Director as part of an application for continuation of a grant, or as a final report, a report that documents the outcomes of the program of the Center in terms of both short- and long-term impact on the lives of individuals with disabilities, the impact of any commercialized product researched or developed through the Center, and such other information as may be requested by the Director.

(4)(A) Research grants may be used to conduct a program for spinal cord injury research, including conducting such a program by making grants to public or private agencies and organizations to pay part or all of the costs of special projects and demonstration projects for spinal cord injuries, that will—

(i) ensure widespread dissemination of research findings among all Spinal Cord Injury Centers, to rehabilitation practitioners, individuals with spinal cord injury, the individuals' representatives, and organizations receiving financial assistance under this paragraph;

(ii) provide encouragement and support for initiatives and new approaches by individual and institutional investigators; and

(iii) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among spinal cord injury investigations.

(B) Any agency or organization carrying out a project or demonstration project assisted by a grant under this paragraph that provides services to individuals with spinal cord injuries shall—

(i) establish, on an appropriate regional basis, a multidisciplinary system of providing independent living, employment, and other rehabilitation services, specifically designed to meet the unique needs of individuals with spinal cord injuries, including social and functional needs, and acute care as well as periodic inpatient or outpatient followup and services;

(ii) demonstrate and evaluate the benefits to individuals with spinal cord injuries served in, and the degree of cost-effectiveness of, such a regional system;

(iii) demonstrate and evaluate existing, new, and improved methods and rehabilitation technology essential to the care, management, and rehabilitation of individuals with spinal cord injuries; and

(iv) demonstrate and evaluate methods of community outreach for individuals with spinal cord injuries and community education in connection with the problems of such individuals in areas such as housing, transportation, recreation, employment, education, health and wellness, and community activities.

(C) In awarding grants under this paragraph, the Director shall take into account the location of any proposed Spinal Cord Injury Center and the appropriate geographic and regional allocation of such Centers.

(5) Research grants may be used to conduct a program for end-stage renal disease research, to include support of projects and demonstrations for providing special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for the rehabilitation of individuals with such disease and which will—

(A) ensure dissemination of research findings;

(B) provide encouragement and support for initiatives and new approaches by individuals and institutional investigators; and

(C) establish and maintain close working relationships with other governmental and voluntary institutions and organizations engaged in similar efforts,

in order to unify and coordinate scientific efforts, encourage joint planning, and promote the interchange of data and reports among investigators in the field of end-stage renal disease. No person shall be selected to participate in such program who is eligible for services for such disease under any other provision of law.

(6) Research grants may be used to conduct a program for international rehabilitation research, demonstration, and training for the purpose of developing new knowledge and methods in the rehabilitation of individuals with disabili-

ties in the United States, cooperating with and assisting in developing and sharing information found useful in other nations in the rehabilitation of individuals with disabilities, and initiating a program to exchange experts and technical assistance in the field of rehabilitation of individuals with disabilities with other nations as a means of increasing the levels of skill of rehabilitation personnel.

(7) Research grants may be used to conduct a research program concerning the use of existing telecommunications systems (including telephone, television, satellite, radio, and other similar systems) which have the potential for substantially improving service delivery methods, and the development of appropriate programming to meet the particular needs of individuals with disabilities.

(8) Grants may be used to conduct a program of joint projects with other administrations and offices of the Department of Health and Human Services, the National Science Foundation, the Department of Veterans Affairs, the Department of Defense, the Federal Communications Commission, the National Aeronautics and Space Administration, the Small Business Administration, the Department of Labor, other Federal agencies, and private industry in areas of joint interest involving rehabilitation.

(9) Research grants may be used to conduct a research program to develop and demonstrate innovative methods to attract and retain professionals to serve in rural areas in the rehabilitation of individuals with disabilities, including individuals with significant disabilities.

(10) Research grants may be used to conduct a model research and demonstration program to develop innovative methods of providing services for preschool age children who are individuals with disabilities, including—

(A) early intervention, assessment, parent counseling, infant stimulation, early identification, diagnosis, and evaluation of children who are individuals with significant disabilities up to the age of five, with a special emphasis on children who are individuals with significant disabilities up to the age of three;

(B) such physical therapy, language development, pediatric, nursing, psychological, and psychiatric services as are necessary for such children; and

(C) appropriate services for the parents of such children, including psychological and psychiatric services, parent counseling, and training.

