

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 declaration of purpose, prior to the general amendment of subchapter III of this chapter by Pub. L. 105-220.

AMENDMENTS

2015—Pub. L. 114-95 made technical amendment to reference in original act which appears in text as reference to section 7801 of title 20.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

SUBCHAPTER III—PROFESSIONAL DEVELOPMENT AND SPECIAL PROJECTS AND DEMONSTRATIONS

CODIFICATION

Title III of the Rehabilitation Act of 1973, comprising this subchapter, was originally enacted by Pub. L. 93-112, title III, Sept. 26, 1973, 87 Stat. 377, and amended by Pub. L. 93-516, Dec. 7, 1974, 88 Stat. 1617; Pub. L.

93-651, Nov. 21, 1974, 89 Stat. 2-3; Pub. L. 94-230, Mar. 15, 1976, 90 Stat. 211; Pub. L. 94-273, Apr. 21, 1976, 90 Stat. 375; Pub. L. 94-288, May 21, 1976, 90 Stat. 520; Pub. L. 95-602, Nov. 6, 1978, 92 Stat. 2955; Pub. L. 98-221, Feb. 22, 1984, 98 Stat. 17; Pub. L. 99-506, Oct. 21, 1986, 100 Stat. 1807; Pub. L. 100-630, Nov. 7, 1988, 102 Stat. 3289; Pub. L. 102-52, June 6, 1991, 105 Stat. 260; Pub. L. 102-119, Oct. 7, 1991, 105 Stat. 587; Pub. L. 102-569, Oct. 29, 1992, 106 Stat. 4344; Pub. L. 103-73, Aug. 11, 1993, 107 Stat. 718; Pub. L. 103-218, Mar. 9, 1994, 108 Stat. 50; Pub. L. 104-66, Dec. 21, 1995, 109 Stat. 707. Title III is shown herein, however, as having been added by Pub. L. 105-220, title IV, §406, Aug. 7, 1998, 112 Stat. 1183, without reference to those intervening amendments because of the extensive revision of title III by Pub. L. 105-220.

§ 771. Declaration of purpose and competitive basis of grants and contracts

(a) Purpose

It is the purpose of this subchapter to authorize grants and contracts to—

(1)(A) provide academic training to ensure that skilled personnel are available to provide rehabilitation services to individuals with disabilities through vocational, medical, social, and psychological rehabilitation programs (including supported employment programs), through economic and business development programs, through independent living services programs, and through client assistance programs; and

(B) provide training to maintain and upgrade basic skills and knowledge of personnel (including personnel specifically trained to deliver services to individuals with disabilities whose employment outcome is self-employment or telecommuting) employed to provide state-of-the-art service delivery and rehabilitation technology services;

(2) conduct special projects and demonstrations that expand and improve the provision of rehabilitation and other services (including those services provided through community rehabilitation programs) authorized under this chapter, or that otherwise further the purposes of this chapter, including related research and evaluation; and

(3) provide training and information to individuals with disabilities and the individuals’ representatives, and other appropriate parties to develop the skills necessary for individuals with disabilities to gain access to the rehabilitation system and statewide workforce development systems and to become active decisionmakers in the rehabilitation process.

(b) Competitive basis of grants and contracts

The Secretary shall ensure that all grants and contracts are awarded under this subchapter on a competitive basis.

(Pub. L. 93-112, title III, §301, as added Pub. L. 105-220, title IV, §406, Aug. 7, 1998, 112 Stat. 1183; amended Pub. L. 113-128, title IV, §441(a), July 22, 2014, 128 Stat. 1672.)

PRIOR PROVISIONS

A prior section 771, Pub. L. 93-112, title III, §301, Sept. 26, 1973, 87 Stat. 377; Pub. L. 93-516, title I, §104, Dec. 7, 1974, 88 Stat. 1618; Pub. L. 93-651, title I, §104, Nov. 21, 1974, 89 Stat. 2-4; Pub. L. 94-230, §§4, 11(b)(7), Mar. 15, 1976, 90 Stat. 211, 213; Pub. L. 94-273, §3(18), Apr. 21, 1976, 90 Stat. 377; Pub. L. 95-602, title I, §§112(a), 122(c)(2), Nov. 6, 1978, 92 Stat. 2967, 2987; Pub. L. 98-221, title I,