(11) Research grants may be used to conduct a model research and training program under which model training centers shall be established to develop and use more advanced and effective methods of evaluating and addressing the employment needs, opportunities, and outcomes (including those relating to self-employment, supported employment, and telecommuting) of individuals with disabilities, including programs that—

(A) provide training and continuing education for personnel involved with the employment of individuals with disabilities;

(B) develop model procedures for testing and evaluating the employment and employment related needs of individuals with disabilities;

(C) develop model training programs to teach individuals with disabilities skills which will lead to appropriate employment;

(D) develop new approaches for job placement of individuals with disabilities, including new followup procedures relating to such placement;

(E) provide information services regarding education, training, employment, and job placement for individuals with disabilities;

(F) develop new approaches and provide information regarding job accommodations, including the use of rehabilitation engineering and assistive technology;

(G) develop models to facilitate the successful transition of individuals with disabilities from nonintegrated employment and employment that is compensated at a wage less than the Federal minimum wage to competitive integrated employment;

(H) develop models to maximize opportunities for integrated community living, including employment and independent living, for individuals with disabilities;

(I) provide training and continuing education for personnel involved with community living for individuals with disabilities;

(J) develop model procedures for testing and evaluating the community living related needs of individuals with disabilities;

(K) develop model training programs to teach individuals with disabilities skills which will lead to integrated community living and full participation in the community; and

(L) develop new approaches for long-term services and supports for individuals with disabilities, including supports necessary for competitive integrated employment.

(12) Research grants may be used to conduct an independent living or a rehabilitation research program under which financial assistance is provided in order to—

(A) test new concepts and innovative ideas;

(B) demonstrate research results of high potential benefits;

(C) purchase prototype aids and devices for evaluation;

(D) develop unique independent living or rehabilitation training curricula; and

(E) be responsive to special initiatives of the Director.

No single grant under this paragraph may exceed \$50,000 in any fiscal year and all payments made under this paragraph in any fiscal year may not exceed 5 percent of the amount available for this section to the National Institute on Disability, Independent Living, and Rehabilitation Research in any fiscal year. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.

(13) Research grants may be used to conduct studies of the independent living and rehabilitation needs of American Indian populations and of effective mechanisms for the delivery of rehabilitation services to Indians residing on and off reservations.

(14) Research grants may be used to conduct a demonstration program under which one or more projects national in scope shall be estab-

lished to develop procedures to provide incentives for the development, manufacturing, and marketing of orphan technological devices, including technology transfer concerning such devices, designed to enable individuals with disabilities to achieve independence, full participation, and economic self-sufficiency.

(15)(A) Research grants may be used to conduct a research program related to quality assurance in the area of rehabilitation technology.

(B) Activities carried out under the research program may include—

(i) the development of methodologies to evaluate rehabilitation technology products and services and the dissemination of the methodologies to consumers and other interested parties;

(ii) identification of models for service provider training and evaluation and certification of the effectiveness of the models;

(iii) identification and dissemination of outcome measurement models for the assessment of rehabilitation technology products and services; and

(iv) development and testing of research-based tools to enhance consumer decision-making about rehabilitation technology products and services.

(16) Research grants may be used to provide for research and demonstration projects and related activities that explore the use and effectiveness of specific alternative or complementary medical practices for individuals with disabilities. Such projects and activities may include projects and activities designed to—

(A) determine the use of specific alternative or complementary medical practices among individuals with disabilities and the perceived effectiveness of the practices;

(B) determine the specific information sources, decisionmaking methods, and methods of payment used by individuals with disabilities who access alternative or complementary medical services;

(C) develop criteria to screen and assess the validity of research studies of such practices for individuals with disabilities; and

(D) determine the effectiveness of specific alternative or complementary medical practices that show promise for promoting increased functioning, prevention of secondary disabilities, or other positive outcomes for individuals with certain types of disabilities, by conducting controlled research studies.

(c) Site visits; grant limitations

(1) In carrying out evaluations of covered activities under this section, the Director is authorized to make arrangements for site visits to obtain information on the accomplishments of the projects.

(2) The Director shall not make a grant under this section that exceeds \$500,000 unless the peer review of the grant application has included a site visit.

(d) Application for grants

(1) In awarding grants, contracts, or cooperative agreements under this subchapter, the Director shall award the funding on a competitive basis.

(2)(A) To be eligible to receive funds under this section for a covered activity, an entity described in subsection (a)(1) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(B) The application shall include information describing—

(i) measurable goals, as established through section 1115 of title 31, and a timeline and specific plan for meeting the goals, that the applicant has established;

(ii) how the project will address 1 or more of the following: commercialization of a marketable product, technology transfer (if applicable), dissemination of any research results, and other priorities as established by the Director; and

(iii) how the applicant will quantifiably measure the goals to determine whether such goals have been accomplished.

(3)(A) In the case of an application for funding under this section to carry out a covered activity that results in the development of a marketable product, the application shall also include a commercialization and dissemination plan, as appropriate, containing commercialization and marketing strategies for the product involved, and strategies for disseminating information about the product. The funding received under this section shall not be used to carry out the commercialization and marketing strategies.

(B) In the case of any other application for funding to carry out a covered activity under this section, the application shall also include a dissemination plan, containing strategies for disseminating educational materials, research results, or findings, conclusions, and recommendations, resulting from the covered activity.

(Pub. L. 93-112, title II, § 204, as added Pub. L. 105-220, title IV, § 405, Aug. 7, 1998, 112 Stat. 1173; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 401(16)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; Pub. L. 105-394, title IV, § 402(b), Nov. 13, 1998, 112 Stat. 3661; Pub. L. 111-256, § 2(d)(2), Oct. 5, 2010, 124 Stat. 2643; Pub. L. 113-128, title IV, § 435, July 22, 2014, 128 Stat. 1666.)

REFERENCES IN TEXT

The Assistive Technology Act of 1998, referred to in subsec. (b)(3)(C)(i), (G)(i), is Pub. L. 105-394, Nov. 13, 1998, 112 Stat. 3627, which is classified principally to chapter 31 (§ 3001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(3)(D)(i)(III), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, as amended, which is classified principally to chapter 126 (§ 12101 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 12101 of Title 42 and Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 762 of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 764, Pub. L. 93-112, title II, § 204, Sept. 26, 1973, 87 Stat. 376, provided that a full report on research and training activities be included in annual report to Congress, prior to repeal by Pub. L. 95-602, title I, § 109(3), Nov. 6, 1978, 92 Stat. 2963.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-128, § 435(1)(A), substituted “fund” for “pay” and “employment, education, independent living, health and wellness,” for “employment, independent living,” and inserted “have practical applications and” before “maximize”.

Subsec. (a)(2)(A). Pub. L. 113-128, § 435(1)(B)(i), inserted “and from which the research findings, conclusions, or recommendations can be transferred to practice” after “State agencies”.

Subsec. (a)(2)(B)(ii). Pub. L. 113-128, § 435(1)(B)(ii)(I), added cl. (ii) and struck out former cl. (ii) which read as follows: “studies and analysis of industrial, vocational, social, recreational, psychiatric, psychological, economic, and other factors affecting rehabilitation of individuals with disabilities;”.

Subsec. (a)(2)(B)(iii). Pub. L. 113-128, § 435(1)(B)(ii)(II), substituted “have significant challenges engaging in community life outside their homes and individuals who are in institutional settings;” for “are homebound and individuals who are institutionalized;”.

Subsec. (a)(2)(B)(iv). Pub. L. 113-128, § 435(1)(B)(ii)(III), inserted “, including the principles of universal design and the interoperability of products and services” after “disabilities”.

Subsec. (a)(2)(B)(v). Pub. L. 113-128, § 435(1)(B)(ii)(IV), inserted “, and to promoting employment opportunities in competitive integrated employment” after “employment”.

Subsec. (a)(2)(B)(vii). Pub. L. 113-128, § 435(1)(B)(ii)(VI), substituted “, assistive technology, and communications technology; and” for “and assistive technology.”

Subsec. (a)(2)(B)(viii). Pub. L. 113-128, § 435(1)(B)(ii)(V), (VII), added cl. (viii).

Subsec. (a)(3). Pub. L. 113-128, § 435(1)(C), added par. (3).

Subsec. (b)(1). Pub. L. 113-128, § 435(2)(A), substituted “(17)” for “(18)” in two places.

Subsec. (b)(2)(A)(i), (ii). Pub. L. 113-128, § 435(2)(B)(i), added cls. (i) and (ii) and struck out former cls. (i) and (ii) which read as follows:

“(i) be operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services; and

“(ii) serve as centers of national excellence and national or regional resources for providers and individuals with disabilities and the individuals’ representatives.”

Subsec. (b)(2)(B)(i). Pub. L. 113-128, § 435(2)(B)(ii)(I), inserted “independent living and” after “research in” and after “will improve” and substituted “maximize health and function (including alleviating or stabilizing conditions, or preventing secondary conditions), and promote maximum social and economic independence of individuals with disabilities, including promoting the ability of the individuals to prepare for, secure, retain, regain, or advance in employment;” for “alleviate or stabilize disabling conditions, and promote maximum social and economic independence of individuals with disabilities, especially promoting the ability of the individuals to prepare for, secure, retain, regain, or advance in employment;”.

Subsec. (b)(2)(B)(ii). Pub. L. 113-128, § 435(2)(B)(ii)(III), added cl. (ii). Former cl. (ii) redesignated (iii).

Subsec. (b)(2)(B)(iii). Pub. L. 113-128, § 435(2)(B)(ii)(IV), inserted “independent living and” before “rehabilitation services”.

Pub. L. 113-128, § 435(2)(B)(ii)(II), redesignated cl. (ii) as (iii). Former cl. (iii) redesignated (iv).

Subsec. (b)(2)(B)(iv). Pub. L. 113-128, § 435(2)(B)(ii)(V), inserted “independent living and” before “rehabilitation” in two places and struck out “and” at end.

Pub. L. 113-128, § 435(2)(B)(ii)(II), redesignated cl. (iii) as (iv). Former cl. (iv) redesignated (v).

Subsec. (b)(2)(B)(v). Pub. L. 113-128, § 435(2)(B)(ii)(VI), added cl. (v) and struck out former cl. (v) which read as follows: “serving as an informational and technical assistance resource to providers, individuals with disabili-

ities, and the individuals' representatives, through conferences, workshops, public education programs, inservice training programs, and similar activities."

Pub. L. 113-128, § 435(2)(B)(ii)(II), redesignated cl. (iv) as (v).

Subsec. (b)(2)(B)(vi). Pub. L. 113-128, § 435(2)(B)(ii)(VI), added cl. (vi).

Subsec. (b)(2)(C)(i). Pub. L. 113-128, § 435(2)(B)(iii)(I), inserted ", including research on assistive technology devices, assistive technology services, and accessible electronic and information technology devices" after "rehabilitation research".

Subsec. (b)(2)(C)(ii). Pub. L. 113-128, § 435(2)(B)(iii)(II), substituted ", social, and economic" for "and social" and inserted "independent living and" before "rehabilitation".

Subsec. (b)(2)(C)(iii). Pub. L. 113-128, § 435(2)(B)(iii)(V), substituted "that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities, as well as their integration in school, employment, and community activities;" for "to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities; and".

Pub. L. 113-128, § 435(2)(B)(iii)(III), (IV), redesignated cl. (v) as (iii) and struck out former cl. (iii) which read as follows: "research related to vocational rehabilitation";

Subsec. (b)(2)(C)(iv). Pub. L. 113-128, § 435(2)(B)(iii)(VI), substituted "to develop and evaluate interventions, policies, and services that support families of those children and adults who are individuals with disabilities;" for "that will improve services and policies that foster the productivity, independence, and social integration of individuals with disabilities, and enable individuals with disabilities, including individuals with intellectual disabilities and other developmental disabilities, to live in their communities."

Pub. L. 113-128, § 435(2)(B)(iii)(III), (IV), redesignated cl. (vi) as (iv) and struck out former cl. (iv) which read as follows: "continuation of research that promotes the emotional, social, educational, and functional growth of children who are individuals with disabilities";

Subsec. (b)(2)(C)(v), (vi). Pub. L. 113-128, § 435(2)(B)(iii)(VII), added cls. (v) and (vi). Former cls. (v) and (vi) redesignated (iii) and (iv), respectively.

Subsec. (b)(2)(D). Pub. L. 113-128, § 435(2)(B)(iv), added subpar. (D) and struck out former subpar. (D) which read as follows: "Training of students preparing to be rehabilitation personnel shall be an important priority for such a Center."

Subsec. (b)(2)(E). Pub. L. 113-128, § 435(2)(B)(v), struck out "comprehensive" after "both".

Subsec. (b)(2)(G)(i). Pub. L. 113-128, § 435(2)(B)(vi), inserted "independent living and" before "rehabilitation-related".

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